

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

Table with 2 columns: RULE TITLES and RULE NOS.:
Definitions 5E-14.102
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Responsibilities and Duties - Records, Reports, Advertising, Applications 5E-14.142

PURPOSE AND EFFECT: The purpose of rule 5E-14.102 is to define terms used in Chapter 5E-14, the purpose of rule 5E-14.105 is to provide for contracts for wood-destroying organisms pest control that are protective of consumers, and the purpose of rule 5E-14.142(2)(c) is to provide for a prescribed form for wood-destroying organisms inspection reports. The purpose for changes to rule(s) 5E-14.113(1), 5E-14.117(9), 5E-14.123(8),(11), 5E-14.132(1),(2),(5) and 5E-14.136(2),(3),(4) is to correct various address changes, typographical and grammatical inaccuracies that have been carried forward from previous rule versions.

SUBJECT AREA TO BE ADDRESSED: Proposed changes in 5E-14.102(8) will clarify the definition of spot treatments, proposed changes in 5E-14.105 will address the issues of start of term of contracts for preventative treatment for termites for new construction, of customer notification regarding spot treatments of structures for wood-destroying organisms, and types and timing of re-treatments for wood-destroying organisms as required by contracts. Proposed changes in 5E-14.142(2)(c) will provide for the use of an updated form for reporting wood-destroying organisms inspection. The updated form clarifies several areas and adds consumer advisory language. Proposed changes to Section(s) 5E-14.113(1), 5E-14.117(9), 5E-14.123(8),(11), 5E-14.132(1),(2),(5) and 5E-14.136(2),(3),(4) involves multiple subject areas and are being modified to correct address changes and different typographical and grammatical errors that have been carried forward from previous rule versions.

SPECIFIC AUTHORITY: 482.051 FS.
LAW IMPLEMENTED: 482.051(1), 482.226(1) FS.
IN ACCORDANCE WITH 482.051, F.S., THREE RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIME, DATE AND LOCATIONS LISTED BELOW:
TIME AND DATE: 10:00 a.m. - 4:00 p.m., January 18, 2000
PLACE: George Eyster Auditorium, Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399, (850)488-7447 for directions
TIME AND DATE: 10:00 a.m. - 4:00 p.m., January 19, 2000
PLACE: Rooms 204 A and B, Ft. Lauderdale Research and Education Center, 3205 College Avenue, Ft. Lauderdale, FL, (954)475-8990 for directions
TIME AND DATE: 9:00 a.m. - 3:00 p.m., January 20, 2000
PLACE: Auditorium, Seminole County Cooperative Extension Service, 240 West Country Home Road, Sanford, Florida, (407)665-5551 for directions
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Steven J. Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, telephone (850)488-3731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 5E-14.102 Definitions.
(8) "Spot treatment" - Treatment restricted to specific area(s) of a structure to control or prevent pests, not including soil termiticide barrier treatments that completely surround an entire structure, whole structure fumigation, or other treatment methods that encompass an entire structure.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS., Section 1, Chapter 92-203, Laws of Florida. History-New 1-1-77, Amended 6-27-79, 6-22-83, Formerly 10D-55.102, Amended 8-11-93,_____.

5E-14.105 Contractual Agreements in Public's Interest - Control and Preventive Treatment for Wood-Destroying Organisms.

(3) In contracts covering pre-construction soil treatments for the prevention of subterranean termites, it shall clearly set forth that should subterranean termite infestation occur in, on or under the structure treated during the warranty period, treatment shall be applied to the soil in the area of infestation. The warranty shall show the date of completion of treatment and shall be for a period no less than one year from date of treatment completion. The property owner at the time of each renewal, if a previous renewal was purchased, shall have the option of extending the warranty annually after the first year for no less than 4 additional years. The contract shall conform with Chapter 482.227, F.S., and 5E-14.105(2)(a),(b),(c),

(g),(i),(j), and (k). This section applies only to pre-construction soil treatment of areas which do not physically attach to or adjoin existing structures.

(4) In contracts covering spot treatments for wood-destroying organism(s), the requirements of Subsections 5E-14.105(1) and (2) shall apply. In addition to these, a statement shall be made on the front page of the contract, in conspicuous type, that the treatment is a treatment of only specific areas and is not to be considered a treatment of the entire structure. The property owner must initial this statement. The specific areas in, on or under the structure to be treated shall be listed on the front page of the written contract.

(8) Retreatments performed in accordance with the terms of a wood-destroying organisms contract warranty or guarantee shall be performed within (30) days following confirmation by the licensee of evidence of infestation of the covered pest organism.

(9) Retreatment performed in accordance with the terms of a wood-destroying organisms contract warranty or guarantee that was initially treated by method of general fumigation shall be retreated in like manner.

Specific Authority 482.051 FS. Law Implemented 482.021(15), 482.051(1), 482.161, 482.191, 482.241 FS., Section 1, Chapter 92-203, Laws of Florida. History--New 1-1-77, Joint Administrative Procedures Committee Objection Withdrawn--See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, 10-25-90, Formerly 10D-55.105, Amended 8-11-93,_____.

5E-14.113 Fumigation Requirements – Final Post-fumigation Clearance Inspection.

(1) The certified operator in charge ~~or~~ of his designated special fumigation identification card holder shall personally determine by using label-recommended gas-detecting or monitoring devices or materials that the entire structure or enclosed space fumigated, and also including beds and bedding therein, has been monitored and safely ventilated sufficiently to permit safe human entry and occupancy or re-occupancy. All warning agent containers shall be removed from the structure. In no instance shall ventilation or aeration time be less than that recommended by manufacturer of fumigant on the registered label.

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.152, 482.241 FS., Section 1, Chapter 92-203, Laws of Florida. History--New 1-1-77, Formerly 10D-55.113, Amended _____.

5E-14.117 Application for Examination for Pest Control Operator’s Certificate and Special Identification Card.

(9) Applicants may be examined for certification in one or more of the following ~~four~~ categories of pest control:

- (a) Fumigation;
- (b) General household pest control, which includes rodent control;
- (c) Termite or other wood-infesting organism control; ~~and~~
- (d) Lawn and ornamental pest control.

Specific Authority 482.051 FS. Law Implemented 482.111, 482.132, 482.141(2), ~~482.151~~, 482.155, 482.156 FS., Section 1, Chapter 92-203, Laws of Florida. History--New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.117, Amended 8-11-93, 7-5-95, 5-28-98,_____.

5E-14.123 Examinations.

(8) All examinations shall consist of theoretical sections, practical sections, and practical demonstrations. All applicants for examination for certification or special identification card will be examined on or required to demonstrate satisfactory knowledge of the following:

- (a) Pest Control Act, Chapter 482, Florida Statutes.
- (b) Rules of the Department, Chapter 5E-14, Pest Control Regulations, Parts No. 1 through 6.
- (c) Precautions necessary and required by law, rules and good industry practice for the safeguard of life, health and property in the conduct of pest control.
- (d) Pests, their habits, recognition of damage caused, and identification by accepted common names.
- (e) Building construction terminology.
- (f) Accepted good industry methods and practices founded upon recognized publications of the industry.

(11) Any applicant who fails to pass one or more particular examination(s) shall be permitted to review such examination(s) upon making written application to the Department within fifteen (15) days from date of written notice of examination results.

Specific Authority 482.051 FS. Law Implemented 482.141(~~1~~)(2), 482.151, FS., Section 1, Chapter 92-203, Laws of Florida. History--New 1-1-77, Formerly 10D-55.123, Amended 8-11-93, 7-5-95, 5-28-98,_____.

5E-14.132 Certificate Issuance and Renewal Fees.

(1) Each certified pest control operator shall be certified as provided by this rule. Application shall be made and the issuance fee paid to the ~~D~~department for the original certificate within 60 days from the date of written notification of passing examination. During a period of 30 calendar days following expiration of the 60-day period, an original certificate may be issued; however, a late issuance charge of \$50 shall be assessed and paid in addition to the issuance fee. No original certificate shall be issued after expiration of the 30-day period without reexamination.

(2) Each individual issued a pest control operator’s certificate shall apply to the ~~D~~department for renewal of his certificate on or before June 1 of each year on Department of Agriculture and Consumer Services Form 13638, Feb 1999 ~~1290, Dec. 92~~, entitled “Renewal Notice”, which is incorporated by reference, and mailed by the ~~D~~department. After a grace period of 30 calendar days following the anniversary date of each year, there shall be a late renewal charge of \$50 which shall be assessed and paid in addition to the renewal fee. Unless renewed as provided by this section, each certificate shall automatically expire 180 calendar days after the renewal date. Subsequent to such expiration, a

certificate may be issued only upon successful reexamination and upon payment of examination and issuance fees due as provided by this rule.

(5) On or before April 1 of each year the Department shall mail to each certified operator, at his last known address of record, a renewal form, DACS No. 130638 (Feb 1999 12/92), incorporated by reference for use in applying for renewal of his certificate. Not less than 60 days prior to the expiration of a certificate a final renewal notice shall be mailed to each certified operator who has not renewed his certificate. Mailing of these forms shall be the only notice of renewal issued by the Department. Copies may be obtained from the Bureau of Entomology and Pest Control, 1203 Governor's Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961 644 Cesery Boulevard, Suite 200, Jacksonville, Florida 32214.

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.111(1),(3),(7),(10), 482.132(1) FS., Section 1, Chapter 92-203, Laws of Florida, History-New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, Formerly 10D-55.132, Amended 8-11-93, 7-5-95, 5-28-98,_____.

5E-14.136 Special Identification Card Issuance, Renewal Fees, Forms, and Duties.

(2) Application shall be made and the issuance fee paid to the Department for the original special identification card within 60 days from the date of written notification of passing examination. During a period of 30 days following the expiration of the 60 180 day period, an original special identification card may be issued, however, a late issuance charge of \$25 shall be assessed and paid in addition to the issuance fee. Further, no original special identification card shall be issued after expiration of the 30 day period without reexamination.

(3) Application to the Department for renewal of each special identification card shall be made on or before June 1 of each year. The issuance fee for each special identification card and for each renewal thereof shall be \$75. After a grace period of 30 calendar days following the anniversary date of each year, there shall be a late renewal charge of \$25, which shall be assessed and paid in addition to the renewal fee. Unless timely renewed, each special identification card shall automatically expire 180 60 calendar days after the renewal date. Subsequent to such expiration, a special identification card may be issued reinstated only upon successful reexamination and upon payment of examination and issuance fees due, as provided by this rule.

(4) On or before April 1 of each year the Department shall mail to each special identification cardholder at his last known address of record, a renewal form, DACS No. 130641 (Feb 1999 12/92), incorporated by reference, for use in applying for renewal of his special identification card. Copies may be obtained from the Bureau of Entomology and Pest Control, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301-2961 644 Cesery Boulevard, Suite 200, Jacksonville, Florida 32214.

Specific Authority 482.051(1) FS. Law Implemented 482.151(3) FS., Section 1, Chapter 92-203, Laws of Florida, History-New 1-1-77, Formerly 10D-55.136, Amended 7-5-95, 5-28-98,_____.

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

(2)(c) Termite or other wood-destroying organism inspection report:

Pursuant to Chapter 482.226(1),(2),(4) and (5), F.S., each licensee having a certified operator certified in the category of termite or other wood-destroying organism control and who makes and reports the findings of a wood-destroying organism inspection in writing shall provide the party requesting the inspection with the inspection findings on the Wood-Destroying Organisms Inspection Report prescribed by the Department and furnished by the licensee, Form 1145 11-92 (DACS 13645,_____), which is incorporated by reference. The licensee shall not place any disclaimers or additional language on the Wood-Destroying Organisms Inspection Report. The licensee shall inspect for all wood-destroying organisms as defined in Chapter 482.021(27), F.S., in accordance with the following inspection standards:

- 1. No changes.
2. No changes.

(5) Business license application:

In accordance with Section 482.071(1), F.S., the following information shall be submitted on, attached to and made a part of the Department's pest control business license application form, DACS 13605 (10-99) (606), effective July, 1992, incorporated by reference.

Specific Authority 482.051(1) FS. Law Implemented 482.051(1), 482.061, 482.091, 482.111(5),(9), 482.161(1)(g),(h), 482.211, 482.226(1),(6) FS., Section 1, Chapter 92-203, Laws of Florida, History-New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98,_____.

DEPARTMENT OF EDUCATION

State Board of Independent Colleges and Universities

Table with 2 columns: RULE TITLES and RULE NOS.:
Definition of Terms 6E-1.003
Licensure Required; Exemptions from Licensure 6E-1.0031
Fair Consumer Practices 6E-1.0032
Fees and Expenses 6E-1.0034
Permission to Operate 6E-1.0035
Minimum Standards for Use of the Term "College" or "University" 6E-1.0045

PURPOSE AND EFFECT: Amendments to rules are required as a result of amendments to Chapter 246, Florida Statutes, and to clarify other terms used in the rules.

SUBJECT AREA TO BE ADDRESSED: The subject areas are indicated by the rule titles above.

SPECIFIC AUTHORITY: 246.041(1)(e), 246.051(1), 246.071 FS.

LAW IMPLEMENTED: 246.021, 246.084, 246.093(1), 246.095, 246.101(1), 246.121 FS.

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

TIME AND DATE: 9:00 a.m., Friday, January 14, 2000
 PLACE: University of Phoenix, 2290 Lucien Way, Fourth Floor, Maitland Center, Maitland, FL 32751

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandra Knight, Deputy Director, State Board of Independent Colleges and Universities, 2586 Seagate Drive, Suite 200, Tallahassee, FL 32301, Telephone (850)488-8695.

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

DEPARTMENT OF EDUCATION

State Board of Independent Colleges and Universities

RULE TITLES:	RULE NOS.:
Temporary Licensure of Colleges	6E-2.001
Other Types of College Licensure	6E-2.002
Minimum Standards for Licensure	6E-2.004
Amendments to Applications	6E-2.008
Colleges Which Discontinue Operation	6E-2.009
Agents; License Required; Procedures for Licensure	6E-2.010

PURPOSE AND EFFECT: Amendments to rules are required as a result of amendments to Chapter 246, Florida Statutes, and to clarify other terms used in the rules.

SUBJECT AREA TO BE ADDRESSED: The subject areas are indicated by the rule titles above.

SPECIFIC AUTHORITY: 246.041(1)(e), 246.051(1), 246.071, 246.081(2), 246.087, 246.091 FS.

LAW IMPLEMENTED: 246.011, 246.041(2)(d), 246.051(1), 246.081, 246.087, 246.091, 246.095, 246.097(2), 246.101, 246.111, 246.121, 246.141 FS.

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

TIME AND DATE: 9:00 a.m., Friday, January 14, 2000
 PLACE: University of Phoenix, 2290 Lucien Way, Fourth Floor, Maitland Center, Maitland, FL 32751

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Florida Building Commission – Building Code Training Program 9B-70

PURPOSE AND EFFECT: Adoption of Building Code Training Program relating to the Florida Building Code.

SUBJECT AREA TO BE ADDRESSED: Building Code Training Program.

SPECIFIC AUTHORITY: 553.841(2) FS. (1999)

LAW IMPLEMENTED: 553.841 FS. (1999), Chapter 98-287(53), Laws of Florida.

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

TIME AND DATE: 8:00 a.m., January 10, 2000
 PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Program Administrator, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824

Any person requiring special accommodation at the workshop because of a disability or physical impairment should contact Ila Jones, Program Administrator, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: RULE NO.:

Sales of Coins, Currency, or Bullion 12A-1.0371

PURPOSE AND EFFECT: The proposed substantial rewording of Rule 12A-1.0371, FAC., implements the changes to ss. 212.05(1)(k) and 212.08(7)(ddd), F.S., made by the 1999 Legislature, regarding the sale of coins, currency, and bullion. The proposed rewording provides that: 1) the sale of U.S. legal tender is exempt regardless of selling price; 2) the sale of otherwise taxable coins or currency in a transaction in which the taxable coins or currency are sold for more than \$500 is exempt; and 3) the sale of gold, silver, or platinum bullion is exempt if the total sales price of the bullion in one transaction exceeds \$500.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed substantial rewording of Rule 12A-1.0371, FAC., incorporating the changes made by the 1999 Legislature regarding the sale of coins, currency, or bullion.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.02(19), 212.05(1)(k), 212.08(7)(ddd) FS.

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

TIME AND DATE: 10:00 a.m., January 31, 2000

PLACE: Room B-12, Carlton Building, 501 S. Calhoun 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: Robert D. Heyde, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4714

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial Rewording of Rule 12A-1.0371 follows. See Florida Administrative Code for present text.)

12A-1.0371 Sales of Coins, ~~or~~ Currency, or Bullion.

(1)(a) The sale, use, consumption, or storage for use in this state of any coin or currency, whether in circulation or not, is subject to tax unless:

1. The coin or currency is legal tender of the United States;
or

2. The coin or currency is legal tender of a country other than the United States, and the coin or currency is sold at its face value.

(b) For purposes of this rule, "legal tender" means coins or currency that, at the time of the sale transaction, a creditor would be required to accept in payment of a debt.

(c) Examples:

1. United States Olympic Coin Sets and United States Double Eagles are legal tender of the United States, and their sale is not taxable.

2. Ancient Roman coins, medieval English coins, and Confederate money are no longer legal tender in any country, and their sale is taxable.

3. A coin dealer sells a 1983 British pound, composed of nickel and brass, for a price in U.S. currency that exceeds the current exchange rate. The sale is taxable.

4. A retail sale of a gold Krugerrand is taxable, even though it may be legal tender in the Republic of South Africa, because it has no face value and is sold based upon its precious metal content.

(2) The sale, use, consumption, or storage for use in this state of bullion is subject to tax. For purposes of this rule, "bullion" means gold, silver, or platinum in the form of bars, ingots, or plates, normally sold by weight. Finished goods, such as coins and jewelry, are not bullion. Sales of commodity contracts of bullion are not subject to tax unless delivery of the commodity is taken in Florida.

(3)(a)1. The sale of coins or currency, in a single transaction, is exempt when the sales price charged for coins or currency that are not legal tender of the United States or legal tender of another country sold at its face value exceeds \$500.

2. Example: In one transaction, an investor purchases one United States \$40 coin, called a gold double eagle, for \$295, one Krugerrand for \$295, and one one-ounce gold ingot for \$295. Because the gold double eagle is United States legal tender, its sale is not subject to tax. The sale of the gold ingot is not a taxable sale of coins or currency, but is a taxable sale of bullion. The sale of the Krugerrand is a taxable sale of coins or currency. Because the portion of the sales price charged for taxable coins or currency is \$295, the transaction does not qualify for exemption and the sale of the Krugerrand and the ingot is taxable.

(b)1. The sale of gold, silver, or platinum bullion, or any combination thereof, in a single transaction, is exempt when the total sales price of such bullion exceeds \$500.

2. Example: An investor purchases two one-ounce gold ingots and one one-ounce platinum ingot in one transaction for \$1020. The sale is exempt, because the sales price of the bullion exceeds \$500.

(c) For purposes of this rule, a "single transaction" has the same meaning as the term "single sale," described in Rule 12A-1.003, F.A.C.

(4) Jewelry or other objects made or fabricated by incorporating or using coins, currency, or bullion are subject to tax. Tax is due on the total sales price of the jewelry or other objects, without deduction or credit for the price or value of the coins, currency, or bullion.

(5) When coins or currency that are in circulation in, and the legal tender of, a nation are exchanged for coins or currency in circulation in, and legal tender of, another nation, no tax is due when the coins or currency are exchanged solely for use as legal tender and the rate of the exchange is based on the value of each nation's coins or currency as a medium of exchange.

(6) The dealer must maintain proper documentation to exempt, in whole or in part, the sale of coins, currency, or bullion until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S. Failure to maintain and preserve proper documentation will subject the entire transaction to tax. Proper documentation, in the case of a transaction involving coins or currency, will describe the country, issue, grade, denomination, face value, and sales price of each item of coin or currency and additional information to clearly identify each coin or currency. In the case of a transaction involving bullion, proper documentation will describe the metal, quantity, form (such as bars or ingots), and sales price of each item of bullion.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(19), 212.05(1)(k)(h), 212.054(2)(a); 212.08(7)(ddd) FS. History—New 3-17-93, Amended 10-17-94.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Nursing Home Services
 RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The primary purpose of the proposed amendment is to incorporate changes to the long-term care reimbursement plan payment methodology to increase patient care reimbursement as required by Section 30 of House Bill 1971, as incorporated into the General Laws of Florida, Chapter 99-394. The limitations in the patient care component are to be adjusted to allow additional funding for the April 1, 2000 rate semester. The additional patient care reimbursement is to be used by nursing facilities to recruit and retain qualified staff and to provide appropriate care.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the reimbursement payment methodology that will be used to increase the patient care component of the long-term care reimbursement plan effective April 1, 2000.

SPECIFIC AUTHORITY: 409.909 FS.

LAW IMPLEMENTED: 409.908 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 10, 2000

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Carol Shotwell, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106C, Tallahassee, Florida 32308, (850)414-2759

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Family-Related Medicaid Eligibility Determination Process
 RULE NO.: 65A-1.704

PURPOSE AND EFFECT: These rule amendments will revise verification requirements.

SUBJECT AREA TO BE ADDRESSED: The department is adopting revised procedures for processing transitional Medicaid eligibility. The client's statement will be accepted as proof of current income and child care expenses.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.

IF REQUESTED AND DEEMED NECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 11:00 a.m., January 7, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Ginn, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 408L, Tallahassee, Florida 32399-0700, Telephone (850)921-5581

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: General Provisions for Taking and Sale of Reptiles
 RULE NO.: 68A-25.002

PURPOSE AND EFFECT: The purpose of this rule development is to prohibit the importation of African turtles of the genus *Geochelone* so as to help minimize the introduction of ticks bearing Heartwater Disease (*Cowdria ruminatum*), a disease fatal to many ruminants, including cattle and deer.

SUBJECT AREA TO BE ADDRESSED: Prohibition on importation of a certain genus of African turtles.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673, 372.86, 372.921, 372.922 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: The preliminary text of the proposed rule development will be available and can be obtained from James V. Antista, General Counsel, 620 South Meridian Street, Tallahassee, FL 32399-1600

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries

RULE CHAPTER TITLE: Mullet

RULE TITLE: Bag Limit RULE NO.: 68B-39.004

PURPOSE AND EFFECT: The recreational daily bag and vessel possession limit for mullet (50 fish) was based on the need to reduce the level of harvest of the species and to limit the ability of commercial harvesters to take mullet under recreational limits on weekends and later sell the catch, particularly during the fall roe harvest season. The purpose of this rule development is to allow two or more recreational harvesters aboard a vessel to keep and possess double the daily bag limit during the portion of the year when commercial pressure on the species is at its lightest. The effect should be to increase the amount of recreationally harvested mullet in proportion to the improved health and future viability of the species.

SUBJECT AREA TO BE ADDRESSED: Recreational daily bag and vessel possession limits for mullet.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE, AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in any workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-39.004 Bag Limit.

Except as provided in Rules 68B-39.0045-68B-39.008:

(1) No person shall harvest, within or without the waters of the state, more than 50 mullet per day; provided, however, that two or more harvesters aboard a single vessel in or on the waters of the state shall be subject to the vessel possession limit specified in subsection (2).

(2)(a) During the period beginning September 1 each year and continuing through January 31 of the following year, the possession of more than 50 mullet aboard a vessel in or on the waters of the state at any time is prohibited.

(b) During the period beginning February 1 and continuing through August 31 each year, the possession of more than 100 mullet aboard a vessel in or on the waters of the state at any time is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 10-19-89, Amended 9-1-91, 10-5-92, Formerly 46-39.004, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries

RULE CHAPTER TITLE: Horseshoe Crabs

RULE TITLES: Definitions RULE NOS.: 68B-46.001

Horseshoe Crabs Harvest Restrictions: License

Requirements, Gear Specifications, Area Restrictions, Daily Bag and Possession Limit 68B-46.002

PURPOSE AND EFFECT: Horseshoe crabs belong to an archaic group and are considered to be living fossils that have survived several mass extinction events. A long-standing commercial fishery exists for horseshoe crabs along the states of the mid-Atlantic region of the U.S., to supply the animal as bait to the eel and knobbed whelk fisheries. Until recently, Florida has not been a major contributor to reported landings of the species and the state has not implemented a management plan to safeguard its long-term abundance. In the spring of 1999, however, harvest restrictions implemented in the mid-Atlantic states caused an effort shift into the northern Gulf of Mexico coast in Florida, to supply eel and knobbed whelk harvesters. The reported landings for Florida in 1999 represented a dramatic increase over any previously reported year. The purpose of this rule development effort is to arrive at appropriate restrictions on harvest of horseshoe crabs so that the fishery in Florida is sustainable over the long term. The restrictions are in accord with a management plan for the species being coordinated on an interstate basis by the Atlantic States Marine Fisheries Commission, of which Florida is a member. The effect of this effort should be to assure that this ancient animal maintains its place as part of Florida's coastal ecosystem.

SUBJECT AREA TO BE ADDRESSED: Horseshoe crab harvest restrictions.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution. IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in any workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-46.001 Definitions.

As used in this rule chapter:

(1) "Harvest" means the catching or taking of a horseshoe crab, by any means whatsoever, followed by a reduction of such crab to possession. Horseshoe crabs that are caught but immediately returned to the water free, alive, and unharmed are not harvested.

(2) "Horseshoe crab" means any arthropod of the species *Limulus polyphemus*, or any part thereof.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

68B-46.002 Horseshoe Crabs Harvest Restrictions: License Requirements, Gear Specifications, Area Restrictions, Daily Bag and Possession Limit.

(1) No person shall harvest, possess, or sell any horseshoe crab unless that person possesses a valid saltwater products license.

(2) The harvest or attempted harvest of any horseshoe crab by or with the use of any means or gear other than by hand or gig is prohibited.

(3) Horseshoe crabs shall be harvested only from the water and not from any adjacent beach or shore.

(4) No person shall harvest in any day, within or without the waters of the state, land, or possess while in or on the waters of the state more than 25 horseshoe crabs. The possession of more than 25 horseshoe crabs aboard any vessel in or on the waters of the state at any time is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

Section II
Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE CHAPTER TITLE: Permitting and Inspection Requirements
RULE CHAPTER NO.: 5F-8

for Amusement Rides
RULE TITLE: Fees
RULE NO.: 5F-8.012

PURPOSE AND EFFECT: Applicable law, Section 616.242(8), Florida Statutes, requires that the fees charged for inspection and permitting of amusement rides must cover the costs of the program that are not covered by general revenues appropriated by the legislature. The purpose of this rule revision is to implement a decrease in the fees charged for inspection and permitting of amusement rides because the legislature appropriated general revenues covering part of the operating costs for operation of the amusement ride inspection program during FY 99-00.

SUMMARY: Rule 5F-8.012, Florida Administrative Code, the department rule establishing the fees for inspecting and permitting amusement rides.

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

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

SPECIFIC AUTHORITY: 616.241, 616.242 FS.

LAWS IMPLEMENTED: 616.241, 616.242 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, February 2, 2000

PLACE: Division of Standards Conference Room, 131 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Isadore Rommes, Bureau Chief, Bureau of Fair Rides Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, Phone (850)488-9790, Fax (850)488-9023

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-8.012 Fees.

(1) The following fees are adopted:

- (a) Annual permit for any amusement ride: ~~\$240.00~~ 250.00
- (b) Annual permit for any Bungy jump: \$500.00
- (c) Inspection fee for each inspection of a kiddie amusement ride: ~~\$31.00~~ 45.00
- (d) Inspection fee for each inspection of non-kiddie amusement ride: ~~\$70.00~~ 90.00
- (e) Inspection fee per go cart, in addition to the track inspection fee: \$5.00
- (f) Reinspection fee: \$300.00
- (g) Fee to replace a lost U.S. Amusement Identification (USAID) plate: \$100.00
- (h) Fee per amusement ride for late inspection request: \$100.00
- (i) Fee per amusement ride for failure to cancel inspection request: \$100.00
- (j) Fee per amusement ride for inspection on weekend or state holiday: \$25.00

Specific Authority 616.165, 616.242(7)(8)(13) FS. Law Implemented 616.242(8) FS. History—New 9-15-92, Amended 2-23-94, 5-27-96, 9-23-97, 2-15-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Isadore Rommes, Bureau Chief, Bureau of Fair Rides Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, Phone (850)488-9790, Fax (850)488-9023

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards, 131 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Phone (850)488-0645, Fax (850)922-8971

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 1999, Vol. 25, No. 47

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE : Financial Records and Reports

RULE NO.: 6A-14.072

PURPOSE AND EFFECT: The purpose is to prescribe the data and procedures to be used to maintain financial records in a consistent manner at the 28 community colleges. The effect is to ensure the financial records at the 28 community colleges and data shown on financial reports will be comparable throughout the Community College System.

SUMMARY: The current rule requires each community college to keep financial records in accordance with the 1998 Accounting Manual for Florida’s Public Community Colleges. The proposed rule amendment would require the records to be kept in accordance with the 1999 Manual.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.053(1), 240.325 FS.

LAW IMPLEMENTED: 240.325 FS.

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

TIME AND DATE: 9:30 a.m., January 25, 2000

PLACE: LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sydney H. McKenzie III, General Counsel, State Board of Community Colleges, Division of Community Colleges, 325 West Gaines St., Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.072 Financial Records and Reports.

(1) Each community college shall keep financial records according to the Department of Education publication, "Accounting Manual for Florida’s Public Community Colleges, 1999 1998," incorporated herein by reference. Copies may be obtained from the Division of Community Colleges, Department of Education, Tallahassee, Florida 32399-0400.

(2) Enrollment related financial records shall be kept for all instruction so as to facilitate verification, confirmation, and comparison.

(3) If financial reports are not received from a community college when due, the State Board of Community Colleges may withhold apportionments of state funds to the college until the reports are received.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.311, 240.325, 240.347, 240.349, 240.363 FS. History—Formerly 6A-8.11, Repromulgated 12-19-74, Amended 12-26-77, 7-2-79, 5-14-85, Formerly 6A-14.72, Amended 11-12-91, 7-7-92, 2-16-94, 12-18-94, 11-27-95, 11-13-96, 12-9-97, 5-18-98,_____. c.f. Accounting Manual for Florida’s Public Community Colleges.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sydney H. McKenzie III, General Counsel, State Board of Community Colleges

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J. David Armstrong Jr., Executive Director, Community College System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 1999

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Admissions
RULE NO.: 6C-6.001

PURPOSE AND EFFECT: The rule is amended to reflect the intent of the Board to increase diversity in admission to the universities.

SUMMARY: The rule is amended to reflect the intent of the Board to increase diversity in admission to the universities. In addition, language re-stating statute is deleted.

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 regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 240.209(1) FS.

LAW IMPLEMENTED: 240.209(1),(3)(s), 240.227(8), 240.233, 240.2097, 240.529, 240.271 FS.

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

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

PLACE: Tampa Airport Marriott Hotel, Ballroom, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-6.001 Admissions.

(1) Based on minimum standards adopted by the Board, through rule, the universities shall establish the criteria by rule for the admission of students.

(2) In the admission of students, the universities shall take into consideration the applicant's academic ability, and may also consider creativity, talent, and character. If determined not to be in the best interest of the university to admit an applicant because of past misconduct, the university may do so.

(3) The Board affirms its commitment to increasing student diversity in each of the state universities.

(4) Applicants denied admission shall be given notice of denial within a reasonable period of time following the decision. Upon the applicant's written request, the university shall provide the reasons for the rejection in writing.

(5) Each student accepted for admission shall, prior to registration, submit on a form, provided by the institution, a medical history signed by the student. Documentation of appropriate immunization for measles and rubella is required. Proof of immunization must be provided. This shall be a

minimum requirement, and institutions may require in addition such other evidence of examination as they may determine necessary. Where physician examinations or certificates are required, they must be signed by a doctor of medicine or a doctor of osteopathy. The universities reserve the right to refuse registration to any student whose health record or report of medical examination indicates the existence of a condition which may be harmful to members of the university community.

(6) The universities may return to the applicant without action any application and fees received after the closing date for applications designated by each institution in its official calendar.

(7) False or fraudulent statements - In addition to any other penalties which may be imposed an individual may be denied admission or further registration, and the universities may invalidate college credit for work done by a student at an SUS institution and invalidate the degree based upon such credit if it finds that the applicant has made false or fraudulent or incomplete statements in his application, residence affidavit, or accompanying documents or statements in connection with, or supplemental to, his application for admission to, or graduation from one of the SUS institutions.

(8) Students may be required to have immunizations and to have undergone diagnostic procedures prior to registration.

(9) Each university shall provide registration opportunities for admitted transfer students that allow these students access to high demand courses comparable to that provided to native students.

(10) Each university shall provide orientation programs for first-time-in-college and transfer students.

(11) Enrollment limitations - The Board shall establish a plan for the enrollment of the State University System, consistent with the Strategic Master Plan.

(a) The Board shall recommend each budget cycle to the Legislature an enrollment plan in which each university's future State University System FTE enrollment shall be specified by level.

(b) The Board will establish an assigned FTE enrollment plan limit for each university for each fiscal period. This assigned FTE enrollment plan limit will be based upon the enrollment plan described in (a) and upon the funding decisions of the Legislature. This assigned FTE enrollment limit will constitute the maximum enrollment within five percent for that fiscal period. If actual student credit hour productivity exceeds funded enrollment, course enrollment in subsequent terms shall be controlled by the university and may be reduced by limiting admission of new students, limiting course loads of enrolled students and/or other measures as may be necessary to stay within funded enrollment levels.

(c) Each university shall establish, by rule, procedures and criteria to ~~manage limit~~ enrollments ~~to meet to be within five percent (above and below) of planned enrollment, established pursuant to (b) above.~~ These rules shall not be inconsistent with Board rules.

(e) Upper level programs registered as limited access programs with the Board and the Articulation Coordinating Committee (competitive admission due to limited space or other resources, or due to higher standards) and rules limiting enrollment as provided in (c) above shall observe the following guidelines in the selection of students for the spaces available in the program:

1. There will be a documented justification for the program to be classified as limited access. This documentation should be submitted by the university requesting limited access to the Board for review and approval at least 6 months prior to the start of limiting access to the program. Annually, each university will reevaluate the need to continue to classify the program as limited access. The university will report to the Board by October 1 of each year a list of all limited access programs, the minimum admissions standards for each program, the reasons the program is designated as limited access, and a copy of the most recent review demonstrating the need for retention of limited access status. ~~An annual report shall include for each limited access program the following categories, by race and gender: the number of applicants, the number of applicants granted admission, the number of applicants who are granted admission and enroll, the number of applicants denied admission, and the number of applicants neither granted admission nor denied admission (no action taken). Each category shall be reported by type of student, including the following subcategories: native students (students who started at the university as first time in college students with less than 12 semester hours of transfer credit), community college Associate in Arts degree transfer students, and all other students. Each category and subcategory shall further be reported according to the number of students who meet the minimum eligibility requirements for admission to the program and the number of students who do not meet the minimum eligibility requirements for admission to the program.~~ Programs assigned limited access status will be reviewed by the Board in the course of its cyclical systemwide program review process.

5. Any criteria used shall be publicized in catalogues, counseling manuals, and other appropriate publications in accordance with Rule 6A-10.024(14)(13), FAC., with sufficient time for prospective students to adjust programs to meet criteria.

~~6. Where necessary to achieve established equal access enrollment goals, up to ten percent of the students may be admitted to a limited access program with different criteria.~~

~~6.7-~~ Each university shall advise students who meet the minimum requirements for admission to the upper division of a state university, but are denied admission to limited access programs, of the availability of similar programs at other State University System institutions and the admissions requirements of such programs.

~~7.8-~~ Associate in Arts degree graduates from Florida community colleges and university students who have successfully completed 60 or more credit hours of course work and met the requirements of Section 240.107, Florida Statutes, shall receive priority over out-of-state students for admission to limited access programs.

Specific Authority 240.209(1),(3)(~~+~~) FS. Law Implemented 240.209(1),(3)(s), 240.227(8), 240.233, 240.2097, 240.529, ~~240.271~~ FS. History—Formerly 6C-2.41, 11-18-70, Amended and Renumbered 12-17-74, Amended 1-6-76, 7-13-77, 3-21-82, 12-13-83, 8-11-85, Formerly 6C-6.01, Amended 8-31-86, 4-9-87, 1-7-91, 9-15-91, 11-27-95, 8-12-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Judy Hample, Vice Chancellor, Planning, Budgeting and Policy Analysis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 1999

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: RULE NO.:

Entering Freshmen 6C-6.002

PURPOSE AND EFFECT: Amendments to this rule describe the factors which will be considered in the admission of students to the universities, described as a student's profile assessment. The amendments also provide the guarantee of admission to the top 20 percent of a high school graduating class who meet the stated requirements.

SUMMARY: The rule describes the requirements a student must meet to be considered for admission to one of the state's ten public universities. The rule is amended by the description of an additional admissions route, defined as a profile assessment, and the factors included in this assessment. The rule is also amended by the addition of the requirements a student must meet to be guaranteed admission, by satisfying certain prescribed requirements of high school graduation and course requirements.

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 regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 240.209(1) FS.

LAW IMPLEMENTED: 240.209(1), 240.227(8), 240.115(4), 240.152, 240.233 FS.

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

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

PLACE: Tampa Airport Marriott Hotel, Ballroom, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-6.002 Entering Freshmen.

(3) Students may be considered eligible for admission to any of the state universities in one each of the following three ~~alternative~~ ways, except as provided in subsection (4) below:

(c) A student applying for admission who does not meet these requirements may be eligible for admission through a student profile assessment which considers additional factors, including but not limited to, the following: family educational background, socioeconomic status, graduate of a low performing high school, international baccalaureate program graduate, geographic location, fine/performing arts talent and athletic talent. These additional factors shall not include preferences in the admissions process for applicants on the basis of race, national origin or sex. The student bring to a university other important attributes or special talents and may be admitted if, in the judgment of an appropriate faculty committee, it is determined from appropriate evidence that the student can be expected to do successful academic work as defined by the institution to which the student applies. The number of first time in college students admitted through profile assessment at each university is determined by the Board; the system is limited each year to ten percent of the total system first-time-in-college students. Changes in the portion of a university's entering freshmen admitted under this alternative, based upon a university validation study with a 50 percent probability of success in the first year, may be approved by the Board. However, the annual number of applicants enrolled at a university under profile assessment ~~this alternative~~ without the equivalent of two high school credits in foreign language must not exceed 5 percent of the total number of freshmen (students who had not completed their first year of college or university) who entered the university the prior year. Upon request by the president, the Board may approve a one year increase in a university's 5 percent limitation as long as

the State University System as a whole maintains the 5 percent limit. Any freshman student admitted without meeting the foreign language requirement must earn 8 to 10 semester hours in a foreign language or American sign language, or demonstrate equivalent competence in either a foreign language or American sign language as described in Rule 6C-6.004(1)(c) prior to completing 60 credit hours at the state university. The university will provide an individual learning plan for each student enrolled who does not meet the normal admissions requirements listed in Rules 6C-6.002(1) and 6C-6.002(3). ~~The Board will review and will submit annual follow-up reports of the success of those students admitted under the profile assessment process this alternative for Board review.~~

(5) A student applying for admission who is a graduate of a public Florida high school, has completed nineteen (19) required high school units as listed in Rule 6C-6.002(3)(a) and who ranks in the top 20% of his/her high school graduating class shall be admitted to a university in the State University System. The State University System will use class rank as determined by the Florida Department of Education. The Board reaffirms its Equal Educational Opportunity (EEO) commitments. Universities may utilize the above alternative admission methods to increase the enrollment of a diverse student body.

(6) The universities have the authority to adopt and promulgate rules which have the effect of increasing the standards for eligibility for admission, as listed in ~~alternatives~~ (3)(a) and (b) above, or to provide additional criteria in making admissions decisions. Changes to these institutional rules will be reviewed annually by the Board prior to September 1.

(7) Neither State University System nor individual university admissions criteria shall include preferences in the admissions process for applicants on the basis of race, national origin or sex.

Specific Authority 240.209(1),~~(3)(c)~~ FS. Law Implemented 240.209(1), 240.227(8), 240.115(4), 240.152, 240.233,~~232,246~~ FS. History—Formerly 6C-2.42, 11-18-70, Amended 5-27-74, Amended and Renumbered 12-17-74, Amended 6-25-80, 3-21-82, 4-16-84, Formerly 6C-6.02, Amended 4-14-86, 4-20-87, 10-19-88, 1-23-90, 1-7-91, 9-15-91, 8-4-92, 5-17-95, 11-27-95.

NAME OF PERSON ORIGINATING PROPOSED RULE: Judy Hample, Vice Chancellor, Planning, Budgeting and Policy Analysis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 1999

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: RULE NO.:

Entering or Transferring Graduate Students and 6C-6.003
Post-baccalaureate Professional Students

PURPOSE AND EFFECT: The amendment specifies that for graduate admissions effective for Fall, 2001, the universities shall not include preferences in the admissions process for applicants on the basis of race, national origin or sex.

SUMMARY: The amendment specifies that for graduate admissions effective for Fall, 2001, the universities shall not include preferences in the admissions process for applicants on the basis of race, national origin or sex.

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 regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 240.209(1), 240.233 FS.

LAW IMPLEMENTED: 240.209(1), 240.227(8), 240.233 FS.

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

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

PLACE: Tampa Airport Marriott Hotel, Ballroom, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-6.003 Entering or Transferring Graduate Students and Post-baccalaureate Professional Students.

(5) The Board encourages each university to impose more restrictive admission requirements than the above established for post-baccalaureate programs. Effective for Fall, 2001 admissions, these requirements shall not include preferences in the admissions process for applicants on the basis of race, national origin or sex. These criteria shall be published, and the university catalog shall give notice where copies of such criteria may be obtained.

Specific Authority 240.209(1), ~~(3)(m)~~; 240.233 FS. Law Implemented 240.209(1), ~~(3)(m)~~; 240.227(8), 240.233 FS. History—Formerly 6C-2.43, 11-18-70, Amended 11-20-70, Amended and Renumbered 12-17-74, Amended 1-24-77, 2-28-78, 10-17-78, 8-11-85, Formerly 6C-6.03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Judy Hample, Vice Chancellor, Planning, Budgeting and Policy Analysis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 1999

DEPARTMENT OF REVENUE

RULE TITLES: RULE NOS.:
Definitions 12-3.0012

Interest Applicable to Unpaid Tax Liabilities or Amounts Not Timely Refunded 12-3.0015

PURPOSE AND EFFECT: A) The proposed creation of Rule 12-3.0012, FAC., implements ss. 1 and 8 of Chapter 99-239, L.O.F., which amended the statute of limitations provisions of s. 95.091(3), F.S.; and, created s. 213.345, F.S., regarding the tolling of periods during an audit or during the time a taxpayer may file a claim for refund. The effect of proposed Rule 12-3.0012, FAC., is to clarify when an audit commences, as stated in the second sentence of new s. 213.345, F.S.

B) The proposed creation of Rule 12-3.0015, FAC., implements ss. 7 and 9 of Chapter 99-239, L.O.F., which created s. 213.235, F.S., imposing a “market interest rate” on unpaid tax liabilities, instead of the flat rate previously imposed; and, created s. 213.255, F.S., requiring the payment of interest on amounts not refunded to taxpayers on a timely basis. The effect of this proposed new rule is to tell taxpayers how the Department will implement this new market interest rate provision.

SUMMARY: A) Proposed new Rule 12-3.0012, FAC., defines the term “commence an audit,” to ensure that taxpayers understand how the new legislative requirement in s. 213.345, F.S., will be implemented. This new law suspends for one year the statute of limitations or the time in which the taxpayer must file a claim for a refund. The term “commence an audit” is a key provision of this new law, since the statute terminates the one-year suspension if the Department fails to commence an audit within 120 days of notifying a taxpayer of the intent to conduct such audit.

B) Proposed new Rule 12-3.0015, FAC., addresses several issues: 1. how to handle the existing corporate income tax and emergency excise tax “market interest rate” provisions; 2. when the Department should apply this new interest provision; 3. how to calculate the daily rate of interest; 4. how the agency will notify taxpayers about interest rate changes; and, 5. examples to help taxpayers understand how this interest provision applies.

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

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

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 213.235, 213.255, 213.345 FS.

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

TIME AND DATE: 2:00 p.m., January 20, 2000

PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

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

THE FULL TEXT OF THE PROPOSED RULES IS:

12-3.0012 Definitions.

The following terms apply to the Department's administration of the programs delegated to it by statute. These terms shall have the meaning given to them in this section, except where the context clearly indicates a different meaning.

(1)(a) The phrase "commence an audit" means when, subsequent to the issuance of a Notification of Intent to Conduct an Audit (DR-840) or similar notification, the Department performs an audit entrance interview.

(b) The phrase "audit entrance interview" means when any one of the following actions first occurs:

1. When the Department contacts the taxpayer to explain and discuss the specific audit plan or to discuss the nature of the taxpayer's business operations; or

2. When the Department requests that specific books, records, documents, or other information be compiled, provided, or made available to the Department, other than the books, records, documents, or other information which were requested in the attachment to the DR-840; or

3. When the Department begins reviewing the accounts, books, or records of the taxpayer.

(2) The term "department" or "agency" means the Florida Department of Revenue, as established by s. 20.21, F.S.

Specific Authority 213.06(1) FS. Law Implemented 213.345 FS. History—New _____.

12-3.0015 Interest Applicable to Unpaid Tax Liabilities or Amounts Not Timely Refunded.

(1) The provisions of s. 213.235, F.S., and this rule apply to all taxes listed in s. 213.05, F.S., except those taxes imposed by chapters 220 and 221, F.S. The interest rate provisions of Rule 12C-1.343, F.A.C., shall continue to apply to the taxes imposed by chapters 220 and 221, F.S.

(2)(a) The interest rate applicable to tax payment deficiencies that arise for taxes due before January 1, 2000, is one percent per month, prorated daily, as provided in the applicable rules. This interest rate will apply as long as the deficiency continues.

(b) The interest rate will be determined pursuant to s. 213.235, F.S., for tax payment deficiencies that arise for taxes due on or after January 1, 2000.

(c) The interest rate which applies to a specific tax payment deficiency may fluctuate while the deficiency continues, due to the redetermination of the interest rate every six months pursuant to s. 213.235, F.S.

(d) The interest imposed by s. 213.255, F.S., will be calculated pursuant to s. 213.235, F.S., except that the interest rate applied to a refund cannot exceed 11 percent annually. The provisions of s. 213.255, F.S., and Rule Chapters 12-6 and 12-26, F.A.C., govern the circumstances under which interest is due from and paid by the Department on refunds.

(3)(a) The daily rate of interest computed pursuant to s. 213.235, F.S., and this rule shall use a year based on 365 days, and 366 days in a leap year.

(b) This daily rate will be carried out to nine decimal places.

(4)(a) The interest rate determined pursuant to s. 213.235, F.S., is subject to change on January 1st and July 1st of each year.

(b) The applicable interest rate for any 6-month period can be obtained by any of the following methods:

1. Accessing the Department's web site at the address in brackets [<http://sun6.dms.state.fl.us/dor/>].

2. Calling Tax Information Services during regular business hours at (850)488-6800.

3. Calling the Department's Fax on Demand Retrieval System by dialing (850)922-3676 from the handset of the fax machine.

(5) The following examples are intended to help taxpayers understand how these interest rate provisions apply:

(a) The taxpayer owed \$1,000 with his November 1999 sales and use tax return due 12/20/1999. Interest for sales and use tax returns due through 12/31/1999 is at the rate of 1 percent per month (which equals a daily interest rate of .000328767), and for any portion less than a month, a daily interest factor of .000328767 is applied. Assuming the taxpayer filed the return and paid the tax on 8/10/2000, interest would be calculated as follows:

PERIOD	TAX DUE	CALENDAR		RATE	TOTAL
		PERIOD	DAYS		INTEREST DUE
12/21/99-7/20/00	\$1,000	7 months		1% per mon.	\$70.00
7/21/00-8/10/00	\$1,000	21 days		.000328767 per day	\$6.90
Total Interest Due					\$76.90

(b) The taxpayer owed \$1,000 with her February 2000 sales and use tax return due 3/20/2000. The taxpayer filed the return and paid the tax on 8/01/2000. Assuming an interest rate of 8 percent for the 1/01/2000 through 6/30/2000 period, and an interest rate of 9 percent for the 7/01/2000 through 12/31/2000 period, interest would be calculated as follows:

PERIOD	TAX DUE	NUMBER OF DAYS	DAYS IN YEAR	RATE	TOTAL
					INTEREST DUE
3/21/00-6/30/00	\$1,000	102	366	8% per year	\$22.29
7/01/00-8/01/00	\$1,000	32	366	9% per year	\$7.87
Total Interest Due					\$30.16

(c) The taxpayer underpaid intangible tax by \$500 on 6/30/2000. The taxpayer paid the additional tax due on 11/15/2000. Assuming an interest rate of 9 percent for the 7/01/2000 through 12/31/2000 period, interest would be calculated as follows:

PERIOD	TAX DUE	NUMBER OF DAYS	DAYS IN YEAR	RATE	TOTAL
					INTEREST DUE
7/01/00-11/15/00	\$500	138	366	9% per year	\$16.97

Specific Authority 213.06(1) FS. Law Implemented 213.235, 213.255 FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: These proposed new rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 15, 1999 (Vol. 25, No. 41, pp. 4706-4707). The workshop was held on November 3, 1999. No one appeared at the workshop to testify, and no one submitted written comments.

DEPARTMENT OF REVENUE

RULE TITLE: Registration Information Sharing and Exchange Program
 RULE NO.: 12-22.007

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-22.007, FAC., is to remove unnecessary language regarding the formatting of tax information diskettes and tape cartridges submitted to the Department that are not required to be provided in an administrative rule and language that is redundant of the statute, as mandated by s. 120.74(1), F.S. The effect of the proposed amendments will be to eliminate unnecessary statutory definitions and provisions and specifications for formatting tax information diskettes and tape cartridges submitted to the Department.

SUMMARY: The proposed amendments to Rule 12-22.007, FAC., remove: 1) all unnecessary definitions for terms used in the rule; 2) the recitation of statutory provisions regarding the participation in the Registration and Information Sharing and Exchange Program ("RISE"); 3) the unnecessary provisions regarding the execution of Information Sharing Agreements; 4) the recitation of statutory provisions regarding the Department's authority to suspend the routine providing of tax information; and 5) the requirements for the formatting of tax information diskettes and tape cartridges submitted to the Department.

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

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

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

LAW IMPLEMENTED: 213.053, 213.0535 FS.

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

TIME AND DATE: 2:00 p.m., January 20, 2000

PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting: Jamie Phillips, (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 FULL TEXT OF THE PROPOSED RULE IS:

12-22.007 Registration Information Sharing and Exchange Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Program Participants.

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

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

2. Methods by which information may be shared;

3. Tax registration information as authorized under s. 213.0535(2), F.S., which is subject to sharing; and

4. The data elements to be shared and the frequency of sharing required of Level two participants.

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

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

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

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

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

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

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

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

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

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

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

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

~~(a) Eligible participants are required to share information to the fullest extent practicable on a computer-processable medium. Manually generated reports or other non-machine readable data may be used as a method of data transmission only if prior approval is granted by the Information Services Program Director Department.~~

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

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

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

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

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

(a) Tape Requirements:

1. Type of tape — 1/2 inch mylar base, oxide coated
2. Recording density — 1600 or 6250 bytes per inch
3. Character set — EBCDIC, UPPERCASE LETTERS ONLY

4. Number of tracks — 9

5. Parity — Odd

6. Recording mode — fixed length

7. Labeling Internal Requirements:

a. Unlabeled

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

c. 2 tape marks at the end of tape reel

8. Blocking Factor:

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

(b) Diskette Requirements:

1. 5 1/4" Diskette:

a. Recording density

I. High density, 1.2M or

H. Double density, 360K

b. IBM PC Compatible format

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

2. 3 1/2" Diskette:

a. Recording density

I. High density, 1.44M or

H. Double density, 720K

b. IBM PC Compatible Format

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

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

(c) Cartridge Requirements:

1. Standard 3480 cartridge

2. Densities up to 38K

3. Number of tracks — 18

(d)1. Labeling

2. External Requirements:

a. Name and address of sender

b. Recording industry

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

Example: Reel 1 of 2, Reel 2 of 2

d. Registration applicable period

(e)1. Data Record Explanation:

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

(f) General Information:

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

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

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

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

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

Position	Field	Length
1-40	Registrant Name	A40
41-80	Registrant Address	A40
81-107	Registrant City	A26
108-108	Filler	A1
109-110	Registrant State	A2
111-112	Filler	A2
113-121	Registrant Zip Code	N9
122-131	Registrant Phone Number	N10
132-171	Business Location Name	A40
172-211	Business Location Address	A40
212-238	Business Location City	A26
239-239	Filler	A1
240-241	Business Location State	A2
242-243	Filler	A2
244-252	Business Location Zip Code	N9
253-262	Location Phone Number	N10
263-271	Federal Employer Identification or Social Security Number	N9
272-272	FEI-SS Indicator	N1
	1— Social Security Number	
	3— Federal Employer Id.	
273-276	SIC code	N4
277-278	County Code	N2
	(by Department Standard)	
279-280	City Code	N2
	(by Department Standard)	

281-282	Kind Code (by Department Standard)	A22
283-294	Sales Tax Registration Number	N12
295-300	Business Open Date (YYMMDD Format)	N6
30-301	New or Re-issue N—New Registration R—Re-issue Registration A—Address Change	A1
302-401	Local Registration Numbers Registration number and individual business codes separated by commas with format provided by the local government)	A100
402-512	Filler	A111

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

(a) Units of state and local government ~~that which~~ are Level-one participants are required to shall exchange, on a monthly basis, the data enumerated in paragraph ~~(2)(5)~~(a) of this rule for each new registrant, new filer, or initial reporter, permittee, or licensee with respect to the taxes, licenses, or permits specified in s. 213.0535(4), F.S. Each RISE participant is required to select either a monthly or quarterly reporting period, and to notify the Department of its selection paragraph (3)(b) of this rule.

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

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

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: This proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 8, 1999 (Vol. 25, No. 40, pp. 4611-4615). The workshop was held on November 1, 1999. No one appeared at the workshop to testify, and no one submitted written comments.

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Scope of Rules	12-26.001
Application of Rules	12-26.002
Application for Refund	12-26.003
Refund Approval Process	12-26.004
Public Use Forms	12-26.008

PURPOSE AND EFFECT: The proposed amendments to Rules 12-26.001, 12-26.002, 12-26.003, 12-26.004, and 12-26.008, FAC., implement ss. 1, 8, 9, and 10 of Chapter 99-239, L.O.F. In general, the refund changes contained in ss. 95.091(3), 213.235, 213.255 and 215.26 F.S., can be implemented without promulgating rules. However, several issues need to be clarified through rulemaking. The effect of these proposed amendments is to: ensure that all rules in the

refund rule chapter reflect the new statutory refund provisions; explain the revised procedures a taxpayer must follow to apply for a refund; explain to taxpayers how the Department will process their refund applications and how the requirement to pay interest will be implemented; and, give taxpayers an opportunity to review the forms the Department will use to implement the revised refund procedures.

SUMMARY: A) The proposed amendments to Rule 12-26.001, FAC., acknowledge that all rules contained in Chapter 12-26, FAC., are being conformed to the new statutory provisions which require the payment of interest on specific refund requests.

B) The proposed amendments to Rule 12-26.002, FAC., revise incorrect statute and rule citations, change the Department's procedures for accepting applications for refund, and require that a taxpayer must file a completed refund application to qualify for the new payment of interest granted by s. 213.255, F.S. These changes ensure that taxpayers understand that a refund request will not be subject to the new interest provision until the taxpayer submits a completed application to the Department.

C) The proposed amendments to Rule 12-26.003, FAC., clarify the time period during which the statute authorizes the Department to accept refund applications, designate the forms which must be used to request a refund and how to obtain these forms, and specify the information which the taxpayer must provide to the Department on the refund application.

D) The proposed amendments to Rule 12-26.004, FAC.: 1) revise the procedures the Department will use to review a taxpayer's request for refund; 2) implement the 90-day refund review process established by the new statute; and, 3) provide an example of how interest will be calculated on amounts not refunded within the 90-day period.

E) The proposed amendments to Rule 12-26.008, FAC., add a form the Department will use to obtain the consent of an applicant to extend the time for reviewing a refund application.

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

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

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS.

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

TIME AND DATE: 2:00 p.m., January 20, 2000

PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

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

THE FULL TEXT OF THE PROPOSED RULES IS:

12-26.001 Scope of Rules.

The rules set forth in this chapter shall be used by the Department of Revenue in the exercise of authority to accept and approve or deny applications for refund of moneys paid into the State Treasury as provided by s. 215.26, F.S., for taxes enumerated in s. 72.011, F.S., or any refunds specifically authorized by the provisions of the tax statutes enumerated in s. 72.011, F.S., and shall not apply to refunds of ad valorem taxes. These rules also govern the payment of interest required pursuant to s. 213.255, F.S., for which a completed application for refund has been filed but the requested amount has not been refunded or credited as provided by statute.

Specific Authority 213.06(1) FS. Law Implemented 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS., ss. 2, 3, 4, 5, 6, 7, and 40, Ch. 91-112, L.O.F. History—New 11-14-91, Amended _____.

12-26.002 Application of Rules.

(1) Subsection 215.26(1), F.S., authorizes the Comptroller, under certain conditions, to refund moneys paid into the State Treasury which constitute:

- (a) An overpayment of any tax, license, or account due;
 - (b) A payment where no tax, license, or account is due;
- and
- (c) Any payment made into the State Treasury in error.

(2) Under the provisions of s. 215.26(2), F.S., and Rule 3A-44.020, F.A.C., the Comptroller has delegated delegates to the Department of Revenue the authority to accept an application for refund of any tax, fee, surcharge, permit, license, or account due collected by the Department under the revenue laws of this state. Upon receipt of an application for refund, the Department shall make a determination of the refund amount due. If an application for refund is approved, in whole or in part, the Department will furnish the Comptroller with a properly executed voucher authorizing payment. If an application for refund is denied, in whole or in part, the Department will notify the applicant of the basis for the action and state the reasons for denial in clear language.

(3)(a) When a taxpayer has pursued administrative review under the provisions of Rule 12-6.003, F.A.C. (Protest of Notices of Proposed Assessments Issued by the Department Which Result From an Audit Procedures), or Rule 12-6.0033, F.A.C. (Protest of Assessments Issued by the Department Regarding Tax Returns, Other Required Filings, and Billings Division of Collection and Enforcement), and has failed to comply with the time limitations and conditions provided in s. 72.011 and ss. 120.569, 120.57, and 120.80(14), s. 120.575, F.S., the taxpayer shall not have the right to a refund or to pursue an administrative review under these rules.

(b) However, the Department will accept ~~is authorized~~, pursuant to s. 215.26(5), F.S., and Rule 3A-44.020, F.A.C., ~~to entertain~~ claims for refund when the taxpayer demonstrates that his failure to pursue remedies under Chapter 72, F.S., was not due to neglect or for the purpose of delaying payment of lawfully imposed taxes and can demonstrate reasonable cause for such failure. For the purposes of this rule, reasonable cause means that the facts and circumstances of the specific case reflect that the taxpayer exercised ordinary care and prudence, despite the lack of compliance with the time limitations prescribed in s. 72.011, F.S.

(c) To receive interest pursuant to s. 213.255, F.S., on payments made under protest, the taxpayer must file a completed refund application.

Specific Authority 213.06(1) FS. Law Implemented 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 F.S., ss. 2, 3, 4, 5, 6, 7, and 40, Ch. 91-112, L.O.F. History—New 11-14-91, Amended 4-18-93.

12-26.003 Application for Refund.

~~(1)(a) Taxes Paid Prior to October 1, 1994:~~

~~Except as otherwise provided, the application for refund as required by s. 215.26, F.S., shall be filed with the Department, within three years after the right to the refund accrues, or the right to the refund shall be barred.~~

~~(b) Taxes Paid On or After October 1, 1994, and Before July 1, 1999:~~

~~Except as otherwise provided by s. 213.345, F.S., the application for refund as required by s. 215.26, F.S., shall be filed with the Department within five years after the date the tax was paid, or the right to the refund is barred.~~

(b) Taxes Paid On or After July 1, 1999:

Except as otherwise provided by s. 213.345, F.S., the application for refund required by s. 215.26, F.S., must be filed with the Department within three years after the date the tax was paid, or the right to the refund is barred.

(2) Applications for tax refund under those revenue laws enumerated in s. 72.011(1), F.S., shall be deemed complete ~~as filed~~ upon the Department's receipt of a properly executed application for refund form which contains the information required by ss. 213.255(2) and 215.26, F.S., and this rule. Applications for refunds shall be filed with the Refund Section,

Florida Department of Revenue, Refund Subprocess, P. O. Box 6490, Building E, 5050 West Tennessee Street, Tallahassee, Florida 32314-6490 32399-0100.

(3) For purposes of this rule, Form DR-26, Application for Refund from the State of Florida Department of Revenue, incorporated by reference in Rule 12-26.008, F.A.C., is the approved refund application for all taxes collected by the Department, except as otherwise specified in subsection (4).

(4) Tax refunds requiring a refund application other than Form DR-26 are listed below.

(a) Corporate Income Tax. Except as provided in subsection (5), all refunds claimed under Chapters 220 or 221, F.S., shall be made by the filing of either:

1. Form F-1120, Florida Corporate Income/Franchise and Emergency Excise Tax Return (incorporated by reference in Rule 12C-1.051, F.A.C.) or

2. Form F-1120X, Amended Florida ~~Corporation~~ Income Tax Return (incorporated by reference in Rule 12C-1.051, F.A.C.).

(b) Sales and Use Tax – Form DR-29, Refund of Cash Bond (incorporated by reference in Rule 12A-1.097, F.A.C.), is required where a bonded contractor or dealer applies for a refund of a cash bond held by the Department.

~~(c) Motor Fuel. Form DR-135, Retail Gasoline/Gasohol Evaporation and Shrinkage Allowance Refund Application (incorporated by reference in Rule 12B-5.015, F.A.C.), is required where a licensed retail dealer in a non-local option county applies for a quarterly evaporation and shrinkage allowance.~~

~~(d) Motor Fuel and Diesel Special Fuel. (Forms incorporated by reference in Rule 12B-5.150 12B-5.015, F.A.C.)~~

1. Form DR-138, Application for Fuel Tax Refund – Agriculture, Agricultural, Aquacultural, and Commercial Fishing Purposes, is required where motor fuel is used for agricultural, aquacultural, or commercial fishing purposes, and the taxpayer is entitled to a refund of the taxes specified in s. 206.41(4)(c), F.S. that portion of the tax previously paid pursuant to Part II of Chapter 212, F.S.

2. Form DR-160, Application for Mass Transit System Users Fuel Tax Refund, is required where motor fuel or diesel special fuel is used in the operation of a mass public transportation system, and the taxes specified in s. 206.41(4)(b), F.S. that portion of the tax previously paid pursuant to ss. 206.41 and 206.87, F.S., Part II of Chapter 212, F.S., is refundable.

3. Form DR-189, Application for Fuel Tax Refund – Municipalities, Counties and School Districts, is required where a county or municipality operating motor vehicles using motor fuel or diesel special fuel is entitled to a refund of the taxes specified in s. 206.41(4)(d), F.S., county tax and that portion of the tax previously paid pursuant to ss. 206.41 and 206.87, F.S., Part II of Chapter 212, F.S. This form is also

required in those instances where a school district, or a private contractor operating school buses for the school district, purchases motor fuel or diesel special fuel for use in motor vehicles operated by these entities, which is subject to a refund of taxes specified in s. 206.41(4)(e), F.S., previously paid county tax and that portion of the tax paid and paid pursuant to ss. 206.41 and 206.87, F.S., Part II of Chapter 212, F.S.

4. Form DR-190, Application for Fuel Tax Refund, Non-Public Schools, is required where a nonpublic school operating school buses or other motor vehicles using motor fuel or diesel special fuel is entitled to a refund of taxes specified in s. 206.41(4)(e), F.S., paid pursuant to ss. 206.41 and 206.87, F.S., Part II of Chapter 212, F.S.

5. Form DR-309639, Application for Refund of Tax Paid on Undyed Diesel Used for Off-road or Other Exempt Purposes, is required where undyed diesel fuel is used to propel off-road equipment, or used in stationary equipment. The taxes previously paid pursuant to s. 206.87, F.S., are refundable.

(e) Aviation Fuel. Form DR-191, Application for Aviation Fuel Tax Refund – Air Carriers (incorporated by reference in Rule 12B-5.150, 12B-5.211, F.A.C.), is required for those air carriers entitled to receive a refund of taxes imposed on aviation fuel purchased by such carriers.

(f) An amended Insurance Premium Tax. Form DR-908, Insurance Premium Taxes and Fees Tax Return (incorporated by reference in Rule 12B-8.003(1), F.A.C.), is required in all instances where insurance companies wish to file for a refund, amend previously filed returns except as provided in subsection (5).

(5) Notwithstanding the provisions of subsection (3), Form DR-26 may be used to apply for those refunds of corporate income tax or insurance premium tax which constitute:

- (a) A check deposited by the Department in error; or
- (b) A duplicate payment of the final return.

(6) ~~All requests for refund must be on approved forms which are properly executed and accompanied by supporting evidence which allows the Department to verify the accuracy of the claim.~~ Refund applications may be obtained ~~without cost~~, by:

(a) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or,

(b) faxing the Forms Distribution Center at (850)922-2208; or,

(c) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or,

(d) visiting any local Department of Revenue Service Center to personally obtain a copy; or,

(e) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or,

(f) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>).

Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331. ~~written request to the Department of Revenue, Refund Section, Building E, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100, FAX (904)922-2906, with the exception of Form DR-908 (Insurance Premium Tax), Form F-1120 and Form F-1120X (Corporate Income Tax). Requests for these forms should be directed, in writing, to the Department of Revenue, Division of Taxpayer Assistance, Bureau of Tax Information and Media Services, P. O. Box 7443, Tallahassee, Florida 32314-7443.~~

(7) Applications for refund as described herein which are not properly completed ~~executed~~ will not be considered filed for the purpose of tolling the statutory provisions of s. 215.26, F.S., or for the purpose of the payment of interest under the conditions prescribed in ss. 213.235 and 213.255, F.S. The Department shall notify the applicant of the incomplete ~~improperly executed~~ application and the necessary actions, corrections, or information needed to complete it within 30 consecutive calendar days of receiving the incomplete application to correct such. For the purposes of this rule, a completed ~~an improperly executed~~ application is defined as an application which contains all of the following information:

(a) The taxpayer's current name, mailing address, and physical location of business, if different from the mailing address;

(b) The taxpayer's federal taxpayer identification number, and/or Florida tax registration number, and/or audit number, if available;

(c) The tax years or tax periods to which the refund applies;

(d) The type of tax and the specific refund amount requested;

(e) Information which will enable the Department to verify the amount of the refund requested. This information must include all data which was required to be submitted on the original or original-amended tax return associated with the refund application.

(f) An explanation of the basis for requesting the refund; Does not specify a sum certain for the amount of refund requested;

(g)(b) The name and business mailing address of ~~Does not specify~~ the correct payee;

(h)(e) The signature of ~~Is not signed by~~ either the payee, or ~~an officer of the firm or corporation listed as payee, or~~

(d) ~~Does not list either an account number, a federal employee identification number, or social security number.~~

(8)(a) The Department is empowered, pursuant to s. 213.255, F.S., to require that the applicant provide a cash bond or surety bond to protect the state's financial position in cases when the Department pays a refund claim before completing an audit of the claim.

(b) Section 213.255, F.S., also authorizes the Department to accept the following alternative security arrangements to the cash bond or surety bond discussed in paragraph (a):

1. An assigned time deposit; or,
2. An irrevocable letter of credit.

Specific Authority 213.06(1) FS. Law Implemented 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS., ss. 2, 3, 4, 5, 6, 7, and 40, Ch. 91-112, L.O.F. History--New 11-14-91, Amended 4-18-93, 4-18-95, _____.

12-26.004 Refund Approval Process.

(1) The Department shall review the completed application for refund, and, as provided by ss. 213.255 and 215.26(2), F.S., determine the amount due, if any, under the applicable laws and in accordance with rules governing the particular tax.

(2)(a) If the completed refund application is approved and the refund paid or credited to the taxpayer's account within 90 consecutive calendar days of receipt of the completed application, except as provided by paragraph (c) of this subsection, in whole or in part, the Department will notify the taxpayer and:

1. shall voucher a request for warrant for submission to the Comptroller with appropriate supporting documentation as required, or necessary, for proper audit and payment, or;
2. apply the amount as a credit against a tax, penalty, or interest liability of the taxpayer.

(b) If a refund is not paid or credited to the taxpayer's account within 90 consecutive calendar days of receipt of the completed application, except as provided by paragraph (c) of this subsection, the Department must pay interest pursuant to ss. 213.235 and 213.255, F.S., starting with the 91st day through the day that the voucher requesting a warrant for the refund amount is submitted to the Comptroller.

(c) The 90 consecutive calendar day period and the requirement to pay interest on refund amounts not timely paid or credited to a taxpayer, as discussed in paragraphs (a) and (b) above, will be tolled if:

1. both the taxpayer and the Department agree that an audit or other verification process is necessary to validate the taxpayer's refund request, and;
2. both parties complete and sign Department Form DR-872 (Consent to Extend the Time to Issue an Assessment or to File a Claim for Refund).

(3)(a) For the purpose of implementing the 90 consecutive calendar day interest provision required pursuant to s. 213.255, F.S., and this rule, an application will be considered complete when all information or corrections requested from the

applicant are received by the Department, based on the postmark date, fax date, or date of hand-delivery of such requested information.

(b) The 90 consecutive calendar day period will not expire on a Saturday, Sunday, or legal holiday. The term "legal holiday" shall mean a holiday observed by federal or state agencies as a legal holiday pursuant to Chapter 683, F.S., and Section 7503 of the Internal Revenue Code of 1986, as amended. If the 90 consecutive calendar day period ends on a Saturday, Sunday, or legal holiday, such period will not expire until the next successive day that is not a Saturday, Sunday, or legal holiday.

(4) The following example is intended to help taxpayers understand how this interest rate provision applies. The Department receives a completed application for refund on 2/05/2000. The Department pays the refund on 8/01/2000. Assuming an interest rate of 8 percent for the 1/01/2000 through 6/30/2000 period, and an interest rate of 9 percent for the 7/01/2000 through 12/31/2000 period, interest would be calculated as follows [NOTE: Interest does not start to accrue until the 91st day after the Department receives the complete application for refund, which is 5/06/2000]:

PERIOD	TAX DUE	NUMBER OF DAYS	DAYS IN YEAR	RATE	TOTAL INTEREST DUE
5/06/00-6/30/00	\$1,000	56	366	8% per year	\$12.24
7/01/00-8/01/00	\$1,000	32	366	9% per year	\$7.87
Total Interest Due					\$20.11

Specific Authority 213.06(1) FS. Law Implemented 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS., ss. 2, 3, 4, 5, 6, 7, and 40, Ch. 91-112, L.O.F. History--New 11-14-91, Amended _____.

12-26.008 Public Use Forms.

(1) The following public use forms are used by the Department in the processing of refunds and refund denials and are hereby incorporated by reference. These forms are available, upon written request directed to the Florida Department of Revenue, Refund Subprocess, Section, P. O. Box 6470, Building E, 5050 West Tennessee Street, Tallahassee, Florida 32314-6470 32399-0100. Refund forms may also be obtained by:

- (a) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or,
- (b) faxing the Forms Distribution Center at (850)922-2208; or,
- (c) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or,
- (d) visiting any local Department of Revenue Service Center to personally obtain a copy; or,
- (e) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or,

(f) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (http://sun6.dms.state.fl.us/do/). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

Form Number	Title	Effective Date
(2) (4) DR-26	Application for Refund from the State of Florida Department of Revenue (r. 04/92)	04/93
(3) (2) DR-832R	Notice of Proposed Refund Denial (r. 01/93)	04/93
(4) (3) DR-1200R	Notice of Intent to Make Refund Claim Changes (r. 07/92)	04/93
<u>(6) DR-872</u>	<u>Consent to Extend the Time to Issue an Assessment or to File a Claim for Refund</u>	<u>07/97</u>

Specific Authority 213.06(1) FS. Law Implemented 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS, ss. 2, 3, 4, 5, 6, 7, and 40, Ch. 91-112, L.O.F. History--New 11-14-91, Amended 4-18-93, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: These proposed rules were notice for a Rule Development Workshop in the Florida Administrative Weekly on October 15, 1999 (Vol. 25, No. 41, pp. 4708-4712). The workshop was held on November 3, 1999. No one appeared at the workshop to testify, and no one submitted written comments.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Specific Exemptions
 RULE NO.: 12A-1.001
 PURPOSE AND EFFECT: The purpose of the proposed amendments is to revise paragraphs (3)(b) and (3)(q) of Rule 12A-1.001, FAC., pursuant to the findings of an administrative law judge, and additionally, to provide a definition for the term "primary purpose," as that term is used in s. 212.08(7)(n), F.S. The effect of the proposed amendments will be to codify into

these rule paragraphs the findings of the administrative law judge and to provide a definition for the undefined statutory term "primary purpose."

SUMMARY: A) In Associated Marine Institutes, Inc. v. Department of Revenue, D.O.A.H. Case No. 99-1679RX (September 13, 1999), the Administrative Law Judge held that paragraph (3) (b) of Rule 12A-1.001, FAC., is invalid to the extent that it denies an exemption on sales by certain entities which, by statute, are "exempt from the taxes imposed by this chapter [Chapter 212]." The proposed amendments to this paragraph will clarify that, pursuant to these findings, sales or leases by the following entities are not taxable: 1) Nonprofit corporations that are homes for the aged, nursing homes, or hospices pursuant to s. 212.08(7)(m), F.S.; 2) Organizations providing special educational, cultural, recreational, and social benefits to minors, pursuant s. 212.08(7)(n), F.S.; 3) State theater contract organizations, pursuant to s. 212.08(7)(r), F.S.; 4) Coast Guard auxiliaries, pursuant to s. 212.08(7)(cc), F.S.; 5) Citizen support organizations, pursuant to s. 212.08(7)(kk), F.S.; and 6) Nonprofit cooperative hospital laundries, pursuant to s. 212.08(7)(nn), F.S.

B) Additionally, the Administrative Law Judge in Associated Marine Institutes, Inc. held that paragraph (3)(q) of Rule 12A-1.001, FAC., is invalid to the extent that it requires an organization providing special educational, cultural, recreational, and social benefits to minors (s. 212.08(7)(n), F.S.) to hold a consumer's certificate of exemption to exempt its sales. The proposed amendments to this paragraph will clarify that such organizations must only hold a consumer's certificate of exemption for purposes of making exempt purchases.

C) Additionally, the amendments to paragraph (3)(q) of Rule 12A-1.001, FAC. define the term "primary purpose," as used in s. 212.08(7)(n), F.S. "Primary purpose" is defined to mean that the organization expends more than 50 percent of its total expenditure on those activities specified in the statute.

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

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

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 92.525, 212.02(10),(12),(16),(20), (21), 212.03, 212.031, 212.04, 212.05, 212.0515, 212.06(2),(9), 212.08(4),(5)(a),(e),(6),(7)(a),(b),(c),(d),(f),(g), (h),(i),(k),(l),(m),(n),(o),(p),(q),(r),(s),(u),(v),(x),(bb),(cc),(dd), (kk),(nn),(8), 212.085, 212.17, 212.18, 213.12(2), 213.37, 403.715 FS.

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

TIME AND DATE: 2:00 p.m., January 20, 2000

PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.001 Specific Exemptions.

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

(b) ~~With the exceptions noted below, sales~~ Sales or rentals of tangible personal property, rentals or leases of transient rental accommodations, rentals or leases of real property, rentals or leases of parking, docking, or tie down spaces, admissions, or other transactions subject to the tax imposed by Chapter 212, F.S., made by exempt entities, ~~with the exception of sales or leases of tangible personal property by churches,~~ are taxable. Such entities are required to register in the same manner as other dealers and collect and remit tax on transactions which are subject to the tax imposed by Chapter 212, F.S. For admission charges imposed by not-for-profit sponsoring organizations qualifying under the provisions of s. 501(c)(3) of the U.S. Internal Revenue Code, see Rule 12A-1.005(3)(g), F.A.C. Sales or leases of tangible personal property by churches are exempt. Sales or leases by the following organizations are exempt from the tax imposed pursuant to Chapter 212, F.S.:

1. Homes for the aged, nursing homes, or hospices, pursuant to s. 212.08(7)(m), F.S.;

2. Organizations providing special educational, cultural, recreational, and social benefits to minors, pursuant to s. 212.08(7)(n), F.S.;

3. State theater contract organizations, pursuant to 212.08(7)(r), F.S.;

4. Coast Guard auxiliaries, pursuant to s. 212.08(7)(cc), F.S.;

5. Citizen support organizations, pursuant to s. 212.08(7)(kk), F.S.;

6. Nonprofit cooperative hospital laundries, pursuant to s. 212.08(7)(nn), F.S.

(c) through (p) No change.

(q) Nonprofit organizations providing special educational, cultural, recreational, and social benefits to minors which are incorporated pursuant to Chapter 617, F.S., or which hold a current exemption from federal corporate income tax pursuant to s. 501(c)(3) of the United States Internal Revenue Code whose primary purpose is providing activities which contribute to the development of good character, good sportsmanship, or to the educational or cultural development of minors are exempt from the tax imposed by Chapter 212, F.S., ~~providing such organizations hold a consumer's certificate of exemption.~~ "Primary purpose" means that the applicant for this exemption must establish and support its function by expending in excess of 50% of the organization's total expenditures towards the referenced activities within the organization's most recent fiscal year. For purposes of making exempt purchases, such organizations must hold a consumer's certificate of exemption. (See Rules 12A-1.038 and 12A-1.039, F.A.C.) This exemption is extended only to that level of the organization that has a salaried executive officer or an elected non-salaried executive officer.

(r) through (21) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.525, 212.02(10), (12), (16), (20), (21), 212.03, 212.031, 212.04, 212.05, 212.0515, 212.06(2), (9), 212.08(4), (5)(a), (e), (6), (7)(a), (b), (c), (d), (f), (g), (h), (i), (k), (l), (m), (n), (o), (p), (q), (r), (s), (u), (v), (x), (bb), (cc), (dd), (kk), (nn), (8), 212.085, 212.17, 212.18, 213.12(2), 213.37, 403.715 FS. History—Revised 1-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 12-11-74, 5-27-75, 10-21-75, 9-7-78, 9-28-78, 10-18-78, 9-16-79, 2-3-80, 6-3-80, 7-7-80, 10-29-81, 12-3-81, 12-31-81, 7-20-82, 11-15-82, 10-13-83, 4-12-84, Formerly 12A-1.011, Amended 7-9-86, 1-2-89, 12-1-89, 7-7-92, 9-14-93, 5-18-94, 12-13-94, 3-20-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 15, 1999 (Vol. 25, No. 41, pp. 4712-4713). The workshop was held on November 1, 1999. No one appeared at the workshop to testify and no one submitted written comments.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Aircraft, Boats, Mobile Homes, and Motor Vehicles	12A-1.007
Receipts from Services Rendered by Insect or Pest Exterminators	12A-1.009
Cleaning Services	12A-1.0091
Sales and Use Tax on Services; Sale for Resale	12A-1.0161
Receipts from Sale of Water	12A-1.019
Labels and Other Printed Matter Sold to Manufacturers	12A-1.029
Tax Due at Time of Sale; Tax Returns and Regulations	12A-1.056
Registration	12A-1.060
Machines and Equipment Used in Manufacturing, Mining, Etc.	12A-1.088
Preservation of Records and Statute of Limitation; Acceptance of Resale and Exemption Certificates During Audit; Time Limitations	12A-1.093
Public Use Forms	12A-1.097
Service Warranties	12A-1.105

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12A-1, FAC., Sales and Use Tax, is to: 1) implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S.; 2) incorporate revisions provided in ss. 13-17, Chapter 99-208, L.O.F., regarding penalties imposed on persons who file false or fraudulent returns and persons who evade the payment of sales tax through willful intent; 3) incorporate revisions provided in s. 5, Chapter 99-239, L.O.F., regarding estimated tax payments under s. 212.11(1)(a), F.S.; 4) incorporate revisions provided in s. 1, Chapter 99-239, L.O.F., regarding statute of limitations in s. 95.091(3), F.S.; 5) remove the incorporation by reference of forms that are not "rules," as defined by s. 120.52(15), F.S., and are not required to be adopted; and 6) remove obsolete or unnecessary provisions that are redundant of the statutes, as mandated by s. 120.74(1), F.S.

SUMMARY: A) The proposed amendments to the following rules remove provisions regarding the imposition of penalties that are clearly provided in ss. 212.05(1) and 212.085, F.S., and ss. 212.11(4), 212.12(2), 212.13(1)-(2), F.S., as amended: Rule 12A-1.007, FAC. (Aircraft, Boats, Mobile Homes, and Motor Vehicles); Rule 12A-1.009, FAC. (Receipts from Services Rendered by Insect or Pest Exterminators); Rule 12A-1.0091, FAC. (Cleaning Services); Rule 12A-1.0161, FAC. (Sales and Use Tax on Services; Sales for Resale); Rule 12A-1.056, FAC. (Tax Due at Time of Sale; Tax Returns and Regulations); and Rule 12A-1.060, FAC. (Registration).

B) The proposed repeal of Rule 12A-1.019, FAC., removes an unnecessary rule, as mandated by s. 120.74(1), F.S., regarding the taxability of water that is clearly provided in s. 212.08(4)(a), F.S., as amended by the 1998 Legislature.

C) The proposed amendments to Rule 12A-1.029, FAC. (Labels and other Printed Matter Sold to Manufacturers), remove provisions regarding the exemption for paint color cards that is clearly provided in s. 212.08(5)(k), F.S., as amended by the 1998 Legislature.

D) In addition to removing the unnecessary recitation of statutorily imposed penalties, the proposed amendments to Rule 12A-1.056, FAC. (Tax Due at Time of Sale; Tax Returns and Regulations), remove the unnecessary recitation of s. 212.11(1)(c), F.S., regarding when quarterly, semiannual, or annual returns may be authorized by the Department and s. 212.11(1)(a), F.S., as amended, regarding estimated tax payments. The amendments provide a definition for the term "legal holiday" as it relates to the due date of sales tax returns. Further, the amendments remove the specific references to the flat interest rate, and add references to the "market interest rate" on unpaid tax liabilities as provided in the new statute (s. 213.235, F.S.) and the Department's proposed new rule on interest (Rule 12-3.0015, FAC.).

E) The proposed repeal of Rule 12A-1.088, FAC. (Machines and Equipment Used in Manufacturing, Mining, Etc.), removes an unnecessary rule that does not provide clarity to the statutorily imposed tax on machines and equipment.

F) The proposed repeal of Rule 12A-1.093, FAC. (Preservation of Records and Statute of Limitation; Acceptance of Resale and Exemption Certificates During Audit; Time Limitations), removes obsolete provisions regarding the statute of limitations. Section 95.091(3), F.S., amended by s. 1, Chapter 99-239, L.O.F. Section 95.091(3), F.S., clearly provides guidelines regarding the statute of limitations. This rule repeal removes unnecessary provisions regarding dealers' record keeping requirements; when the Department may accept resale and exemption certificates during protest; time limitations for filing refund claims that are clearly provided in the statutes; and the unnecessary incorporation by reference to Rule 12A-1.097, FAC. (Public Use Forms), of Forms DR-54 and DR-840.

G) The proposed amendments to Rule 12A-1.097, FAC. (Public Use Forms), remove Form DR-54, Formal Notice of Demand to Produce Certain Records, and Form DR-840, Notification of Intent to Audit Books and Records, which are not "rules," as defined by s. 120.52(15), F.S., and are not required to be adopted.

H) The proposed amendments to Rule 12A-1.105, FAC., Service Warranties, remove paragraph (2)(h), which unnecessarily repeats the provisions of subsection (6) regarding the imposition of discretionary sales surtax on taxable service warranties. The amendments to this rule also clarify that every person who enters into a service warranty is exercising a taxable privilege.

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

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

SPECIFIC AUTHORITY: 212.05(1),(5)(b), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 95.091(3), 125.0104(3)(g), 125.0108(2)(a), 212.02(2),(4),(10),(14),(15),(16),(19),(20), 212.03, 212.0305(3)(c),(h), 212.031(3), 212.04(4),(5),(14)(a),(16), 212.05, 212.0506, 212.054, 212.055, 212.0596(7), 212.06, 212.0601, 212.0606, 212.07(1)(b),(2),(7),(8), 212.08(4)(a)1., (5)(i),(7)(t),(v),(aa),(ff),(10),(11), 212.11, 212.12, 212.13, 212.14(2), 212.15(1), 212.16(1),(2), 212.17, 212.18(2),(3),(5), 213.235, 213.29, 213.35, 213.755, 215.01, 215.26, 376.11, 403.718, 403.7185, 634.011, 634.131, 634.401, 634.415 FS., s.14, ch. 99-208, L.O.F.

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

TIME AND DATE: 2:00 p.m., January 20, 2000

PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting: Jamie Phillips, (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 FULL TEXT OF THE PROPOSED RULES IS:

12A-1.007 Aircraft, Boats, Mobile Homes, and Motor Vehicles.

(1) through (8)(i) No change.

(j)1. The occasional or isolated sale of a motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government is taxable based upon the total selling price of the motor vehicle. The Department prescribes Form DR-41, Ownership Declaration and Motor Vehicle Sales and Use Tax Report (incorporated by reference in Rule 12A-1.097, F.A.C.), to be completed by the purchaser for reporting individual

transactions. Any party to an occasional or isolated sale of a motor vehicle who reports a sales price less than the actual sales price of such motor vehicle is guilty of a misdemeanor of the second degree. In addition, such party shall pay any tax due and any penalty and interest assessed, plus a penalty equal to twice the additional tax owed.

2. through (9)(a)3. No change.

4. A nonresident who purchases a boat in Florida for removal will become liable for use tax on the purchase price of the boat plus a mandatory penalty equal to the tax payable, which is not subject to waiver, if any of the following occurs:

a. The nonresident purchaser fails to remove the boat from Florida within 10 days after purchase; or

b. The nonresident purchaser, if the boat is immediately placed in a registered repair facility following its purchase for repairs, alterations, refitting, or modifications, fails to remove the boat from Florida within 20 days following completion of such work; or

c. The nonresident purchaser permits the boat to return to Florida within 6 months of departure except for repairs, alterations, refitting, or modifications by a registered repair facility under the exempt circumstances of the statute specified in section 212.08(7)(t), F.S. See Rule 12A-1.0071, F.A.C.

5. If the purchaser of a boat issues the selling dealer a fraudulent removal affidavit for the purpose of evading the payment of sales tax, the purchaser is subject to the payment of the tax plus a mandatory penalty of 200 percent of the tax. Further, the purchaser is subject to a fine of up to \$5,000 and imprisonment of up to 5 years for the commission of a third degree felony, as provided in s. 212.085, F.S., if convicted in court.

6. through 8. renumbered 4. through 6. No change.

(b) through (10)(b)3. No change.

4. A nonresident who purchases an aircraft in Florida for removal will become liable for use tax on the purchase price of the aircraft plus a mandatory penalty equal to the tax payable, which is not subject to waiver, if any of the following occurs:

a. The nonresident purchaser fails to remove the aircraft from Florida within 10 days after purchase; or

b. The nonresident purchaser, if the aircraft is immediately placed in a registered repair facility following its purchase for repairs, alterations, refitting, or modifications, fails to remove the aircraft from Florida within 20 days following completion of such work; or

c. The nonresident purchaser permits the aircraft to return to Florida within 6 months of departure.

5. If the purchaser of an aircraft issues the selling dealer a fraudulent removal affidavit for the purpose of evading the payment of sales tax, the purchaser is subject to the payment of the tax plus a mandatory penalty of 200 percent of the tax. Further, the purchaser is subject to a fine of up to \$5,000 and

imprisonment of up to 5 years for the commission of a third degree felony, as provided in s. 212.085, F.S., if convicted in court.

- 6. through 8. renumbered 4. through 6. No change.
- (c)1. through 2. No change.

3.a. Any purchaser who claims exemption from payment of tax under this paragraph and fails to remove the aircraft from this state or permits the aircraft to return to this state within 6 months from the date of sale shall be liable for payment of the full amount of tax, plus a mandatory penalty. The mandatory penalty shall be 10 percent of any unpaid tax computed from the date of purchase, if the failure of removal or use is not more than 30 days, with an additional 10 percent of any unpaid tax for each additional 30 days, or fraction thereof, not to exceed, however, a total penalty of 50 percent (in aggregate) of any unpaid tax. Additionally, in the case of wilful intent to evade payment of the tax, the purchaser shall be liable for an additional mandatory penalty of 100 percent of the unpaid tax, and may be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree.

b. If the purchaser of a flyable aircraft issues the selling dealer a fraudulent removal affidavit for the purpose of evading the payment of sales tax, the purchaser is subject to the payment of the tax plus a mandatory penalty of 200 percent of the tax. Further, the purchaser is subject to a fine of up to \$5,000 and imprisonment of up to 5 years for the commission of a third degree felony, as provided in s. 212.085, F.S., if convicted in court.

- 4. through 5. renumbered 3. through 4. No change.
- (d) through (29) No change.

Specific Authority 212.05(1),(5)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2),(4),(10),(14),(15),(16),(19),(20), 212.03, 212.05(1), 212.06(1),(2),(4),(5),(7),(8),(10),(12), 212.0601, 212.07(2),(7), 212.08(5)(i),(7)(t),(aa),(ff),(10),(11), 212.085, 212.12(2),(12) FS. History-Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, 8-18-73, 12-11-74, 6-9-76, Amended 2-21-77, 5-10-77, 9-26-77, 9-28-78, 3-16-80, 12-31-81, 7-20-82, 10-13-83, Formerly 12A-1.07, Amended 1-2-89, 12-11-89, 3-17-93, 10-17-94, 3-20-96,_____.

12A-1.009 Receipts from Services Rendered by Insect or Pest Exterminators.

- (1) through (10)(a)2. No change.

3. Any person who fraudulently issues to any pest control service provider a statement in writing, as provided in subparagraph (1)(b)2., for the purpose of evading payment of the 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.

- (b) through (11) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b),(k), 212.07(2), 212.085 FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.09, Amended 5-13-93, 3-20-96,_____.

12A-1.0091 Cleaning Services.

- (1) through (5)(a)2. No change.

3. Any person who fraudulently issues to any cleaning service provider a statement in writing, as provided in subparagraph (1)(b)2., for the purpose of evading payment of the 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.

- (b) through (6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b),(j), 212.07(2), 212.085 FS. History-New 5-13-93, Amended 3-20-96, 7-1-99,_____.

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

- (1) through (5)(c) No change.

(d) Any person who fraudulently issues to any dealer or agent of the State a certification or statement in writing for the purpose of evading payment of the 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) 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-1.019 Receipts from Sale of Water.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(4)(a)1. FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.19, Repealed_____.

12A-1.029 Labels and Other Printed Matter Sold to Manufacturers.

- (1) through (3) No change.

(4) Paint color cards are in the same category as direction sheets, instruction books or manuals and are exempt.

- (5)(4) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14), 212.05(1) FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.29, Amended_____.

12A-1.056 Tax Due at Time of Sale; Tax Returns and Regulations.

(1)(a) The total amount of tax on cash sales, credit sales, installment sales, or sales made on any kind of deferred payment plan shall be due at the moment of the transaction. Except as provided in Rule Chapter 12-24, F.A.C., and this rule as otherwise provided for herein, all taxes required to be collected in any month by Chapter 212, F.S. Florida Statutes, are shall be due the Department of Revenue on the first day of the month following the date of sale or transaction. The payment and return must either reach the office of the

Department of Revenue or be postmarked on or before the 20th day of the month following the date of sale or transaction for a dealer to be entitled to the collection allowance and to avoid penalty and interest for late filing. When the 20th day falls on Saturday, Sunday, or a legal holiday, payments accompanied by returns will shall be accepted as timely if postmarked or delivered to the Department of Revenue on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For purposes of this rule purpose, a legal holiday means shall mean a holiday that which is observed by federal or state agencies as a legal holiday as this term is defined in Ch. 683, F.S., and Sec. 7503 of the Internal Revenue Code. A "legal holiday" pursuant to Section. 7503 of the 1986 Internal Revenue Code, as amended, means a legal holiday in the District of Columbia or a Statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) When Also, where the tax is required to be remitted by electronic funds transfer and the tax due date falls on a Saturday, a Sunday, a legal holiday as defined in s. 655.89, F.S., or on a legal holiday of the jurisdiction in which the taxpayer's financial institution is located, the deposit by electronic funds transfer is required on or before the first banking day thereafter. For the purposes of this rule these rules, "banking day" has the meaning prescribed in s. 655.89, F.S.

(c) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to s. 212.11(1)(c), F.S., the tax is due the first day of the month following the authorized reporting period and becomes delinquent on the 21st day of that month.

(2) Beginning with the December 1991 sales and use tax return, which was required to be filed on or before January 20, 1992, each dealer who operated one place of business, or who operated two or more places of business and maintained records for these businesses in a central office or place, or who filed a consolidated return or was eligible to file a consolidated return, and paid state sales and use taxes for the preceding state fiscal year of \$100,000 or more shall calculate his estimated tax liability for any month by one of the following methods provided in paragraphs (a) through (e):

(a) Sixty six percent (66%) of the current month's gross tax liability on the tax return or consolidated tax return; (For example, when filing a December 1991 tax return required to be remitted by January 20, 1992, the current month's gross tax liability is the actual gross tax due on taxable transactions occurring in January 1992.)

(b) Sixty six percent (66%) of the gross tax reported on the tax return or consolidated tax return for taxable transactions occurring during the corresponding month of the previous year; (For example, when filing a December 1991 tax return required to be remitted by January 20, 1992, the corresponding

month's gross tax liability for the preceding calendar year is the gross tax liability reported on taxable transactions in January 1991.) or

(c) Sixty six percent (66%) of the average gross tax liability reported on the tax return or consolidated tax return for months during the preceding calendar year in which there were reported taxable transactions. (For example, when filing a December 1991 tax return required to be remitted by January 20, 1992, the average gross tax liability for the preceding calendar year is the average monthly gross tax liability reported on taxable transactions occurring in all months of 1991 in which the dealer reported taxable transactions.) Any month in which the dealer did not report taxable transactions is excluded from the calculation of the average monthly gross tax liability. (For example, if a dealer reported taxable transactions for only 6 months of 1991, the average monthly gross tax liability would be computed on one sixth of the total gross tax liability reported on taxable transactions that occurred in those 6 months.)

(3) The amount of any estimated tax, required to be calculated pursuant to this section, shall be due, payable, and remitted by electronic funds transfer, as provided in Rule 12-24, F.A.C., by the 20th day of the month for which it is estimated. The difference between the estimated tax liability paid and the actual taxes due shall for each month be due on the first day of the month following the date of sale or transaction and shall be remitted by electronic funds transfer, as provided in Rule 12-24, F.A.C., by the 20th day thereof.

(4) When any dealer required by this section to pay any estimated tax fails to remit the payment of the estimated tax due by electronic funds transfer, or underpays the estimated tax due, on or before the 20th day of the current month, a penalty of 10 percent of any unpaid estimated tax will be added. In addition to this penalty, all other penalties and interest shall apply for failure to file a return or failure to pay the tax due.

(5) through (7) renumbered (2) through (4) No change.

(8)(a) Instead of 12 monthly reporting periods, the Executive Director of the Executive Director's designee in Return Reconciliation is authorized to permit a quarterly return and payment for the quarters ending in February, May, August and November when the tax remitted by the dealer for the preceding four quarters did not exceed \$1000. Also, the Executive Director or the Executive Director's designee in Return Reconciliation is authorized to permit a semiannual return and payment for the 6 month periods ending in May and November when the tax remitted by the dealer for the preceding four quarters did not exceed \$500.

(b) When quarterly or semiannual reporting is authorized, taxes become due the first day of the month following the authorized reporting period and shall be delinquent on the twenty first day thereof.

(9) through (12) renumbered (5) through (8) No change.

~~(9)(13)(a)~~ No change.

~~(b) Any person who is required to collect, truthfully account for, and pay over any tax and who willfully fails to collect, truthfully account for, and pay over such tax, or willfully attempts to evade or defeat such tax, or any officer or director of a corporation who has administered control over the collection and payment of such tax and who willfully directs any employee of the corporation to fail to collect, truthfully account for, and pay over such tax, shall, in addition to other penalties provided by law, be liable for a penalty equal to twice the total amount of the tax evaded or not accounted for or paid over.~~

~~(10)(14)(a)~~ Interest shall accrue on any delinquent sales or use tax at the following rate: ~~of~~

~~1. One ½ percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.~~

~~2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).~~

~~3. Interest accrues on of the amount due from the date of delinquency until the date on which the tax is paid.~~

~~(b) Interest shall accrue for the failure to timely remit the proper estimated tax liability at the following rate: of~~

~~1. One ½ percent per month (prorated daily using the daily factor of .000328767) for estimated tax due prior to January 1, 2000.~~

~~2. For estimated tax due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C., (prorated daily).~~

~~3. Interest accrues on the amount of the unpaid estimated tax due.~~

~~(c) The decimal equivalent of the daily interest rate (.000328767) shall be applied to any delinquent period which is less than a month.~~

~~(15)(a) When any dealer or other person required to do so, fails to make a return or pay the tax or fee due within the time required, a delinquent penalty shall be added to the unpaid tax or fee. The amount added as a delinquent penalty shall be 10 percent of any unpaid tax or fee if the failure is for not more than 30 days, with an additional 10 percent delinquent penalty of any unpaid tax or fee for each additional 30 days, or fraction thereof, during the time which the failure continues, not to exceed, however, a total delinquent penalty of 50 percent in the aggregate. However, the Executive Director or the Executive Director's designee in the responsible program is authorized to compromise delinquent penalties on delinquent returns and audit assessments after the taxpayer has shown that the delinquency was due to reasonable cause as provided in Rule 12-13, F.A.C., but interest shall be collected.~~

~~(b) Any delinquent return subjects the person required to make the return and pay the tax or fee to a mandatory minimum delinquent penalty of \$10.~~

~~(c) In addition to the other penalties provided herein, when any dealer or other person makes a false or fraudulent return or willfully attempts to evade the payment of any tax or fee, he shall be liable for a specific penalty of 100 percent of the tax or fee due and for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree.~~

~~(d)~~ renumbered (11) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 125.0104(3)(g)(a), 125.0108(2)(a), 212.03(2), 212.0305(3)(c),(h),(i), 212.031(3), 212.04(4),(5), 212.0506(4),(10), 212.054(4), 212.055, 212.06(1)(a), 212.0606, 212.085, 212.11, 212.12(1),(2),(3),(4),(5), 212.14(2), 212.15(1), 213.235, 213.29, 213.755, 215.01, 376.11, 403.718, 403.7185 FS. History-Revised 10-7-68, 6-16-72, Amended 10-21-75, 6-9-76, 11-8-76, 2-21-77, 4-2-78, 10-18-78, 12-23-80, 8-26-81, 9-24-81, 11-23-83, 5-28-85, Formerly 12A-1.56, Amended 3-12-86, 1-2-89, 12-19-89, 12-7-92, 10-20-93, 10-17-94, 3-20-96, _____.

12A-1.060 Registration.

(1) through (5)(d) No change.

~~(e) Penalties for failure to file a return or to pay a fee, as required by this subsection are:~~

~~1. A penalty of 10 percent of any unpaid fee, if the failure is for not more than 30 days;~~

~~2. An additional penalty of 10 percent of the unpaid fee for each 30 days or fraction thereof in addition to the first 30 days, referred to in subparagraph 1., during which the failure continued, not to exceed, however, a total penalty of 50 percent of any unpaid fee;~~

~~3. A penalty of 100 percent of the fee, in addition to the penalties provided in subparagraphs 1. and 2. and any other penalties provided by law if the certificate holder filed a false or fraudulent return or willfully intended to evade payment of the fee.~~

~~4. In addition to the penalties described in subparagraphs 1., 2., and 3., fine and punishment as provided by law for conviction of a misdemeanor of the first degree for a certificate holder who filed a false or fraudulent return or willfully intended to evade payment of the fee.~~

~~(f)~~ renumbered (e) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1),(2), 212.04(4), 212.06(2), 212.12(2),(5),(6), 212.16(1),(2), 212.18(3),(5) FS., s. 14, Ch. 99-208, L.O.F. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 3-21-77, 5-10-77, 10-18-78, Formerly 12A-1.60, Amended 6-10-87, 1-2-89, 11-12-90, 3-17-94, 1-2-95, 3-20-96, 11-30-97, _____.

12A-1.088 Machines and Equipment Used in Manufacturing, Mining, Etc.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(f) FS. History-Revised 10-7-68, 6-16-72, Amended 7-20-82, Formerly 12A-1.88, Repealed _____.

12A-1.093 Preservation of Records and Statute of Limitation; Acceptance of Resale and Exemption Certificates During Audit; Time Limitations.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 212.04(4), 212.05, 212.07(1)(b), 212.12, 212.13, 213.35, 215.26 FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 7-20-82, Formerly 12A-1.93, Amended 12-16-91, 8-10-92, Repealed.

12A-1.097 Public Use Forms.

(1) No change.

Form Number Title Effective Date

(2) through (16) No change.

(17) ~~DR 54~~ ~~Formal Notice of Demand to Produce Certain Records~~ ~~(r. 04/90)~~ ~~08/92~~

(18) through (26) renumbered (17) through (25) No change.

(27) ~~*DR 840~~ ~~Notification of Intent to Audit Books and Records Records~~ ~~(r. 02/90)~~ ~~08/92~~

(28) through (31) renumbered (26) through (29) 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, _____.

12A-1.105 Service Warranties.

(1)(a) Every person who solicits, offers, provides, enters into, issues, or delivers any service warranty, or who receives, on behalf of another person, any consideration from a service warranty holder is exercising a taxable privilege and shall register as a dealer with the Department of Revenue before such person may engage in or conduct business in this state. See Rule 12A-1.060, F.A.C.

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

~~(h) The total consideration received or to be received for any service warranty issued or renewed on or after July 6, 1989, is subject to any Discretionary Sales Surtax authorized by s. 212.055, F.S., and administered under s. 212.054, F.S., in any county which levies a surtax.~~

(3) through (6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), (14)(a), (16), 212.0506, 212.054, 212.055, 212.06, 212.08(7)(v), 212.17, 212.18(3), 634.011, 634.131, 634.401, 634.415 FS. History—New 1-2-89, Amended 12-11-89, 8-10-92, 1-4-94, 3-20-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: These proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 15, 1999 (Vol. 25, No. 41, pp. 4713-4720). The workshop was held on November 3, 1999. No one appeared at the workshop to testify and no one submitted written comments.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Telephone, Telegraph and Other Telecommunication Services RULE NO.: 12A-1.046

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.046(4)(b), FAC., is to remove the exemption provided for charges for the privilege of attaching wires and other equipment to transmission poles. Section 212.031(1)(a)5., F.S., as amended by s. 1 of Chapter 99-363, L.O.F., clearly provides an exemption for certain property used by cable and utility companies; and an administrative rule regarding this exemption is unnecessary.

SUMMARY: The proposed amendments to Rule 12A-1.046, FAC., remove the exemption provided for charges for the privilege of attaching wires and other equipment to transmission poles.

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

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

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.02(14), (15), 212.031(1), 212.05(1)(e), (f), (h), 212.054(2), (3), 212.08(7)(j), 212.12(12), 212.15(1), (4), 212.21(2) FS.

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

TIME AND DATE: 2:00 p.m., January 20, 2000

PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance

and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting: Jamie Phillips, (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 FULL TEXT OF THE PROPOSED RULE IS:

12A-1.046 Telephone, Telegraph and Other Telecommunication Services.

(1) through (3) No change.

(4)(a) No change.

~~(b) The charge by the owner of utility or transmission poles to others for the privilege of attaching wires and other equipment thereto is exempt as a service transaction.~~

(5) through (13) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14), (15), 212.031(1), 212.05(1)(e), (f), (h), 212.054(2), (3), 212.08(7)(j), 212.12(12), 212.15(1), (4), 212.21(2) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, 12-11-74, Amended 4-1-79, 7-20-82, Formerly 12A-1.46, Amended 1-8-90.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on December 24, 1998 (Vol. 24, No. 52, p. 6916). The workshop was held on May 25, 1999. No one submitted written comments. Comments were received at the workshop to confirm that, with the elimination of the exemption from the rule and the amendments to s. 212.031(1)(a)5., F.S., provided in s. 1, Chapter 99-363, L.O.F., the Department would implement the statutory exemption provided for charges for the privilege of attaching wires and equipment to transmission poles.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Battery Fee	12A-12.0011
Registration	12A-12.003
Reporting and Remitting Fees	12A-12.004

Records and Auditing Requirements	12A-12.005
Statute of Limitations	12A-12.006
General Administrative Procedures	12A-12.007

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12A-12, FAC., is to: 1) implement the provisions of ss. 1-2, Chapter 99-281, L.O.F., removing the requirement to collect and remit the battery fee on those batteries that are not new or remanufactured; 2) implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S.; 3) incorporate revisions provided in s. 1, Chapter 99-239, L.O.F., regarding statute of limitations in s. 95.091(3), F.S.; 4) remove unnecessary recitation of the statutes from the rule chapter, as mandated by s. 120.74(1), F.S.; and 5) provide technical changes to remove obsolete references and provide current references.

The effect of these proposed rule amendments and rule repeals is to remove the specific references to the flat interest rate, add references to the interest rate provisions contained in the new statute (s. 213.235, F.S.) and the Department’s proposed new rule on interest (Rule 12-3.0015, FAC.), and remove provisions that are obsolete or redundant of the statutes as mandated by s. 120.74(1), F.S.

SUMMARY: A) The proposed amendments to Rule 12A-12.0011, FAC. (Battery Fee), remove the requirement to collect and remit the battery fee on those batteries that are not new or remanufactured.

B) The proposed amendments to Rule 12A-12.003, FAC. (Registration), remove an obsolete reference to Rule 12A-12.002, FAC., a rule that has been repealed.

C) The proposed amendments to Rule 12A-12.004, FAC.: 1) implement the “market interest rate” on unpaid tax liabilities, instead of the flat rate of 1 percent per month which was previously imposed on delinquent fees; 2) remove from the rule unnecessary recitation of s. 212.11(1)(c), F.S., regarding when quarterly or semiannual returns may be authorized by the Department; and 3) provide technical changes to properly reference provisions in Rule 12A-1.056, FAC., as amended.

D) The proposed repeal of Rule 12A-12.005, FAC. (Records and Auditing Requirements), removes unnecessary provisions regarding dealers’ record keeping requirements and the Department’s authority to audit that are clearly provided in the statutes.

E) The proposed repeal of Rule 12A-12.006, FAC. (Statute of Limitations), removes obsolete provisions regarding the statute of limitations that are clearly provided in s. 95.091(3), F.S., as amended by s. 1, Chapter 99-239, L.O.F.

F) The proposed repeal of Rule 12A-12.007, FAC. (General Administrative Procedures), removes the unnecessary recitation of statutory provisions regarding the Department’s authority to administer the battery fee and the new tire fee under the provisions of Chapter 212, F.S.

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

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

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS.

LAW IMPLEMENTED: 95.091(3)(a), 212.13, 212.18(3), 403.717(1)(b),(h), 403.718, 403.7185, 403.7195 FS., ss. 1-2, ch. 99-281, L.O.F.

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

TIME AND DATE: 2:00 p.m., January 20, 2000

PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Horace Royals, Tax Law Specialist; Janet L. Young, Tax Law Specialist; and Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

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

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-12.0011 Battery Fee.

(1)(a) For the privilege of engaging in business, a fee at the rate of \$1.50 for each new or remanufactured lead-acid battery sold at retail in this state is imposed on each person engaging in the business of making retail sales of lead-acid batteries within this state.

(b) The fee is payable one time only on the ~~such a~~ sale ~~whether the battery is of a~~ new, used, or remanufactured battery.

(c) The fee is payable if the new or remanufactured battery is sold as a component part of a motor vehicle, vessel, or aircraft or other property.

(d) No change.

(2) The fee is imposed upon the dealer selling the new or remanufactured battery and not upon the purchaser.

(3) While the fee is payable on the retail sale of a new or remanufactured battery only if the battery, as defined in paragraph (a) of subsection (6), is designed for use in motor vehicles, vessels, and aircraft, the fee is payable even if a battery so designed is purchased for use on other machinery or equipment or when sold at retail as a component part of other machinery or equipment.

(4) through (6)(c) No change.

(d) The term "sold at retail" includes the sale of a new or remanufactured lead-acid battery as a separate item or as a component part of a ~~new or used motor~~ vehicle, vessel, aircraft, or other machinery or equipment that contains a battery designed for use in a motor vehicle, vessel, or aircraft. The term "sold at retail" does not include the sale of a lead-acid battery to a person solely for the purpose of resale, as provided in subsection (7), or the sale of a lead-acid battery for the purpose of recycling its component parts.

1. through 2. No change.

~~3. Example: A motor vehicle dealer sells a used motor vehicle with its original battery, which has been used in the vehicle. The fee will be due on the sale of the used vehicle of which the used battery is a component part.~~

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

~~5.6. Example: A new or remanufactured lead-acid battery that is designed for use in an automobile is sold to a farmer to put into a farm tractor or other machinery that is not a "motor vehicle." The fee is payable by the retailer, since the battery is designed for use in a "motor vehicle," even though it was purchased for use in machinery that is not within that definition.~~

(e) A retail sale of a new or remanufactured lead-acid battery is "in this state" and, thus, is subject to the fee, if the sale is "in this state" for sales tax purposes, including a sale that is a "mail order sale," as defined in section 212.0596(1), Florida Statutes.

(7)(a) The sale of a new or remanufactured lead-acid battery to a person solely for the purpose of resale is not a "sale at retail," as defined in paragraph (6)(d), provided the seller shall have taken from the purchaser a sales tax resale certificate to the effect that the battery was purchased for resale. A resale certificate was given to the seller for sales tax purposes will also be sufficient evidence that the sale was not a retail sale for purposes of the fee.

(b)1. If a dealer purchases a new or remanufactured battery for resale, and later withdraws the battery from inventory to use in the dealer's own motor vehicle, vessel, aircraft, machinery, or other equipment; to give away; or for any purpose other than for resale, that dealer will owe the fee at the time the battery is withdrawn from inventory.

2. Example: Motor vehicle Dealer A purchases a new or remanufactured lead-acid battery to install in a used vehicle to be sold. No fee is payable by the battery seller if the seller takes from Dealer A a sales tax resale certificate. When Dealer

A takes the battery out of inventory to put into the vehicle that is to be sold, that dealer will not owe the fee at that time, but the dealer will owe the fee, when the vehicle is sold at retail. However, if Dealer A sells the vehicle, in which the battery has been installed, to motor vehicle Dealer B to sell it at retail, the fee will not be payable by Dealer A, if he takes from Dealer B a resale certificate, but the fee will be payable by Dealer B, if he subsequently sells it at retail.

(c) A sales to a leasing company of a new or remanufactured lead-acid battery or vehicle or machinery of which the lead-acid battery is a component part is not a retail sale for purposes of the fee, if the purchaser gives the seller a sales tax resale certificate. Instead, the fee is payable by the leasing company when it first puts the vehicle into use in this state. (8)(a) When a sale of a new or remanufactured battery upon which the fee has been paid is canceled or the battery is returned to the seller, and the sales price is refunded in full to the purchaser, the dealer is not required to report the sale and remit the fee, or, if previously remitted, may take a credit for the fee previously paid.

(b) If, instead of refunding the purchase price of the new or remanufactured battery, the customer is given a new battery in exchange for the battery that was returned, the dealer cannot take credit for the fee that was paid on the sale of the returned battery, but no fee is due on the battery that was given in exchange.

(c) If the purchaser of a new or remanufactured battery in a sale on which the fee is payable, returns it to the dealer and is given a partial refund, the fee is payable on this retail sale, and if it has already been remitted when the partial refund is given the dealer cannot take credit for the fee previously paid.

(d) If the purchaser of a new or remanufactured battery returns it and is not given another battery in exchange but, instead, is given a credit or partial payment on another lead-acid battery, the fee is payable on the original retail sale, and if it has already been remitted when the credit or partial payment is given the dealer is not allowed a credit for the fee previously paid and must pay a fee on the sale of a lead-acid battery for which a partial credit was given.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.7185(3)(b) FS. Law Implemented 403.717(1)(b), (h), 403.7185 FS., ss. 1-2, ch. 99-281, L.O.F. History--New 10-16-89, Amended 12-16-91, 3-20-96, _____.

12A-12.003 Registration.

(1) Every person engaged in or conducting business in this ~~State state~~ of selling new tires at retail, as described in Rule 12A-12.001, F.A.C., or selling lead-acid batteries, as described in Rule 12A-12.0011, F.A.C., ~~or who consumes newsprint in this state, as described in Rule 12A-12.002, F.A.C.,~~ must be registered in order to do so. However, such person's registration for sales tax purposes is sufficient registration for purposes of the fees described in those rules.

(2) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b), 403.7195(2)(b) FS. Law Implemented 212.18(3), 403.718, 403.7185, 403.7195 FS. History--New 1-2-89, Amended 10-16-89, 12-16-91, _____.

12A-12.004 Reporting and Remitting Fees.

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

~~(c) Instead of 12 monthly reporting periods, the Executive Director or the Executive Director's designee in Return Reconciliation will permit a quarterly return and payment for the quarters ending in February, May, August and November when the fee remitted by the dealer for the preceding four quarters did not exceed \$1000. Also, the Executive Director or the Executive Director's designee in Return Reconciliation will permit a semiannual return and payment for the 6 month periods ending in May and November when the fee remitted by the dealer for the preceding four quarters did not exceed \$500.~~

~~(d) When quarterly or semiannual reporting is authorized, the fee becomes due the first day of the month following the authorized reporting period and shall be delinquent on the twenty first day thereof.~~

~~(c)(e) When a dealer is required to file the new tire fee and the lead-acid battery fee under a single account number on the same return, the dealer must not exceed the limitations, as provided in s. 212.11(1)(c), F.S., specified above for the applicable time periods on either fee in order to be eligible to file on a quarterly or semiannual basis.~~

(3) No change.

(4) The fees ~~are shall~~ not ~~to~~ be included in the computation of estimated taxes, as ~~provided in s. 212.12(1)(a), F.S. No is required for taxes by Rule 12A-1.056(2), F.A.C., and no estimate of these fees is required to shall~~ be filed.

(5) No change.

(6) As stated in Rule 12A-1.056(9)(12), F.A.C., with reference to taxes, the department is not authorized to extend the time to make any return or to pay the fees; and the consequences described in that subsection are applicable to the fees.

~~(7)(a) Interest on delinquent fees shall be at the following rate: accrues as described in Rule 12A-1.056(14), F.A.C.~~

1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C., prorated daily.

~~(b) Interest accrues based upon the amount of the fee not paid from the date the fee is due until the fee is paid.~~

~~(8) Delinquency penalties pursuant to s. 212.12(2)(a), F.S. described in Rule 12A-1.056(15), F.A.C., are applicable to the fees; except that penalties for failure to file estimates are not applicable.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS. Law Implemented 403.718, 403.7185 FS. History--New 1-2-89, Amended 10-16-89, 12-16-91, 4-12-94, 3-21-95, 3-20-96, _____.

12A-12.005 Records and Auditing Requirements.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b), 403.7195(2)(b) FS. Law Implemented 212.13, 403.718, 403.7185, 403.7195 FS. History--New 1-2-89, Amended 10-16-89, 12-16-91, Repealed

12A-12.006 Statute of Limitations.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b), 403.7195(2)(b) FS. Law Implemented 95.091(3)(a), 403.718, 403.7185, 403.7195 FS. History--New 1-2-89, Repealed

12A-12.007 General Administrative Procedures.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b), 403.7195(2)(b) FS. Law Implemented 403.718(3)(a), 403.7185(3)(a), 403.7195(2)(a) FS. History--New 1-2-89, Amended 10-16-89, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Horace Royals, Tax Law Specialist; Larry Green, Tax Law Specialist; and Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: These proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 15, 1999 (Vol. 25, No. 41, pp. 4720-4724). The workshop was held on November 3, 1999. No one appeared at the workshop to testify, and no one submitted written comments.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Reporting and Remitting the Surcharge	12A-14.002
Records and Auditing Requirements	12A-14.003
Statute of Limitations	12A-14.004
General Administrative Procedures	12A-14.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12A-14, FAC., is to: 1) implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S.; 2) remove obsolete provisions regarding statute of limitations provided in s. 95.091(3), F.S., as amended by s. 1 of Chapter 99-239, L.O.F; 3) remove unnecessary recitation of the statutes from the rule chapter, as mandated by s. 120.74(1), F.S.; and 4) provide technical change to provide current references.

The effect of these proposed rule amendments and rule repeals is to remove the specific references to the flat interest rate, add references to the interest rate provisions contained in the new statute (s. 213.235, F.S.) and the Department's proposed new rule on interest (Rule 12-3.0015, FAC.), and remove provisions that are obsolete or redundant of the statutes as mandated by s. 120.74(1), F.S.

SUMMARY: A) The proposed amendments to Rule 12A-14.002, FAC. (Reporting and Remitting the Surcharge): 1) implement the "market interest rate" on unpaid tax liabilities, instead of the flat rate of 1 percent per month which was previously imposed on delinquent surcharge; 2) remove the unnecessary recitation of the delinquency penalties imposed under s. 212.12(2)(a), FAC.; 3) remove from the rule unnecessary recitation of s. 212.11(1)(c), F.S., regarding when quarterly or semiannual returns may be authorized by the Department; and 4) provide a technical change to properly reference Rule 12A-1.056, as amended.

B) The proposed amendments to Rule 12A-14.003, FAC. (Records and Auditing Requirements), incorporate revisions to s. 212.13(2), F.S., providing that the failure or refusal to retain books and records may result in the prosecution for a felony of the third degree.

C) The proposed repeal of Rule 12A-14.004, FAC. (Statute of Limitations), removes obsolete provisions regarding the statute of limitations that are clearly provided in s. 95.091(3), F.S., as amended by s. 1 of Chapter 99-239, L.O.F.

D) The proposed repeal of Rule 12A-14.005, FAC. (General Administrative Procedures), removes the recitation of s. 370.07(3), F.S., regarding the Department's authority to administer the Apalachicola Bay Oyster Surcharge under the provisions of Chapter 212, F.S.

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

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

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 370.07(3) FS.

LAW IMPLEMENTED: 95.091(3), 212.12(2), 212.13(2), (5), 212.14, 212.15, 213.235, 213.29, 370.07(3) FS., s. 16, ch. 99-208, LOF.

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

TIME AND DATE: 2:00 p.m., January 20, 2000

PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

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

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-14.002 Reporting and Remitting the Surcharge.

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

~~(c) Instead of 12 monthly reporting periods, the Executive Director or the Executive Director's designee will permit a quarterly return and payment for the quarters ending in February, May, August, and November when the surcharge remitted by the dealer for the preceding four quarters did not exceed \$1000. Also, the Executive Director or the Executive Director's designee will permit a semiannual return and payment for the 6 month periods ending in May and November when the surcharge remitted by the dealer for the preceding four quarters did not exceed \$500.~~

~~(d) When quarterly or semiannual reporting is authorized, the surcharge becomes due the first day of the month following the authorized reporting period and shall be delinquent on the twenty first day thereof.~~

(3) through (4) No change.

(5) As stated in Rule 12A-1.056(9)(12), F.A.C., with reference to taxes, the department is not authorized to extend the time to make any return or to pay the surcharge; ~~and the consequences described in that subsection are applicable to the surcharge.~~

(6)(a) Interest shall accrue on any delinquent return at the following rate; ~~of~~

1. One ½ percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C., (prorated daily).

(b) ~~Interest accrues on~~ of the amount due from the date of delinquency until the date on which the surcharge is paid.

~~(7) When any dealer or other person required to do so, fails to make a return or pay the surcharges due within the time required, a delinquent penalty shall be added to the unpaid surcharge. The amount added as a delinquent penalty shall be 10 percent of any unpaid surcharge, if the failure is for not~~

~~more than 30 days, with an additional 10 percent delinquent penalty of any unpaid surcharge for each additional 30 days, or fraction thereof, during the time which the failure continues, not to exceed, however, a total delinquent penalty be less than \$10. However, the Executive Director or the Executive Director's designee in the responsible division is authorized to compromise delinquent returns and audit assessments after the taxpayer has shown that the assessments after the taxpayer has shown that the delinquency was due to reasonable cause as provided in Rule 12-13, F.A.C., but interest shall be collected.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1), 370.07(3) FS. Law Implemented 212.12(2), 213.235, 370.07(3) FS. History--New 10-16-89, Amended 3-21-95, 3-20-96, _____.

12A-14.003 Records and Auditing Requirements.

(1) through (4) No change.

(5) The consequence of failure or refusal to keep and retain books and records or to make them accessible, as required by subsections (2), (3), and (4), can be any or all of the following:

(a) through (b) No change.

(c) Prosecution for a misdemeanor of the first degree or a felony of the third degree as provided under s. 212.13(2), F.S.

(6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 370.07(3)(c) FS. Law Implemented 95.091(3), 212.13(2), (5), 212.14, 212.15, 213.29, 370.07(3)(c), (g) FS., s. 16, ch. 99-208, L.O.F. History--New 10-16-89, Amended _____.

12A-14.004 Statute of Limitations.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 370.07(3) FS. Law Implemented 95.091(3), 370.07(3) FS. History--New 10-16-89, Repealed _____.

12A-14.005 General Administrative Procedures.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 370.07(3) FS. Law Implemented 370.07(3) FS., History--New 10-16-89, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: These proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 15, 1999 (Vol. 25, No. 41, pp. 4724-4725). The workshop was held on November 3, 1999. No one appeared at the workshop to testify, and no one submitted written comments.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Surcharge Returns and Regulations
RULE NO.: 12A-16.006

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.006, FAC., is to 1) implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S.; and 2) remove from the rule the unnecessary recitation of the statute, as mandated by s. 120.74(1), F.S.

The effect of these proposed rule amendments is to remove the specific references to the flat interest rate, and add references to the interest rate provisions contained in the new statute (s. 213.235, F.S.) and the Department's proposed new rule on interest (Rule 12-3.0015, FAC.).

SUMMARY: The proposed amendments to Rule 12A-16.006, FAC. (Surcharge Returns and Regulations), implement the "market interest rate" on unpaid tax liabilities, instead of the flat rate of 1 percent per month which was previously imposed on delinquent surcharge, and remove from the rule the unnecessary recitation of the delinquency penalties imposed under s. 212.12(2)(a), F.S.

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

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

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.0606, 212.11, 212.12(2),(3),(4),(5), 213.235, 213.29 FS.

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

TIME AND DATE: 2:00 p.m., January 20, 2000
PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting: Jamie Phillips, (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 FULL TEXT OF THE PROPOSED RULE IS:

12A-16.006 Surcharge Returns and Regulations.
(1) through (3) No change.

(4)(a) Interest shall accrue on any delinquent surcharge at the following rate: øf

1. One + percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

(b) Interest accrues on øf the amount due from the date of delinquency until the surcharge is paid.

(5)(a) When any person required to do so, fails to make a return or pay the surcharge due within the time required, a delinquent penalty shall be added to the unpaid surcharge, in the amount of ten (10) percent of any unpaid surcharge if the failure is for not more than thirty (30) days, with an additional ten (10) percent delinquent penalty of any unpaid surcharge for each additional thirty (30) days, or fraction thereof, during the time that the failure continues. However, the total delinquent penalty shall not exceed fifty (50) percent in the aggregate.

(b) Any delinquent return subjects the person required to make the return and pay the surcharge to a mandatory minimum delinquent penalty of \$10.

(5)(e) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.11, 212.12(2), (3), (4), (5), 213.235, 213.29 FS. History--New 11-14-89, Amended 7-7-91, 8-10-92, 5-19-93, 3-20-95, 3-20-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: This proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 15, 1999 (Vol. 25, No. 41, pp. 4725-4726). The workshop was held on November 3, 1999. No one appeared at the workshop to testify, and no one submitted written comments.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Penalties and Interest
RULE NO.: 12B-4.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-4.005, FAC., is to implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S.

SUMMARY: This proposed amendment imposes a "market interest rate" on unpaid tax liabilities, and deletes the text regarding the flat interest rate of 1 percent per month which was previously imposed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created.

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

SPECIFIC AUTHORITY: 201.11, 213.06(1) FS.
LAW IMPLEMENTED: 201.11, 201.12, 201.17, 201.20, 213.21, 213.235 FS.

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

TIME AND DATE: 2:00 p.m., January 20, 2000
PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

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

THE FULL TEXT OF THE PROPOSED RULE IS:

- 12B-4.005 Penalties and Interest.
(1) No change.
(2)(a) Payment of interest shall be at the following rate:
1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000, prorated

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C., prorated daily, (.000328767),

(b) Interest accrues based upon the amount of the tax not paid from the date the tax is due until the tax is paid.

(b) Example table with columns: Amount of Tax Due, Daily Interest Factor, Number of Days Late, Interest Due. Values: \$1,000.00, x .000328767, x 5, \$1.64

Specific Authority 201.11, 213.06(1) FS. Law Implemented 201.11, 201.12, 201.17, 201.20, 213.21, 213.235 FS. History-Revised 8-18-73, Formerly 12A-4.05, Amended 2-21-77, 4-2-78, 10-18-78, 12-30-82, Formerly 12B-4.05, Amended 12-5-89, 2-16-93, 10-20-93, 12-30-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: This proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 15, 1999 (Vol. 25, No. 41, pp. 4726-4727). The workshop was held on November 3, 1999. No one appeared at the workshop to testify, and no one submitted written comments.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Penalties, Interest
RULE NO.: 12B-6.008

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-6.008, FAC., is to implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S.

SUMMARY: This proposed amendment imposes a "market interest rate" on unpaid tax liabilities, and deletes the text regarding the flat interest rate of 1 percent per month which was previously imposed. The amendment references the specific market interest rate provisions contained in the new law (s. 213.235, F.S.) and the new rule which implements this law (Rule 12-3.0015, FAC.).

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

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

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 203.01, 203.03, 203.06, 203.07, 213.235 FS.

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

TIME AND DATE: 2:00 p.m., January 20, 2000

PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-6.008 Penalties, Interest.

(1) No change.

(2) Interest.

(a) Interest shall accrue at the following rate: ~~of~~

1. One ~~one~~ percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

(b) Interest accrues from the date of the delinquency until paid.

(3) No change.

Specific Authority 213.06(1) FS. Law Implemented 203.01, 203.03, 203.06, 203.07, 213.235 FS. History—New 11-13-78, Amended 6-5-85, Formerly 12B-6.08, Amended 10-4-89,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: This proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 15, 1999 (Vol. 25, No. 41, p. 4727). The workshop was held on November 3, 1999. No one appeared at the workshop to testify, and no one submitted written comments.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Premium Tax; Rate and Computation
RULE NO.: 12B-8.001

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.001, FAC., is to implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S.

SUMMARY: This proposed amendment imposes a “market interest rate” on unpaid tax liabilities, and deletes the text regarding the flat interest rate of 12 percent annually which was previously imposed. The amendment references the specific market interest rate provisions contained in the new law (s. 213.235, F.S.) and the new rule which implements this law (Rule 12-3.0015, FAC.).

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

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

SPECIFIC AUTHORITY: 213.06(1), 220.183(6), 624.5105(6) FS.

LAW IMPLEMENTED: 175.101, 175.121, 175.141, 185.08(3), 185.10, 185.12, 213.05, 213.235, 220.183(3), 624.4621, 624.475, 624.509, 624.5092, 624.510, 624.5105, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2) FS.

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

TIME AND DATE: 2:00 p.m., January 20, 2000

PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.001 Premium Tax; Rate and Computation.

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

(b) When any taxpayer fails to pay any amount due or any portion thereof, on or before the due date when the tax or installment of tax shall be required by law to be paid, interest shall be added to the amount due at the following a rate: ~~of~~

1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

(c) Interest accrues ~~42 percent per annum~~ from the date due until paid.

(3) through (9) No change.

Specific Authority 213.06(1), 220.183(6), 624.5105(6) FS. Law Implemented 175.101, 175.121, 175.141, 185.08(3), 185.10, 185.12, 213.05, ~~213.235~~, 220.183(3), 624.4621, 624.475, 624.509, 624.5092, 624.510, 624.5105, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2) FS. History—New 2-3-80, Formerly 12B-8.01, Amended 3-25-90, 4-10-91, 2-18-93, 6-16-94, 10-19-94, 1-2-96, 12-9-97, 6-2-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: This proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 15, 1999 (Vol. 25, No. 41, pp. 4728-4729).

The workshop was held on November 3, 1999. No one appeared at the workshop to testify, and no one submitted written comments.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Returns, Regulations, and Filing Requirements

RULE NO.: 12B-12.006

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-12.006, FAC., is to implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S.

SUMMARY: This proposed amendment imposes a "market interest rate" on unpaid tax liabilities, and deletes the text regarding the flat interest rate of 1 percent per month which was previously imposed. The amendment references the specific market interest rate provisions contained in the new law (s. 213.235, F.S.) and the new rule which implements this law (Rule 12-3.0015, FAC.).

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

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

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS.

LAW IMPLEMENTED: 212.11(1)(b),(d), 212.12(2)(a), (3),(4), 213.235, 376.75 FS.

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

TIME AND DATE: 2:00 p.m., January 20, 2000

PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-12.006 Returns, Regulations, and Filing Requirements.

(1) through (2) No change.

(3)(a) When any person fails to remit the tax, or any portion thereof, on or before the day when such tax is required to be paid, interest will be added to the amount of unpaid tax at the following rate: ~~of~~

1. One ~~1~~ percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

~~(b) Interest accrues on~~ ~~of~~ the amount due from the date of delinquency until the date on which the tax is paid.

~~(c)(b)~~ The decimal equivalent of the daily interest rate established pursuant to paragraph (a) above ~~(.000328767)~~ will be applied to any delinquent period that is less than one month.

(4) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS. Law Implemented 212.11(1)(b), (d), 212.12(2)(a), (3), (4), 213.235, 376.75 FS. History—New 2-19-95, Amended 3-18-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: This proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 15, 1999 (Vol. 25, No. 41, p. 4729). The workshop was held on November 3, 1999. No one appeared at the workshop to testify, and no one submitted written comments.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLE: Penalties and Interest
PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.007, FAC., is to implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S.

RULE NO.: 12C-2.007

SUMMARY: This proposed amendment imposes a “market interest rate” on unpaid tax liabilities, and deletes the text regarding the flat interest rate which was previously imposed. The amendment references the specific market interest rate provisions contained in the new law (s. 213.235, F.S.) and the new rule which implements this law (Rule 12-3.0015, FAC.).

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

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

SPECIFIC AUTHORITY: 199.202, 213.06(1), 213.21 FS.

LAW IMPLEMENTED: 199.052, 199.282, 213.235 FS.

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

TIME AND DATE: 2:00 p.m., January 20, 2000

PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-2.007 Penalties and Interest.

(1) through (5) No change.

~~(6)(a)~~ Interest. All taxpayers shall pay interest at the following rate: ~~of~~

1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

~~(b) Interest is due based 12 percent per year~~ on the amount of tax paid after June 30 of the tax year regardless of any extension of time granted by the Department for paying the tax or filing a return. Interest accrues on the unpaid tax beginning

July 1 of the tax year and is calculated through and including the date of payment. ~~Interest will be computed using the following factors:~~

- ~~1. annual factor .12~~
- ~~2. monthly factor .01~~
- ~~3. daily factor .00033~~
- (7) No change.

Specific Authority 199.202, 213.06(1), 213.21 FS. Law Implemented 199.052, 199.282, 213.235 FS. History—New 4-17-72, Revised 12-20-73, Amended 9-27-76, 4-2-78, Formerly 12C-2.07, Amended 11-21-91, 5-18-93, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: This proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 15, 1999 (Vol. 25, No. 41, pp. 4729-4730). The workshop was held on November 3, 1999. No one appeared at the workshop to testify, and no one submitted written comments.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLE: Penalties and Interest

RULE NO.: 12C-3.009

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-3.009, FAC., is to implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S.

SUMMARY: This proposed amendment imposes a “market interest rate” on unpaid tax liabilities, and deletes the text regarding the flat interest rate of one percent per month which was previously imposed. The amendment references the specific market interest rate provisions contained in the new law (s. 213.235, F.S.) and the new rule which implements this law (Rule 12-3.0015, FAC.).

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

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

SPECIFIC AUTHORITY: 198.08, 213.06(1) FS.

LAW IMPLEMENTED: 198.15, 198.16, 198.18, 198.37, 198.38, 198.39, 198.40, 213.235 FS.

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

TIME AND DATE: 2:00 p.m, January 20, 2000

PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-3.009 Penalties and Interest.

(1) through (2) No change.

(3) Interest.

(a) Interest shall be calculated at the following rate: of

1. One ~~one~~ percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

(b) Interest accrues on the amount due from the original due date of the estate tax to the date the tax is paid. Interest is not imposed on penalties.

Specific Authority 198.08, 213.06(1) FS. Law Implemented 198.15, 198.16, 198.18, 198.37, 198.38, 198.39, 198.40, 213.235 FS. History—New 4-2-78, Formerly 12C-3.09, Amended 1-11-93, 8-25-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: This proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 15, 1999 (Vol. 25, No. 41, pp. 4730-4731). The workshop was held on November 3, 1999. No one appeared at the workshop to testify, and no one submitted written comments.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Employee Grooming, Uniform and Clothing Requirements

RULE NO.: 33-208.101

PURPOSE AND EFFECT: The proposed rule is needed in order to clarify the department’s policy regarding cleaning of employee clothing items. The proposed rule prohibits the cleaning of employee uniforms and clothing at department institutions and provides for the special handling of items contaminated by blood or other body fluids.

SUMMARY: The proposed rule prohibits the cleaning of employee uniforms and clothing at department institutions and provides for the special handling of items contaminated by blood or other body fluids.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

TIME AND DATE: 9:00 a.m., January 26, 2000

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) through (2) No change.

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

(a) through (c) No change.

(d) Employees are solely responsible for alterations to and the care of uniforms and clothing issued by the department. Instructions for care which are attached to each item of clothing should be followed. The laundering and cleaning of correctional officer class A and B uniforms is the responsibility of the employee; however, the laundering and cleaning of clothing items issued to other employees is the responsibility of the department. The department shall be responsible for the cleaning of the class C or battle dress utility uniforms issued to correctional emergency response teams, confrontation control force, shotgun and chemical agent teams, and for the cleaning of other required items of clothing furnished by the department, but the cleaning shall not be performed at the institution. Any items of clothing, including correctional officer uniforms, which have been contaminated by blood or other body fluids shall be left at the institution to be laundered at an outside facility to prevent contamination outside the work area. All contaminated items shall be kept together apart from non-contaminated laundry and shall be clearly marked as contaminated for transmission to a professional laundering service. Contaminated items shall be placed in a water soluble bag and then placed in a yellow plastic bag labeled “Contaminated Linen” and sealed shut. Personnel handling the yellow bag during transport to the commercial laundry shall wear disposable latex gloves and shall inform personnel at the commercial laundry that the items in the bag are contaminated. Employees shall bear the cost of replacements of items lost or damaged due to improper use, care or maintenance of the item. Instructions for care which are attached to each item of clothing should be followed. Restitution is to be in the amount equal to the cost of the articles of clothing lost or damaged, or equal to the cost of replacement, whichever is less.

(e) No change.

(4) through (13) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Stan Czerniak
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Michael W. Moore
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: December 7, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: October 8, 1999

LAND AND WATER ADJUDICATORY COMMISSION

Capital Region Community Development District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Capital Region Community Development District	42CC-1
RULE TITLES:	RULE NOS.:
Establishment	42CC-1.001
Boundary	42CC-1.002
Supervisors	42CC-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district (CDD), the Capital Region Community Development District ("District"), pursuant to Chapter 190, F.S. The petition to establish the District, filed by The St. Joe Company, (Petitioner), requests that the Florida Land and Water Adjudicatory Commission establish by rule the Capital Region CDD. (The petition was originally filed to establish the proposed CDD under the name of Southwood CDD. A Notice of Receipt of Petition for the Southwood CDD was published in the November 5, 1999, edition of the Florida Administrative Weekly. However, the petitioner has requested amendment to change the name to Capital Region CDD.) The land area proposed to be served by the District will consist of approximately 3,241 acres. All proposed lands in the District are within the City of Tallahassee and unincorporated Leon County, generally located south of Apalachee Parkway, on both sides of Capital Circle Southeast, to a point south of Tram Road. There are four out-parcels located within the external boundaries of the parcels of land to be included within the District. The out-parcels include two parcels of land comprising the Capital Circle Office Center, an existing cemetery site, and an existing residence. The future general distribution, location and extent of the public and private land uses under the Mixed Use B designation (Tallahassee-Leon County Comprehensive Plan) currently include residential, recreation, office, community service, commercial, and light industrial. The proposed land uses within the District are subject to the approved Southwood Development of Regional Impact. The District, if established, intends to participate in the construction of certain road and entranceway improvements and to provide certain stormwater and recreation improvements for the lands within the District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Petitioner has prepared a Statement of Estimated Regulatory Costs (SERC). The complete text of the SERC is contained as Exhibit 9 to the petition to establish the District. The Capital Region Uniform Community Development District is seeking authority to participate in the construction of certain road and entranceway improvements as contemplated in the Southwood Development of Regional Impact (DRI). The District is also expected to provide certain stormwater and recreation improvements for the lands within the District. The District intends to finance these infrastructure improvements through special or non-ad valorem assessment revenue bonds. Repayment of these bonds will be through special non-ad valorem assessments levied against all benefited properties within the District. On-going operation and maintenance for District owned facilities is expected to be funded through maintenance assessments levied against all benefited properties within the District. The current and future property owner will be responsible for payment of these assessments on the basis of the amount of benefited property owned. In exchange for the payment of these special assessments, there are substantial potential benefits to be derived by the future property owners. The cost of implementing this rule to unincorporated Leon County and the City of Tallahassee, its residents and to all applicable state agencies for processing the documents is nominal. Leon County and the City of Tallahassee were each paid a \$15,000.00 processing fee to offset the cost of review of the petition to establish the District. Administrative costs will be incurred by the Florida Land and Water Adjudicatory Commission, the Division of Administrative Hearings, the Bureau of Local Government Finance/Office of the Comptroller, and the Florida Department of Community Affairs. Other than administrative costs, no costs will be incurred by the State of Florida or the general citizenry from the establishment or operations of the District. The impact of District establishment and function on competition and employment market is marginal and generally positive, as is the impact on small business. None of the reasonable public or private alternatives, including an assessment of less costly and less intrusive methods and of probable costs and benefits of not adopting the rule, is as economically viable as establishing the District. Creation of the District should not have a negative impact on small cities or counties, because the City of Tallahassee and Leon County are not a "small city" or "small county" as defined in Section 120.52, F.S. Analysis provided in the SERC is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Developer's Engineer and other professionals associated with the Developer.

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

IF REQUESTED WITHIN TWENTY-ONE (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 18, 2000

PLACE: Room 2106, The Capitol, Tallahassee, Florida

COPIES OF THE PROPOSED RULE AND ESTIMATED REGULATORY COSTS STATEMENT MAY BE OBTAINED BY CONTACTING: Jonathan T. Johnson, Hopping Green Sams & Smith, Post Office Box 6526, Tallahassee, Florida 32314, telephone (850)222-7500 or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

THE FULL TEXT OF THE PROPOSED RULES IS:

CAPITAL REGION COMMUNITY DEVELOPMENT DISTRICT

42CC-1.001 Establishment.

The Capital Region Community Development District is hereby established.

Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History—New.

42CC-1.002 Boundary.

The boundaries of the district are as follows:

The following descriptions include all or part of Sections 2, 3, 9, 10, 11, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28 and 29, Township 1 South, Range 1 East, Leon County, Florida. Portions of Sections 2, 11, 14, 23 and 26, Township 1 South, Range 1 East, more particularly described as follows:

BEGIN at the Northwest corner of Section 26, Township 1 South, Range 1 East; thence run South along the West line of said Section 26 for 451.73 feet more or less to the Northerly right-of-way line of State Road 261-A (Tram Road); thence run South 77 degrees 00 minutes 41 seconds East 191.64 feet; thence run North 495.02 feet more or less to the North line of said Section 26; thence continue North 2829.68 feet more or less to the beginning of a curve concave to the East; thence Northeasterly along said curve having a radius of 3444.00 feet through a central angle of 20 degrees 02 minutes 36 seconds for an arc distance of 1204.80 feet to the end of the curve; thence run North 20 degrees 02 minutes 37 seconds East for 635.00 feet to the beginning of a compound curve concave to the West; thence Northeasterly along said curve having a radius of 1956.02 feet, through a central angle of 19 degrees 57 minutes 51 seconds for an arc distance of 681.56 feet to the point of compound curvature; thence continue Northerly and

Northwesterly along said curve having a radius of 1956.02 feet; through a central angle of 23 degrees 44 minutes 04 seconds for an arc distance of 810.27 feet to a point of reverse curve concave to the East; thence Northerly along said curve having a radius of 3144.08 feet, through a central angle of 21 degrees 38 minutes 15 seconds for an arc distance of 1187.35 feet to the beginning of a curve concave to the East; thence Northerly along said curve having a radius of 4983.90 feet through a central angle of 12 degrees 57 minutes 37 seconds for an arc distance of 1127.35 feet; thence run North 00 degrees 09 minutes 48 seconds East for 610.30 feet to the beginning of a curve concave to the West; thence Northerly along said curve having a radius of 10852.98 feet through a central angle of 04 degrees 30 minutes 46 seconds for an arc distance of 854.79 feet, thence run North 12 degrees 23 minutes 29 seconds West 425.58 feet to the beginning of a curve concave to the Southwest, thence Northwesterly along said curve having a radius of 3342.64 feet through a central angle of 07 degrees 08 minutes 57 seconds for an arc distance of 417.09 feet to the beginning of a curve concave to the Southwest, thence Northwesterly along said curve having a radius of 3342.64 feet through a central angle of 01 degrees 25 minutes 18 seconds for an arc distance of 82.93 feet; thence run North 06 degrees 51 minutes 48 seconds East for 945.08 feet to the beginning of a curve concave to the West, thence along said curve having a radius of 2700.04 feet through a central angle of 03 degrees 50 minutes 52 seconds for an arc distance of 181.33 feet; thence run North 03 degrees 00 minutes 57 seconds East for 4071.36 feet; thence continue North 03 degrees 00 minutes 57 seconds East for 1320.00 feet, more or less, to the North line of the South Half of the South Half of Section 2, Township 1 South, Range 1 East; thence run West along said North line of the South Half of the South Half of Section 2 to its intersection with the West line of said Section 2; thence run South along the West section lines of Sections 2, 11, 14 and 23, Township 1 South, Range 1 East to the Northwest corner of Section 26, Township 1 South, Range 1 East and the POINT OF BEGINNING.

LESS AND EXCEPT:

The rights of way for Southwood Plantation Road and Old St. Augustine Road.

ALSO, LESS AND EXCEPT:

That portion of the following description lying within Section 11, Township 1 South, Range 1 East.

COMMENCE at the intersection of the South right-of-way line of State Road No. 364 (Old St. Augustine Road) and the West boundary of the East Half of the Northeast Quarter of Section 10, Township 1 South, Range 1 Est, Leon County, Florida; thence run South 76 degrees 57 minutes East along the South right-of-way line of said State Road No. 364 a distance of 670.59 feet to the POINT OF BEGINNING; thence run South 00 degrees 34 minutes 40 seconds East 1399.27 feet to a concrete monument; thence run South 89 degrees 13 minutes

20 seconds East 648.44 feet to a St. Joe Paper Company concrete monument on the West right-of-way line of Southwood Plantation Road; thence run North 03 degrees 33 minutes 20 seconds East along said West right of way line of Southwood Plantation Road a distance of 1251.37 feet, more or less, to a concrete monument marking the intersection of the West right-of-way line of Southwood Plantation Road with the South right-of-way line of Old St. Augustine Road; thence run North 76 degrees 57 minutes West along said South right-of-way line of Old St. Augustine Road a distance of 758 feet, more or less, to the POINT OF BEGINNING.

SECTION 3

Commence at the Southwest corner of Section 3, Township 1 South, Range 1 East, and run thence North along the Section line 1336.6 feet, thence East 880.0 feet to a point which is the POINT OF BEGINNING. From said POINT OF BEGINNING run thence East 1250.0 feet more or less to a point 500 feet West of a point 1336.6 North of the Southeast corner of the Southwest Quarter of said Section 3, thence South 1336.6 feet more or less to the South line of said Section 3, thence West along said South line of Section 3 to a point due South of the point of beginning, thence North 1336.6 feet more or less to the POINT OF BEGINNING.

AND ALSO:

Begin at the Southwest corner of Section 3, Township 1 South, Range 1 East, thence run North 162.4 feet along the Section line to the South boundary of Old St. Augustine Road, thence southeasterly 845.19 along the South boundary of said road to its intersection with the South Line of said Section 3, thence West along said South line to the POINT OF BEGINNING.

AND ALSO:

Commence at the Northwest corner of the Northwest quarter of the Southeast quarter of Section 3, Township 1 South, Range 1 East, and run thence South 00 degrees 30 minutes West 1266.8 feet along the quarter-section line, thence South 89 degrees 30 minutes East 647.3 feet, thence South 00 degrees 30 minutes West 13.6 feet, thence South 89 degrees 30 minutes East 336.35 feet to a point which is the POINT OF BEGINNING. From said POINT OF BEGINNING, run thence South 89 degrees 30 minutes East 336.35 feet, thence North 00 degrees 30 minutes East 1081.3 feet along the East boundary of the Northwest quarter of the Southeast quarter of said Section 3, to a point 207.7 feet South 00 degrees 30 minutes West of the Northeast corner of the Northwest quarter of the Southeast quarter of said Section 3, thence North 89 degrees 30 minutes West 336.35 feet, thence South 00 degrees 30 minutes West 1081.3 feet to the POINT OF BEGINNING.

AND ALSO:

Begin at the Southeast corner of Section 3, Township 1 South, Range 1 East, and thence run North 1495.0 feet along the East boundary of said Section 3, thence West 701.0 feet, thence North 1158.0 feet to a point on the North boundary of the Southeast Quarter of said Section 3, thence West 639.3 feet to

the Northwest corner of the East ? of the Southeast quarter of said Section 3, thence South 1289.0 feet, thence West 672.7 feet, thence North 13.6 feet, thence West 323.15 feet, thence South 537.53 feet, thence West 324.15 feet to a point on the West boundary of the Southeast quarter of said Section 3, which said point is 1804.33 feet South of the Northwest corner of the Southeast quarter of said Section 3, thence run South 867.4 feet more or less to the South line of said Section 3, thence East along said South line 2640.0 feet more or less to the POINT OF BEGINNING.

AND ALSO:

Commence at the Southwest corner of the East half of the Northeast quarter of Section 3, Township 1 South, Range 1 East, Leon County, Florida, marked by a one inch iron pipe and run thence South 89 degrees 17 minutes 39 seconds East 429.17 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run thence South 89 degrees 17 minutes 38 seconds East 142.0 feet to the West boundary of that property described in Official Records Book 1410, Page 1913 of the Public Records of Leon County, Florida, thence North 00 degrees 49 minutes 21 seconds East along said boundary 322.92 feet to the southerly right of way boundary of State Road No.20 (Apalachee Parkway), thence South 85 degrees 40 minutes 30 seconds West along said boundary 200.81 feet, thence leaving said boundary South 00 degrees 58 minutes 17 seconds West 218.30 feet, thence South 32 degrees 54 minutes 08 seconds East 104.47 feet to the POINT OF BEGINNING.

LESS AND EXCEPT:

Begin at the Southwest corner of the East half of the Northeast quarter of Section 3, Township 1 South, Range 1 East, Leon County, Florida, marked by a one inch iron pipe and run thence North 00 degrees 36 minutes 43 seconds East along the West boundary of that property described in Official Records Book 1306, Page 2238 of the Public Records of Leon County, Florida 272.53 feet to the Southern right of way boundary of State Road 20 (Apalachee Parkway), thence along said right of way boundary North 83 degrees 40 minutes 30 seconds East 292.77 feet, thence leaving said right of way boundary run South 03 degrees 41 minutes 54 seconds East along the East boundary of said property in Official Records Book 1306, Page 2238 for a distance of 299.09 feet, thence South 89 degrees 17 minutes 38 seconds East 115.01 feet, thence South 32 degrees 53 minutes 35 seconds East 17.31 feet, thence South 00 degrees 35 minutes 30 seconds West 1171.25 feet, thence South 87 degrees 54 minutes 45 seconds West 777.95 feet to the East boundary of that property described in Official Records Book 610, Page 165 of the Public Records of Leon County, Florida, thence North 00 degrees 41 minutes 14 seconds East along said boundary 1012.36 feet to the South boundary of that property described in Official Records Book 1257, Page 614 of the Public Records of Leon County, Florida, thence South 89 degrees 11 minutes 08 seconds East along said

boundary 336.62 feet, thence North 00 degrees 36 minutes 43 seconds East along the East boundary of said property 211.83 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

The rights of way for Southwood Plantation Road, Old St. Augustine Road and the 100 foot power line right of way conveyed to the City of Tallahassee.

SECTION 9

The Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 9, Township 1 South, Range 1 East, less the right-of-way of State Road No. 363 (Capital Circle).

AND ALSO:

That part of the West Half of the Northeast Quarter lying South and East of State Road No. 363 (Capital Circle).

AND ALSO:

The Southeast Quarter of the Northeast Quarter less the North 66 feet thereof.

AND ALSO:

BEGIN at a point 66 feet South of the Southwest corner of the Northeast Quarter of the Northeast Quarter, thence run North 210 feet; thence East 210 feet; thence run South 210 feet; thence run West 210 feet to the POINT OF BEGINNING.

LESS AND EXCEPT:

The 100 foot Power Line right-of-way conveyed to the City of Tallahassee and the right-of-way for State Road No. 363 (Capital Circle).

SECTION 10

All of Section 10, Township 1 South, Range 1 East.

LESS AND EXCEPT:

COMMENCE at the intersection of the South right-of-way line of State Road No. 364 (Old St. Augustine Road) and the West boundary of the East Half of the Northeast Quarter of Section 10, Township 1 South, Range 1 East, Leon County, Florida; thence run South 76 degrees 57 minutes East along the South right-of-way line of said State Road No. 364 a distance of 670.59 feet to the POINT OF BEGINNING; thence run South 00 degrees 34 minutes 40 seconds East 1399.27 feet to a concrete monument; thence run South 89 degrees 13 minutes 20 seconds East 648.44 feet to a St. Joe Paper Company concrete monument on the West right-of-way line of Southwood Plantation Road; thence run North 03 degrees 33 minutes 20 seconds East along said West right of way line of Southwood Plantation Road a distance of 1251.37 feet, more or less, to a concrete monument marking the intersection of the West right-of-way line of Southwood Plantation Road with the South right-of-way line of Old St. Augustine Road; thence run North 76 degrees 57 minutes West along said South right-of-way line of Old St. Augustine Road a distance of 758 feet, more or less, to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

BEGIN at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 10, Township 1 South, Range 1 East, and run thence North 200 feet, thence East 500 feet, thence South 185 feet, thence East 820 feet to the East line of said Section 10, thence South 15 feet to the South line of said Section 10, thence West 1320 feet, more or less, to the POINT OF BEGINNING, containing 2.57 acres, more or less.

ALSO, LESS AND EXCEPT:

BEGIN at the Southwest corner of the Northwest Quarter of the Northeast Quarter of Section 10, Township 1 South, Range 1 East, thence run East 362 feet, thence run North 385 feet to a point in the center of the St. Augustine Road, thence run in a Northwesterly direction 398 feet to a point on the West boundary of the Northeast Quarter of said Section 10, said point being 579 feet North of the POINT OF BEGINNING, thence run South 579 feet to the POINT OF BEGINNING, except the portion thereof included in the right-of-way of the Old St. Augustine Road.

ALSO, LESS AND EXCEPT:

COMMENCE at the Southeast corner of Section 10, Township 1 South, Range 1 East, Leon County, Florida, and run thence West along the section line a distance of 20 feet, or to the West boundary of Southwood Road, thence North along the West boundary of said Southwood Road, a distance of 40 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue thence North along said West boundary 100 feet, thence West parallel to the South line of said Section 10 a distance of 435.6 feet, thence South 100 feet, thence East 435.6 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

BEGIN at the Northeast corner of the Northeast Quarter of the Northwest Quarter of Section 10, Township 1 South, Range 1 East and run West along the North line of said Section 10 for 500 feet; thence run south 456 feet, more or less, to the Northerly right-of-way line of Old St. Augustine Road; thence Southeasterly along the North right-of-way line of Old St. Augustine Road 589 feet, more or less, to the East boundary of the Northwest Quarter of said Section 10; thence North 678.6 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

The rights of way for Old St. Augustine Road, Southwood Plantation Road and the 100 foot power line right of way are conveyed to the City of Tallahassee.

SECTION 15

All of Section 15, Township 1 South, Range 1 East, Leon County, Florida.

LESS AND EXCEPT:

That part of the following described parcel lying in Section 15, Township 1 South, Range 1 East, Leon County, Florida, Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the

centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a nail and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a nail and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a nail and cap, thence North 20 degrees 17 minutes 04 seconds East 1027.50 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a nail and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a nail and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oaks Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of 468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West) to a concrete monument, thence North 45 degrees 02 minutes 49 seconds West 16.88 feet to a concrete monument on the easterly right of way of Satellite Boulevard, thence run North 12 degrees 57 minutes 04 seconds East 425.57 feet to a concrete monument, thence North 06 degrees 56 minutes 31 seconds East 313.58 feet to a concrete monument, thence North 00 degrees 03 minutes 25 seconds West 403.16 feet to a concrete monument, thence North 03 degrees 44 minutes 41 seconds East 288.47

feet to an iron rod and cap, thence North 11 degrees 09 minutes 38 seconds East 286.37 feet to a concrete monument, thence North 16 degrees 57 minutes 18 seconds East 242.82 feet to a point on the southerly right of way of a proposed roadway (65 foot right of way); thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 412.87 feet to a point of curve to the left having a radius of 1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way), thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING.

SECTION 16

All of Section 16, Township 1 South, Range 1 East lying East of State Road 261 (Capital Circle).

AND ALSO:

The North 34.99 chains of the East half of the Northwest quarter of Section 16, Township 1 South, Range 1 East, Leon County, Florida, lying West of State Road 261 (Capital Circle).

AND ALSO:

The West half of the Southwest quarter of Section 16, Township 1 South, Range 1 East, Leon County, Florida.

AND ALSO:

All that part of the South 26.66 chains of the East half of the Southwest quarter of Section 16, Township 1 South, Range 1 East, Leon County, Florida, lying West of State Road 261 (Capital Circle).

LESS AND EXCEPT:

The right of way for State Road 261 (Capital Circle), the 100 foot power line right of way conveyed to the City of Tallahassee and the right of way conveyed as the Blair Stone Road Extension recorded in Leon County Official Records Book 2080, Page 1542.

ALSO, LESS AND EXCEPT:

That part of the following described property lying in Section 16, Township 1 South, Range 1 East.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 1469.04 feet to a point of

curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17 degrees 06 minutes 44 seconds for an arc length of 957.24 feet (chord of 953.69 feet bears North 68 degrees 25 minutes 19 seconds West), thence North 59 degrees 51 minutes 57 seconds West 846.38 feet to the intersection of the centerline of Tram Road with the centerline of Capital Circle Southeast (State Road No. 261), thence North 12 degrees 00 minutes 01 seconds East along said centerline 1.97 feet, thence North 12 degrees 00 minutes 27 seconds East along said centerline 1844.79 feet to a point of curve to the left, thence along said curve with a radius of 3819.66 feet through a central angle of 05 degrees 31 minutes 26 seconds for an arc length of 368.25 feet (chord of 368.10 feet bears North 09 degrees 14 minutes 44 seconds East), thence leaving said centerline run North 82 degrees 45 minutes 59 seconds West 125.01 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 82 degrees 45 minutes 59 seconds West along the northerly right of way of a proposed road (100 foot right of way) a distance of 407.94 feet to set iron rebar and cap marking a point of curve to the left, thence along said curve with a radius of 4425.00 feet through a central angle of 06 degrees 47 minutes 31 seconds for an arc length of 524.55 feet (chord of 524.25 feet bears North 86 degrees 09 minutes 44 seconds West) to a set iron rebar and cap, thence North 89 degrees 33 minutes 30 seconds West 254.27 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 00 seconds for an arc length of 47.12 feet (chord of 42.43 feet bears North 44 degrees 33 minutes 30 seconds West) to a set iron rebar and cap on the easterly right of way of a proposed roadway (100 foot right of way), thence North 00 degrees 26 minutes 30 seconds East along said right of way 992.45 feet to a set iron rebar and cap marking a point of curve to the right, thence along said right of way curve with a radius of 750.00 feet through a central angle of 92 degrees 45 minutes 19 seconds for an arc length of 1214.16 feet (chord of 1085.85 feet bears North 46 degrees 49 minutes 10 seconds East) to a set iron rebar and cap thence South 86 degrees 48 minutes 11 seconds East along said right of way 444.13 feet to a set iron rebar and cap, thence leaving said right of way run South 00 degrees 18 minutes 28 seconds West 1433.65 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 3694.66 feet through a central angle of 06 degrees 09 minutes 02 seconds for an arc length of 396.61 feet (chord of 396.42 feet bears South 03 degrees 22 minutes 59 seconds West) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described property lying in Section 16, Township 1 South, Range 1 East.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37

seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a nail and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a nail and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a nail and cap, thence North 20 degrees 17 minutes 04 seconds East 1027.50 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a nail and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a nail and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oaks Boulevard(a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of 468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West) to a concrete monument, thence North 45 degrees 02 minutes 49 seconds West 16.88 feet to a concrete monument on the easterly right of way of Satellite Boulevard, thence run North 12 degrees 57 minutes 04 seconds East 425.57 feet to a concrete monument, thence North 06 degrees 56 minutes 31 seconds East 313.58 feet to a concrete monument, thence North 00 degrees 03 minutes 25 seconds West 403.16 feet to a concrete monument,

thence North 03 degrees 44 minutes 41 seconds East 288.47 feet to an iron rod and cap, thence North 11 degrees 09 minutes 38 seconds East 286.37 feet to a concrete monument, thence North 16 degrees 57 minutes 18 seconds East 242.82 feet to a point on the southerly right of way of a proposed roadway (65 foot right of way); thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 412.87 feet to a point of curve to the left having a radius of 1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way), thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17 degrees 06 minutes 44 seconds for an arc length of 957.24 feet (chord of 953.69 feet bears North 68 degrees 25 minutes 19 seconds West), thence North 59 degrees 51 minutes 57 seconds West 846.38 feet to the intersection of the centerline of Tram Road with the centerline of Capital Circle Southeast (State Road No. 261), thence North 12 degrees 00 minutes 01 seconds East along said centerline 1.96 feet, thence North 12 degrees 00 minutes 27 seconds East along said centerline 1844.79 feet to a point of curve to the left, thence along said curve with a radius of 3819.66 feet through a central angle of 11 degrees 41 minutes 59 seconds for an arc length of 779.97 feet (chord of 778.61 feet bears North 06 degrees 09 minutes 27 seconds East), thence North 00 degrees 18 minutes 28 seconds East 2903.59 feet, thence leaving said centerline run South 89 degrees 57 minutes 06 seconds East 125.00 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 18 minutes 28 seconds East 812.00 feet to a set iron rebar and cap, thence South 89 degrees 41 minutes 32 seconds East 778.83 feet to a set iron rebar and cap on the westerly right of way of a proposed roadway (65 foot right of way), thence South along said westerly right of way 176.04 feet to a

set iron rebar and cap marking a point of curve to the left, thence along said right of way curve with a radius of 2550.10 feet through a central angle of 13 degrees 38 minutes 55 seconds for an arc length of 607.47 feet (chord of 606.03 feet bears South 06 degrees 49 minutes 28 seconds East) to a set iron rebar and cap, thence South 13 degrees 38 minutes 58 seconds East 31.65 feet to a set iron rebar and cap, thence leaving said proposed right of way run North 89 degrees 57 minutes 06 seconds West 867.59 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described property lying in Section 16, Township 1 South, Range 1 East.

COMMENCE at the Northeast corner of Section 16, Township 1 South, Range 1 east, Leon County, Florida, and run thence Southerly along the East boundary of said Section 16 a distance of 5267.45 feet, thence departing said East boundary of said Section 16 run North 89 degrees 55 minutes West 2435.48 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 22 minutes East 539.88 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 1145.90 feet, through a central angle of 13 degrees 38 minutes 11 seconds for an arc distance of 272.72 feet (chord bears North 85 degrees 10 minutes 09 seconds East 272.08 feet) thence North 78 degrees 21 minutes 04 seconds East 534.04 feet to a point on a curve concave Southwesterly, thence along said curve having a radius of 1495.50 feet, through a central angle of 28 degrees 41 minutes 51 seconds for an arc distance of 749.04 feet (chord bears South 87 degrees 18 minutes 01 seconds East 741.24 feet), thence South 72 degrees 57 minutes 06 seconds East 648.97 feet, thence South 17 degrees West 242.82 feet, thence South 11 degrees West 286.37 feet, thence South 04 degrees West 288.47 feet, thence South 403.15 feet, thence South 07 degrees West 313.63 feet, thence South 13 degrees West 501.05 feet, thence South 08 degrees West 189.52 feet, thence South 03 degrees West 603.15 feet, thence South 11 degrees East 219.95 feet, thence South 22 degrees West 117.84 feet, thence South 28 degrees West 214.38 feet, thence South 35 degrees 43 minutes 28 seconds West 1562.52 feet to a point on the Northerly right of way boundary of State Road 261-A (Tram Road), said point being on a curve concave Northeasterly, thence along said Northerly right of way boundary of Tram Road and said curve having a radius of 3178.52 feet, through a central angle of 02 degrees 14 minutes 42 seconds for an arc distance of 124.54 feet (chord bears South 69 degrees 46 minutes 38 seconds East 124.53 feet) to a point on a curve concave Northeasterly, thence along said curve having a radius of 3178.52 feet, through a central angle of 08 degrees 47 minutes 00 seconds for an arc distance of 487.26 feet (chord bears North 64 degrees 15 minutes 48 seconds West 486.79 feet), thence North 59 degrees 56 minutes West 733.87 feet, thence departing said Northerly

right of way boundary of Tram Road run North 12 degrees 04 minutes 1851.01 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 00 degrees 10 minutes 46 seconds for an arc distance of 12.35 feet (chord bears North 11 degrees 58 minutes 49 seconds East 12.35 feet) to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 11 degrees 31 minutes 14 seconds for an arc distance of 793.19 feet (chord bears North 06 degrees 07 minutes 37 seconds East 791.86 feet), thence North 00 degrees 22 minutes 897.83 feet to the POINT OF BEGINNING.

SECTION 20

The East Half of Section 20, Township 1 South, Range 1 East LESS AND EXCEPT:

That part of the North Half of the North Half of said Section 20 lying North of State Road 261-A (Tram Road).

The right of way for State Road 261-A (Tram Road) and the 100 foot power line right of way conveyed to the City of Tallahassee.

SECTION 21

All of Section 21, Township 1 South, Range 1 East, lying North of State Road 261-A (Tram Road) and the following portion of said Section 21 lying South of Tram Road and West of Capital Circle:

BEGIN at the Southwest corner of Section 21, Township 1 South, Range 1 East, thence run North along the West line of said Section 21 to its intersection with the Southerly right-of-way line of State Road 261-A (Tram Road); thence run Southeasterly along said right-of-way line to the West boundary of that property described as Parcel No. Three in Official Records Book 2006, Page 2252 of the Public Records of Leon County, Florida; thence run South along said boundary and continuation thereof for 1002.3, more or less, to the North boundary of that property described in Official Records Book 1225, Page 2379 of the Public Records of Leon County, Florida; thence run South along the West boundary of said property described in Official Records Book 1225, Page 2379 and a continuation thereof to the South line of said Section 21; thence run West for 660 feet, more or less, to the Southwest corner of said Section 21 and the POINT OF BEGINNING.

AND ALSO:

The following described parcel lying in Sections 21 and 22, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road;

thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet; thence leaving said centerline run North 76 degrees 58 minutes 38 seconds West 60.00 feet to a concrete monument on the westerly right-of-way boundary of said Tram Road Connector, thence run South 13 degrees 01 minutes 22 seconds West along said westerly right-of-way 53.22 feet to a concrete monument marking the north right-of-way boundary of said Tram Road; thence run North 76 degrees 58 minutes 41 seconds West along said northerly right-of-way of Tram Road 766.36 feet to a set iron rod and cap marking a point of curve to the right, thence run northwesterly along said right of way curve with a radius of 3172.07 feet through a central angle of 06 degrees 02 minutes 20 seconds for an arc distance of 334.34 feet (chord bears North 73 degrees 57 minutes 31 seconds West 334.18 feet) to a concrete monument marking the easterly boundary of the existing Capital Circle Office Center; thence leaving said northerly right-of-way run North 35 degrees 42 minutes 40 seconds East 1562.71 feet to a concrete monument; thence run North 27 degrees 52 minutes 52 seconds East 214.31 feet to a concrete monument; thence run North 21 degrees 57 minutes 48 seconds East 22.24 feet to an iron rod and cap to the POINT OF BEGINNING. From said POINT OF BEGINNING thence continue North 21 degrees 57 minutes 48 seconds East 95.89 feet to a concrete monument, thence run North 10 degrees 53 minutes 34 seconds East 219.79 feet to a concrete monument, thence run North 02 degrees 57 minutes 51 seconds East 603.14 feet to a concrete monument, thence run North 07 degrees 58 minutes 29 seconds East 112.07 feet to a point on the southerly right of way boundary of Shumard Oak Boulevard and a curve concave southwesterly, thence run southeasterly along said right of way curve with a radius of 666.67 feet through a central angle of 24 degrees 05 minutes 36 seconds for an arc distance of 280.34 feet (chord of 278.28 feet bears South 76 degrees 41 minutes 39 seconds East) to a point of reverse curve to the left, thence run southeasterly along said curve with a radius of 1293.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc distance of 528.55 feet (chord of 524.87 feet bears South 76 degrees 21 minutes 29 seconds East), thence run South 88 degrees 04 minutes 07 seconds East 297.07 feet to a point of curve to the right, thence run southeasterly along said curve with a radius of 30.00 feet through a central angle of 90 degrees 54 minutes 41 seconds for an arc distance of 47.60 feet (chord of 42.76 feet bears South 42 degrees 36 minutes 47 seconds East) to a point of curve to the right and the westerly right of way boundary of Tram Road Connector, thence run southwesterly along said right of way curve with a radius of 1168.00 feet through a central angle of 17 degrees 26 minutes 30 seconds for an arc distance of 355.56 feet (chord of 354.19 feet bears South 11 degrees 33 minutes 49 seconds West), thence run South 20 degrees 17 minutes 04 seconds West 816.47 feet, thence

leaving said westerly right of way boundary run North 69 degrees 42 minutes 56 seconds West 934.79 feet to the POINT OF BEGINNING.

AND ALSO:

The existing St Joe Corp. property lying in the Southeast Quarter of Section 21, Township 1 South, Range 1 East, Leon County, Florida lying south of Tram Road (know as Tax ID parcel 31-21-20-002-000.0).

LESS AND EXCEPT:

The right-of-way of State Road No. 263 (Capital Circle), the right-of-way of State Road No. 261-A (Tram Road), and the 100 foot Power Line right-of-way deeded to the City of Tallahassee.

ALSO, LESS AND EXCEPT:

BEGIN at a point on the West line of Section 21, Township 1 South, Range 1 East, said point being 1326.2 feet North of the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 21, and run thence East 100 feet, thence North 01 degrees 58 minutes West for 390.25 feet to a point on the South boundary of the right-of-way of the public road, thence Northwesterly along said right-of-way boundary for 100 feet to a point on the West line of said Section 21, thence South along the Section line for 440 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying in Section 21, Township 1 South, Range 1 East, Leon County, Florida. Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a nail and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a nail and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a nail and cap, thence North 20 degrees 17 minutes 04 seconds East 1027.50 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85

feet bears North 11 degrees 06 minutes 13 seconds East) to a nail and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a nail and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oaks Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of 468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West) to a concrete monument, thence North 45 degrees 02 minutes 49 seconds West 16.88 feet to a concrete monument on the easterly right of way of Satellite Boulevard, thence run North 12 degrees 57 minutes 04 seconds East 425.57 feet to a concrete monument, thence North 06 degrees 56 minutes 31 seconds East 313.58 feet to a concrete monument, thence North 00 degrees 03 minutes 25 seconds West 403.16 feet to a concrete monument, thence North 03 degrees 44 minutes 41 seconds East 288.47 feet to an iron rod and cap, thence North 11 degrees 09 minutes 38 seconds East 286.37 feet to a concrete monument, thence North 16 degrees 57 minutes 18 seconds East 242.82 feet to a point on the southerly right of way of a proposed roadway (65 foot right of way); thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 412.87 feet to a point of curve to the left having a radius of 1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way), thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17 degrees 06 minutes 44 seconds for an arc length of 957.24 feet (chord of 953.69 feet bears North 68 degrees 25 minutes 19 seconds West), thence North 59 degrees 51 minutes 57 seconds West 846.38 feet to the intersection of the centerline of Tram Road with the centerline of Capital Circle Southeast (State Road No. 261), thence North 12 degrees 00 minutes 01 seconds East along said centerline 1.97 feet, thence North 12 degrees 00 minutes 27 seconds East along said centerline 1844.79 feet to a point of curve to the left, thence along said curve with a radius of 3819.66 feet through a central angle of 05 degrees 31 minutes 26 seconds for an arc length of 368.25 feet (chord of 368.10 feet bears North 09 degrees 14 minutes 44 seconds East), thence leaving said centerline run North 82 degrees 45 minutes 59 seconds West 125.01 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 82 degrees 45 minutes 59 seconds West along the northerly right of way of a proposed road (100 foot right of way) a distance of 407.94 feet to set iron rebar and cap marking a point of curve to the left, thence along said curve with a radius of 4425.00 feet through a central angle of 06 degrees 47 minutes 31 seconds for an arc length of 524.55 feet (chord of 524.25 feet bears North 86 degrees 09 minutes 44 seconds West) to a set iron rebar and cap, thence North 89 degrees 33 minutes 30 seconds West 254.27 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 00 seconds for an arc length of 47.12 feet (chord of 42.43 feet bears North 44 degrees 33 minutes 30 seconds West) to a set iron rebar and cap on the easterly right of way of a proposed roadway (100 foot right of way), thence North 00 degrees 26 minutes 30 seconds East along said right of way 992.45 feet to a set iron rebar and cap marking a point of curve to the right, thence along said right of way curve with a radius of 750.00 feet through a central angle of 92 degrees 45 minutes 19 seconds for an arc length of 1214.16 feet (chord of 1085.85 feet bears North 46 degrees 49 minutes 10 seconds East) to a set iron rebar and cap thence South 86 degrees 48 minutes 11 seconds East along said right of way 444.13 feet to a set iron rebar and cap, thence leaving said right of way run South 00 degrees 18 minutes 28 seconds West 1433.65 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 3694.66 feet through a central angle of

06 degrees 09 minutes 02 seconds for an arc length of 396.61 feet (chord of 396.42 feet bears South 03 degrees 22 minutes 59 seconds West) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet; thence leaving said centerline run North 76 degrees 58 minutes 38 seconds West 60.00 feet to a concrete monument on the westerly right-of-way boundary of said Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING thence run South 13 degrees 01 minutes 22 seconds West along said westerly right-of-way 53.22 feet to a concrete monument marking the north right-of-way boundary of said Tram Road; thence run North 76 degrees 58 minutes 41 seconds West along said northerly right-of-way of Tram Road 766.36 feet to a set iron rod and cap marking a point of curve to the right, thence run northwesterly along said right of way curve with a radius of 3172.07 feet through a central angle of 06 degrees 02 minutes 20 seconds for an arc distance of 334.34 feet (chord bears North 73 degrees 57 minutes 31 seconds West 334.18 feet) to a concrete monument marking the easterly boundary of the existing Capital Circle Office Center; thence leaving said northerly right-of-way run North 35 degrees 42 minutes 40 seconds East 1562.71 feet to a concrete monument; thence run North 27 degrees 52 minutes 52 seconds East 214.31 feet to a concrete monument; thence run North 21 degrees 57 minutes 48 seconds East 22.24 feet to an iron rod and cap; thence leaving said easterly boundary of the existing Capital Circle Office Center run South 69 degrees 42 minutes 56 seconds East 739.36 feet; thence run southwesterly along a non-tangent curve to the right with a radius of 140.00 feet through a central angle of 40 degrees 16 minutes 49 seconds for an arc distance 98.42 feet (chord bears South 14 degrees 04 minutes 23 seconds West 96.41 feet) to a point of reverse curve to the left; thence run southeasterly along said curve with a radius of 110.00 feet through a central angle of 101 degrees 55 minutes 47 seconds for an arc distance of 195.69 feet (chord bears South 16 degrees 42 minutes 26 seconds East 170.89 feet); thence run South 67 degrees 43 minutes 00 seconds East 81.70 feet to the westerly right-of-way boundary of said Tram Road Connector; thence run southwesterly along said westerly right-of-way along a

curve to the right with a radius of 690.00 feet through a central angle of 14 degrees 01 minutes 10 seconds for an arc distance of 168.83 feet (chord bears South 29 degrees 17 minutes 35 seconds West 168.41 feet) to a concrete monument; thence run South 36 degrees 18 minutes 10 seconds West along said westerly right of way 873.23 feet to a concrete monument marking a point of curve to the right, thence run southwesterly along said right of way curve with a radius of 810.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc distance of 329.11 feet (chord bears South 24 degrees 39 minutes 46 seconds West 326.85 feet) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCE at the Northeast corner of Section 16, Township 1 South, Range 1 east, Leon County, Florida, and run thence Southerly along the East boundary of said Section 16 a distance of 5267.45 feet, thence departing said East boundary of said Section 16 run North 89 degrees 55 minutes West 2435.48 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 22 minutes East 539.88 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 1145.90 feet, through a central angle of 13 degrees 38 minutes 11 seconds for an arc distance of 272.72 feet (chord bears North 85 degrees 10 minutes 09 seconds East 272.08 feet) thence North 78 degrees 21 minutes 04 seconds East 534.04 feet to a point on a curve concave Southwesterly, thence along said curve having a radius of 1495.50 feet, through a central angle of 28 degrees 41 minutes 51 seconds for an arc distance of 749.04 feet (chord bears South 87 degrees 18 minutes 01 seconds East 741.24 feet), thence South 72 degrees 57 minutes 06 seconds East 648.97 feet, thence South 17 degrees West 242.82 feet, thence South 11 degrees West 286.37 feet, thence South 04 degrees West 288.47 feet, thence South 403.15 feet, thence South 07 degrees West 313.63 feet, thence South 13 degrees West 501.05 feet, thence South 08 degrees West 189.52 feet, thence South 03 degrees West 603.15 feet, thence South 11 degrees East 219.95 feet, thence South 22 degrees West 117.84 feet, thence South 28 degrees West 214.38 feet, thence South 35 degrees 43 minutes 28 seconds West 1562.52 feet to a point on the Northerly right of way boundary of State Road 261-A (Tram Road), said point being on a curve concave Northeasterly, thence along said Northerly right of way boundary of Tram Road and said curve having a radius of 3178.52 feet, through a central angle of 02 degrees 14 minutes 42 seconds for an arc distance of 124.54 feet (chord bears South 69 degrees 46 minutes 38 seconds East 124.53 feet) to a point on a curve concave Northeasterly, thence along said curve having a radius of 3178.52 feet, through a central angle of 08 degrees 47 minutes 00 seconds for an arc distance of 487.26 feet (chord bears North 64 degrees 15 minutes 48

seconds West 486.79 feet), thence North 59 degrees 56 minutes West 733.87 feet, thence departing said Northerly right of way boundary of Tram Road run North 12 degrees 04 minutes 1851.01 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 00 degrees 10 minutes 46 seconds for an arc distance of 12.35 feet (chord bears North 11 degrees 58 minutes 49 seconds East 12.35 feet) to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 11 degrees 31 minutes 14 seconds for an arc distance of 793.19 feet (chord bears North 06 degrees 07 minutes 37 seconds East 791.86 feet), thence North 00 degrees 22 minutes 897.83 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described right of way of Satellite Boulevard, Shumard Oak Boulevard, and Tram Road Connector lying in Sections 21 and 22, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCE at the Northeast corner of Section 16, Township 1 South, Range 1 east, Leon County, Florida, and run thence Southerly along the East boundary of said Section 16 a distance of 5267.45 feet, thence departing said East boundary of said Section 16 run North 89 degrees 55 minutes West 2435.48 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 22 minutes East 539.88 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 1145.90 feet, through a central angle of 13 degrees 38 minutes 11 seconds for an arc distance of 272.72 feet (chord bears North 85 degrees 10 minutes 09 seconds East 272.08 feet) thence North 78 degrees 21 minutes 04 seconds East 534.04 feet to a point on a curve concave Southwesterly, thence along said curve having a radius of 1495.50 feet, through a central angle of 28 degrees 41 minutes 51 seconds for an arc distance of 749.04 feet (chord bears South 87 degrees 18 minutes 01 seconds East 741.24 feet), thence South 72 degrees 57 minutes 06 seconds East 648.97 feet, thence South 17 degrees West 242.82 feet, thence South 11 degrees West 286.37 feet, thence South 04 degrees West 288.47 feet, thence South 403.15 feet, thence South 07 degrees West 313.63 feet, thence South 13 degrees West 501.05 feet, thence South 08 degrees West 189.52 feet, thence South 03 degrees West 603.15 feet, thence South 11 degrees East 219.95 feet, thence South 22 degrees West 117.84 feet, thence South 28 degrees West 214.38 feet, thence South 35 degrees 43 minutes 28 seconds West 1562.52 feet to a point on the Northerly right of way boundary of State Road 261-A (Tram Road), said point being on a curve concave Northeasterly, thence along said Northerly right of way boundary of Tram Road and said curve having a radius of 3178.52 feet, through a central angle of 02 degrees 14 minutes 42 seconds for an arc distance of 124.54 feet (chord bears South 69 degrees 46 minutes 38 seconds East 124.53 feet) to a

point on a curve concave Northeasterly, thence along said curve having a radius of 3178.52 feet, through a central angle of 08 degrees 47 minutes 00 seconds for an arc distance of 487.26 feet (chord bears North 64 degrees 15 minutes 48 seconds West 486.79 feet), thence North 59 degrees 56 minutes West 733.87 feet, thence departing said Northerly right of way boundary of Tram Road run North 12 degrees 04 minutes 1851.01 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 00 degrees 10 minutes 46 seconds for an arc distance of 12.35 feet (chord bears North 11 degrees 58 minutes 49 seconds East 12.35 feet) to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 11 degrees 31 minutes 14 seconds for an arc distance of 793.19 feet (chord bears North 06 degrees 07 minutes 37 seconds East 791.86 feet), thence North 00 degrees 22 minutes 897.83 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCING at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida: thence North 00 degrees 16 minutes 20 seconds East a distance of 971.56 feet to the northerly right-of-way boundary of Tram Road (County Road 259-66' Right-of-way); thence North 76 degrees 55 minutes 58 seconds West, along said northerly right-of-way boundary, a distance of 575.14 feet to the easterly right-of-way boundary of Tram Connector (proposed 120' Right-of-way); thence along said easterly right-of-way boundary as follows: North 13 degrees 04 minutes 02 seconds East a distance of 53.58 feet to a point of curve to the right; thence Northeasterly, along said curve, on a radius of 690.00 feet, through a central angle of 23 degrees 16 minutes 48 seconds, an arc distance of 280.36 feet (chord of 278.43 feet bears North 24 degrees 42 minutes 26 seconds East) to a point of tangency; thence North 36 degrees 20 minutes 50 seconds East a distance of 182.52 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING, continue North 36 degrees 20 minutes 50 seconds East, along said easterly right-of-way boundary, a distance of 341.40 feet; thence South 53 degrees 39 minutes 10 seconds East, leaving said easterly right-of-way boundary, a distance of 80.41 feet; thence South 24 degrees 32 minutes 39 seconds East a distance of 102.95 feet; South 22 degrees 38 minutes 05 seconds West a distance of 140.69 feet to a point of curve to the right; thence Southwesterly, along said curve, on a radius of 125.00 feet, through a central angle of 103 degrees 42 minutes 45 seconds, an arc distance of 226.27 feet (chord of 196.62 feet bears South 74 degrees 29 minutes 27 seconds West) to a point of tangency; thence North 53 degrees 39 minutes 10 seconds West a distance of 82.27 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCING at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida: thence North 00 degrees 16 minutes 20 seconds East a distance of 971.56 feet to the northerly right-of-way boundary of Tram Road (County Road 259 - 66' Right-of-way); thence North 76 degrees 55 minutes 58 seconds West, along said northerly right-of-way boundary, a distance of 695.14 feet to the westerly right-of-way boundary of Tram Connector (proposed 120' Right-of-way); thence along said westerly right-of-way boundary as follows: North 13 degrees 04 minutes 02 seconds East a distance of 53.58 feet to a point of curve to the right; thence Northeasterly, along said curve, on a radius of 810.00 feet, through a central angle of 23 degrees 16 minutes 48 seconds, an arc distance of 329.11 feet (chord of 326.86 feet bears North 24 degrees 42 minutes 26 seconds East) to a point of tangency; thence North 36 degrees 20 minutes 50 seconds East a distance of 908.41 feet to a point of curve to left; thence Northeasterly, along said curve, on a radius of 690.00, through a central angle of 14 degrees 01 minutes 10 seconds, an arc distance of 168.83 feet (chord of 168.41 feet bears North 29 degrees 20 minutes 15 seconds East) to the POINT OF BEGINNING. From said POINT OF BEGINNING, thence North 67 degrees 40 minutes 20 seconds West a distance of 81.70 feet to a point of curve to the right; thence Northwesterly, along said curve, on a radius of 110.00 feet, an arc distance of 195.69 feet (chord of 170.89 feet bears North 16 degrees 42 minutes 26 seconds West) to a point of reverse curve; thence Northeasterly, along said curve, on a radius of 140.00 feet; through a central angle of 41 degrees 09 minutes 41 seconds, an arc distance of 100.58 feet (chord of 98.43 feet bears North 13 degrees 40 minutes 37 seconds East) to a point of reverse curve; thence Northeasterly, along said curve, on a radius of 150.00 feet, through a central angle of 65 degrees 22 minutes 28 seconds, an arc distance of 171.15 feet (chord of 162.02 feet bears North 25 degrees 47 minutes 01 seconds East) to a point of tangency; thence North 58 degrees 28 minutes 15 seconds East a distance of 108.90 feet; thence South 69 degrees 40 minutes 16 seconds East a distance of 113.74 feet to the westerly right-of-way boundary of said Tram Connector; thence South 20 degrees 19 minutes 44 seconds West a distance of 459.89 feet to a point of curve to the right; thence Southwesterly, along said curve, on a radius of 690.00 feet, through a central angle of 01 degrees 59 minutes 56 seconds, an arc distance of 24.07 feet (chord of 24.07 feet bears South 21 degrees 19 minutes 42 seconds West) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCING at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida: thence North 00 degrees 16 minutes 20 seconds East a distance of 971.56 feet to the northerly right-of-way boundary of Tram Road (County Road 259-66' Right-of-way); thence North 76 degrees 55 minutes 58 seconds West, along said northerly right-of-way boundary, a distance of 1461.36 feet to a point of curve to the right; thence Northwesterly, along said northerly right-of-way curve, on a radius of 3173.42 feet, through a central angle of 06 degrees 02 minutes 35 seconds, an arc distance of 334.71 feet (chord of 334.55 feet bears North 73 degrees 54 minutes 41 seconds West) to the easterly boundary of the Capital Circle Office Center; thence along said easterly boundary as follows: North 35 degrees 45 minutes 00 seconds East a distance of 1562.75 feet; thence North 27 degrees 54 minutes 38 seconds East a distance of 214.56 feet; thence North 22 degrees 00 minutes 33 seconds East a distance of 117.90 feet; thence North 10 degrees 57 minutes 24 seconds East a distance of 219.90 feet; thence North 03 degrees 00 minutes 34 seconds East a distance of 403.26 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING, thence continue North 03 degrees 00 minutes 34 seconds East, along said easterly right-of-way boundary of Capital Circle Office Center, a distance of 200.00 feet; thence North 07 degrees 59 minutes 51 seconds East a distance of 111.96 feet to a point on a curve concave to the south for the southerly right-of-way boundary of Shumard Oak Boulevard (proposed 140' Right-of-way extension); thence Easterly, leaving said easterly boundary of Capital Circle Office Center, along said curve, on a radius of 666.68 feet, through a central angle of 24 degrees 07 minutes 25 seconds, an arc distance of 280.70 feet (chord of 278.63 feet bears South 75 degrees 39 minutes 54 seconds East); thence South 23 degrees 59 minutes 03 seconds West, leaving said southern right-of-way boundary of Shumard Oak Boulevard, a distance of 48.29 feet to a point of curve to the left; thence Southwesterly, along said curve, on a radius of 140.00 feet, through a central angle of 52 degrees 35 minutes 41 seconds, an arc distance of 128.51 feet (chord of 124.05 feet bears South 02 degrees 18 minutes 47 seconds West) to a point of reverse curve; thence Southeasterly, along said curve, on a radius of 140.00 feet, through a central angle of 42 degrees 21 minutes 34 seconds, an arc distance of 103.50 feet (chord of 101.16 feet bears South 07 degrees 25 minutes 51 seconds East); thence South 13 degrees 44 minutes 56 seconds West a distance of 101.60 feet; thence South 76 degrees 08 minutes 21 seconds West a distance of 73.52 feet to a point on a curve concave to the northeast; thence Northwesterly, along said curve, on a radius of 320.00 feet, through a central angle of 33 degrees 52 minutes 27 seconds, an arc distance of 189.19 feet (chord of 186.45 feet bears North 43 degrees 46 minutes 53 seconds West) to a point on a line; thence North 86 degrees 59 minutes 26 seconds West a distance of 71.22 feet to the POINT OF BEGINNING.

SECTION 22

All of Section 22, Township 1 South, Range 1 East, Leon County, lying North of State Road 261-A (Tram Road).

LESS AND EXCEPT:

That part of the following described parcel lying Section 22, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a nail and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a nail and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a nail and cap, thence North 20 degrees 17 minutes 04 seconds East 1027.50 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a nail and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a nail and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oaks Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of 468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet

through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West) to a concrete monument, thence North 45 degrees 02 minutes 49 seconds West 16.88 feet to a concrete monument on the easterly right of way of Satellite Boulevard, thence run North 12 degrees 57 minutes 04 seconds East 425.57 feet to a concrete monument, thence North 06 degrees 56 minutes 31 seconds East 313.58 feet to a concrete monument, thence North 00 degrees 03 minutes 25 seconds West 403.16 feet to a concrete monument, thence North 03 degrees 44 minutes 41 seconds East 288.47 feet to an iron rod and cap, thence North 11 degrees 09 minutes 38 seconds East 286.37 feet to a concrete monument, thence North 16 degrees 57 minutes 18 seconds East 242.82 feet to a point on the southerly right of way of a proposed roadway (65 foot right of way); thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 412.87 feet to a point of curve to the left having a radius of 1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way), thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING, containing 45.938 acres more or less.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet; thence leaving said centerline run North 76 degrees 58 minutes 38 seconds West 60.00 feet to a concrete monument on the westerly right-of-way boundary of said Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING thence run South 13 degrees 01 minutes 22

seconds West along said westerly right-of-way 53.22 feet to a concrete monument marking the north right-of-way boundary of said Tram Road; thence run North 76 degrees 58 minutes 41 seconds West along said northerly right-of-way of Tram Road 766.36 feet to a set iron rod and cap marking a point of curve to the right, thence run northwesterly along said right of way curve with a radius of 3172.07 feet through a central angle of 06 degrees 02 minutes 20 seconds for an arc distance of 334.34 feet (chord bears North 73 degrees 57 minutes 31 seconds West 334.18 feet) to a concrete monument marking the easterly boundary of the existing Capital Circle Office Center; thence leaving said northerly right-of-way run North 35 degrees 42 minutes 40 seconds East 1562.71 feet to a concrete monument; thence run North 27 degrees 52 minutes 52 seconds East 214.31 feet to a concrete monument; thence run North 21 degrees 57 minutes 48 seconds East 22.24 feet to an iron rod and cap; thence leaving said easterly boundary of the existing Capital Circle Office Center run South 69 degrees 42 minutes 56 seconds East 739.36 feet; thence run southwestwesterly along a non-tangent curve to the right with a radius of 140.00 feet through a central angle of 40 degrees 16 minutes 49 seconds for an arc distance 98.42 feet (chord bears South 14 degrees 04 minutes 23 seconds West 96.41 feet) to a point of reverse curve to the left; thence run southeasterly along said curve with a radius of 110.00 feet through a central angle of 101 degrees 55 minutes 47 seconds for an arc distance of 195.69 feet (chord bears South 16 degrees 42 minutes 26 seconds East 170.89 feet); thence run South 67 degrees 43 minutes 00 seconds East 81.70 feet to the westerly right-of-way boundary of said Tram Road Connector; thence run southwestwesterly along said westerly right-of-way along a curve to the right with a radius of 690.00 feet through a central angle of 14 degrees 01 minutes 10 seconds for an arc distance of 168.83 feet (chord bears South 29 degrees 17 minutes 35 seconds West 168.41 feet) to a concrete monument; thence run South 36 degrees 18 minutes 10 seconds West along said westerly right of way 873.23 feet to a concrete monument marking a point of curve to the right, thence run southwestwesterly along said right of way curve with a radius of 810.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc distance of 329.11 feet (chord bears South 24 degrees 39 minutes 46 seconds West 326.85 feet) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described right of way of Satellite Boulevard, Shumard Oak Boulevard, and Tram Road Connector lying in Sections 21 and 22, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCE at the Northeast corner of Section 16, Township 1 South, Range 1 east, Leon County, Florida, and run thence Southerly along the East boundary of said Section 16 a distance of 5267.45 feet, thence departing said East boundary of said Section 16 run North 89 degrees 55 minutes West

2435.48 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 22 minutes East 539.88 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 1145.90 feet, through a central angle of 13 degrees 38 minutes 11 seconds for an arc distance of 272.72 feet (chord bears North 85 degrees 10 minutes 09 seconds East 272.08 feet) thence North 78 degrees 21 minutes 04 seconds East 534.04 feet to a point on a curve concave Southwesterly, thence along said curve having a radius of 1495.50 feet, through a central angle of 28 degrees 41 minutes 51 seconds for an arc distance of 749.04 feet (chord bears South 87 degrees 18 minutes 01 seconds East 741.24 feet), thence South 72 degrees 57 minutes 06 seconds East 648.97 feet, thence South 17 degrees West 242.82 feet, thence South 11 degrees West 286.37 feet, thence South 04 degrees West 288.47 feet, thence South 403.15 feet, thence South 07 degrees West 313.63 feet, thence South 13 degrees West 501.05 feet, thence South 08 degrees West 189.52 feet, thence South 03 degrees West 603.15 feet, thence South 11 degrees East 219.95 feet, thence South 22 degrees West 117.84 feet, thence South 28 degrees West 214.38 feet, thence South 35 degrees 43 minutes 28 seconds West 1562.52 feet to a point on the Northerly right of way boundary of State Road 261-A (Tram Road), said point being on a curve concave Northeasterly, thence along said Northerly right of way boundary of Tram Road and said curve having a radius of 3178.52 feet, through a central angle of 02 degrees 14 minutes 42 seconds for an arc distance of 124.54 feet (chord bears South 69 degrees 46 minutes 38 seconds East 124.53 feet) to a point on a curve concave Northeasterly, thence along said curve having a radius of 3178.52 feet, through a central angle of 08 degrees 47 minutes 00 seconds for an arc distance of 487.26 feet (chord bears North 64 degrees 15 minutes 48 seconds West 486.79 feet), thence North 59 degrees 56 minutes West 733.87 feet, thence departing said Northerly right of way boundary of Tram Road run North 12 degrees 04 minutes 1851.01 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 00 degrees 10 minutes 46 seconds for an arc distance of 12.35 feet (chord bears North 11 degrees 58 minutes 49 seconds East 12.35 feet) to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 11 degrees 31 minutes 14 seconds for an arc distance of 793.19 feet (chord bears North 06 degrees 07 minutes 37 seconds East 791.86 feet), thence North 00 degrees 22 minutes 897.83 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

That part of the following described parcel lying Section 22, Township 1 South, Range 1 East, Leon County, Florida, COMMENCING at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida: thence North 00 degrees 16

minutes 20 seconds East a distance of 971.56 feet to the northerly right-of-way boundary of Tram Road (County Road 259-66' Right-of-way); thence North 76 degrees 55 minutes 58 seconds West, along said northerly right-of-way boundary, a distance of 695.14 feet to the westerly right-of-way boundary of Tram Connector (proposed 120' Right-of-way); thence along said westerly right-of-way boundary as follows: North 13 degrees 04 minutes 02 seconds East a distance of 53.58 feet to a point of curve to the right; thence Northeasterly, along said curve, on a radius of 810.00 feet, through a central angle of 23 degrees 16 minutes 48 seconds, an arc distance of 329.11 feet (chord of 326.86 feet bears North 24 degrees 42 minutes 26 seconds East) to a point of tangency; thence North 36 degrees 20 minutes 50 seconds East a distance of 908.41 feet to a point of curve to left; thence Northeasterly, along said curve, on a radius of 690.00, through a central angle of 14 degrees 01 minutes 10 seconds, an arc distance of 168.83 feet (chord of 168.41 feet bears North 29 degrees 20 minutes 15 seconds East) to the POINT OF BEGINNING. From said POINT OF BEGINNING, thence North 67 degrees 40 minutes 20 seconds West a distance of 81.70 feet to a point of curve to the right; thence Northwesterly, along said curve, on a radius of 110.00 feet, an arc distance of 195.69 feet (chord of 170.89 feet bears North 16 degrees 42 minutes 26 seconds West) to a point of reverse curve; thence Northeasterly, along said curve, on a radius of 140.00 feet; through a central angle of 41 degrees 09 minutes 41 seconds, an arc distance of 100.58 feet (chord of 98.43 feet bears North 13 degrees 40 minutes 37 seconds East) to a point of reverse curve; thence Northeasterly, along said curve, on a radius of 150.00 feet, through a central angle of 65 degrees 22 minutes 28 seconds, an arc distance of 171.15 feet (chord of 162.02 feet bears North 25 degrees 47 minutes 01 seconds East) to a point of tangency; thence North 58 degrees 28 minutes 15 seconds East a distance of 108.90 feet; thence South 69 degrees 40 minutes 16 seconds East a distance of 113.74 feet to the westerly right-of-way boundary of said Tram Connector; thence South 20 degrees 19 minutes 44 seconds West a distance of 459.89 feet to a point of curve to the right; thence Southwesterly, along said curve, on a radius of 690.00 feet, through a central angle of 01 degrees 59 minutes 56 seconds, an arc distance of 24.07 feet (chord of 24.07 feet bears South 21 degrees 19 minutes 42 seconds West) to the POINT OF BEGINNING.

SECTION 27

That portion of Section 27, Township 1 South, Range 1 East, lying North of the right of way of State road 261-A (Tram Road).

SECTIONS 28 and 29

Any portions of the North Half of Sections 28 and 29, Township 1 South, range 1 East, which may be found to lie North of State Road 261 (Capital Circle).

Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History--New

42CC-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Ed Hill, Joseph Kelley, J. Everitt Drew, David G. Tillis, and Trey Patton.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 2105, The Capitol, Tallahassee, Florida 32399-0001

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 1999

DEPARTMENT OF MANAGEMENT SERVICES

Florida Commission on Human Relations

RULE TITLE: Notice of Meetings; Agenda; and Emergency Meetings

RULE NO.: 60Y-1.001

PURPOSE AND EFFECT: The goal and effect of the proposed rule amendment is to annunciate and identify the rule requirements for the notice of meetings, agenda, and emergency meetings, of the Florida Commission on Human Relations.

SUMMARY: The proposed rule amendment identifies Chapter 28-102, instead of Chapter 28-2, Florida Administrative Code, as the governing chapter with respect to the Commission's meeting notices, schedules, and convening of emergency meetings.

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

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

SPECIFIC AUTHORITY: 760.06(12) FS.

LAW IMPLEMENTED: 120.525 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 18, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stan Gorsica, Attorney, Florida Commission on Human Relations, Suite 240, Building F, 325 John Knox Road, Tallahassee, Florida 32303-4149, (850)668-7283

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-1.001 Notice of Meetings; Agenda; and Emergency Meetings.

The Commission shall follow and conform to Chapter 28-102 28-2, Florida Administrative Code, with respect to meeting notices, schedules and convening of emergency meetings.

Specific Authority 760.06(12) ~~120.53, 13.254~~ FS. Law Implemented 120.525 ~~120.53(1)(d)~~ FS. History--New 2-19-76, Formerly 22T-2.01, 22T-2.001, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Dana Baird, General Counsel, Florida Commission on Human Relations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ronald McElrath, Executive Director, Florida Commission on Human Relations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 19, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Unexcused Absences

RULE NO.: 61G14-10.0015

PURPOSE AND EFFECT: The Board proposes to define unexcused absences for scheduled Board meetings.

SUMMARY: Unexcused Absences.

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: 310.185, 455.207(3) FS.

LAW IMPLEMENTED: 455.207(3) 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: E. Madeline Smith, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-10.0015 Unexcused Absences.

(1) As used in this rule: "Immediate family" consists of a spouse, child, child-in-law, parent, parent-in-law, sibling, grandchild, or grandparent.

"Family" consists of immediate family, nieces, nephews, cousins, and in-laws.

(2) As contemplated by section 455.207(3), Florida Statutes, an unexcused absence is any absence from a regularly scheduled Board meeting which absence does not result from a court order, subpoena, business with a court which has the sole prerogative of setting the date of such business, conflict with other scheduled business of the Board, conflicting business previously authorized by the Board or the Board Chair, death of a member of the member's family, illness of the Board member, hospitalization of a member of the member's immediate family, or absence due to unavoidable travel delays or cancellations.

(3) Three consecutive unexcused absences or absences from 50 percent or more of the Board's meetings within a twelve month period shall cause that member's position on the Board to become vacant. An otherwise excused absence shall be unexcused if the Board member fails to notify the Board office of the impending absence prior to the regularly scheduled Board meeting at which the absence will occur unless the failure to notify the Board office is the result of circumstances surrounding the reason for the absence.

Specific Authority 310.185, 455.207(3) FS. Law Implemented 455.207(3) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pilot Commissioners

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pilot Commissioners

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-05R

RULE CHAPTER TITLE: Permits
RULE CHAPTER NO.: 62-4

RULE TITLE: Mixing Zones; Surface Waters
RULE NO.: 62-4.244

PURPOSE AND EFFECT: The purpose of the proposed rule revisions is to modify the mixing zone rule to incorporate the results from two open ocean research projects [Southeast Florida Outfall Experiments I and II, (SEFLOE I and II)] to address specific issues related to open ocean dischargers of wastewater. The proposed rule revisions provide limited regulatory relief to open ocean dischargers. Open Ocean waters

are defined in Rule 62-600.200(56), FAC., as all surface waters extending seaward from the most seaward natural 90-foot (15-fathom) isobath.

SUMMARY: The City of Hollywood, Miami-Dade Water and Sewer District, and Broward County, working with the U.S. EPA, National Oceanic and Atmospheric Administration, and the Department over the last ten years, have conducted extensive data collection and analysis on the mixing, dispersion, and nearfield dilution of wastewater at the respective utilities' open ocean outfalls. These studies are known as the Southeast Florida Outfall Experiment (SEFLOE). The results have been presented in two sets of documents, SEFLOE I (1987-1990) and SEFLOE II (1990-1994). SEFLOE I collected some new data, but primarily focused on summarizing existing research and a general characterization of the ocean dispersal system. SEFLOE II was designed to collect site-specific data to fully characterize the receiving water condition at each of the participating open ocean outfalls and to provide data that could be used for permitting decisions and rulemaking. The results from SEFLOE II are contained in three volumes and can be used to characterize the initial size and shape of each effluent plume as it rises through the water column, the time it takes the plumes to surface, and the amount of dilution present at each outfall included in the study.

These studies demonstrate that a minimum of 20 to 1 dilution is present under critical conditions at each outfall before the plume reaches the surface and that each discharge rises quickly away from the bottom, minimizing toxicity impacts on adjacent benthic communities. The studies also establish that sufficient dilution exists such that the minimum criterion for dissolved oxygen (1.5 mg/L) will be met within 20 feet of each outfall. Additionally, the Department's evaluation of the data indicate a minimum current speed of 12.3 cm/sec is present at each participating outfall during critical conditions.

On November 17, 1997, the Department received a petition to initiate rulemaking from the City of Hollywood, requesting that the Department revise Rules 62-4.244, 62-302.530, 62-600.420, 62-600.440 and 62-600.520, FAC., to implement the scientific findings of the SEFLOE studies and to address specific permitting problems for open ocean dischargers of domestic wastewater. Based on several meetings between the City of Hollywood and the Department, on December 1, 1998, the City of Hollywood filed an amended petition to revise only Rules 62-4.244 and 62-620.100, FAC. On May 5, 1999, a public workshop was held in the City of Hollywood to obtain public comment on the proposed revisions to the two rules.

There are three changes proposed within Rule 62-4.244(3)(a), FAC. The first two changes are updates to rule references. The third change is language, specific to open ocean dischargers, to relocate the point of compliance with the 1.5 mg/L minimum dissolved oxygen criterion from the outfall terminus to a distance not to exceed 20 feet from the outfall. Due to the long distance required to pipe effluent from each facility to the final

point of discharge in the open ocean environment, the dissolved oxygen concentrations of the effluent frequently falls below the established minimum criterion. Results from the SEFLOE II studies and modeling conducted by the Department indicate that the rapid initial dilution in combination with the speed with which the effluent rises away from the bottom, minimizes the exposure of indigenous benthic biota to low levels of oxygen.

The major portions of the proposed rule revisions, specific to open ocean discharges, are contained within Rule 62-4.244(3)(c), FAC. First, within Rule 62-4.244(3)(c)(1), it is specified that makeup water for toxicity testing must be with water having salinity representative of the receiving water's salinity. This is consistent with current Department procedures. Second, within Rule 62-4.244(3)(c)(2), a clarification is added, that "appropriate" models from the incorporated reference be used. Third, language is added within the same subsection that SEFLOE II participants (Miami-Dade North, Miami-Dade Central, Broward County, and the City of Hollywood) may use a default current speed of 12.3 cm/sec. Language is added establishing the need for a site-specific study for all other open ocean dischargers not using stagnant ambient conditions (0.0 cm/sec current speed). Fourth, within Rule 62-4.244(3)(c)(3), language is added specific to open ocean dischargers (based on the SEFLOE II studies and Department analysis) that negates the need for a mixing zone if certain demonstrations detailed in the rule are met. These demonstrations include 30% effluent not exceeding the 96-hr LC50, at least 20 to 1 dilution within the rise of plume, and that 20 to 1 or less dilution is required to meet the specific criterion. The new language will establish methods for determining worst case effluent and background concentrations, required dilution, appropriate effluent limitations, facility performance checks, applicability of relief, and compliance with limitations. Additionally, the revisions would make clear that this relief is not applicable for bacterial criteria or silver in marine waters.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 403.051, 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.051, 403.061, 403.087, 403.088, 403.121, 403.141, 403.161, 403.182, 403.201, 403.502, 403.702, 403.708 FS.

A HEARING WILL BE HELD BEFORE THE FLORIDA ENVIRONMENTAL REGULATION COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., January 26, 2000

PLACE: Bunnell City Hall, 200 S. Church Street, Bunnell, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Doug Gilbert, Division of Water Resource Management, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9475, Suncom 291-9475, Fax (850)921-5655

THE FULL TEXT OF THE PROPOSED RULE IS:

62-4.244 Mixing Zones; Surface Waters.

(1) through (2) No change.

(3)(a) Waters within mixing zones shall not be degraded below the minimum standards prescribed for all waters at all times in Rule 62-302.500 Section 62-3.051, F.A.C. In determining compliance with the provisions of Rule 62-302.500(1) 62-3.051(1), F.A.C., the average concentration of the wastes in the mixing zone shall be measured or computed using scientific techniques approved by the Department; provided that, the maximum concentration of wastes in the mixing zone shall not exceed the amount lethal to 50% of the test organisms in 96 hours (96 hr LC50) for a species significant to the indigenous aquatic community, except as provided in paragraphs (b) or (c) below. The dissolved oxygen value within any mixing zone shall not be less than 1.5 milligrams per liter at any time or place, except for an open ocean discharge which must be above 1.5 milligrams per liter within 20 feet of the outfall structure.

(b) No change.

(c) For open ocean discharges:-

1. The effluent, when diluted to 30% full strength with water having a salinity representative of the average receiving-water's salinity, shall not cause more than 50% mortality in 96 hours (96-hr. LC50) in a species significant to the indigenous aquatic community.

2. Rapid dilution shall be ensured by use of multiport diffusers, or a single port outfall designed (by a professional engineer registered in Florida) to achieve a minimum of 20:1 dilution of the effluent prior to reaching the surface. This dilution shall be determined using the appropriate plume model described in the EPA document, "Initial Mixing Characteristics of Municipal Ocean Discharges: Volume 1. Procedures and Applications," using the "Single plume, stagnant ambient" procedures, or current speeds as established by field measurements, or an equivalent method previously approved by the Department. Miami-Dade Central District, Miami-Dade North District, City of Hollywood, and Broward County may use 12.3 cm/sec as a default value for ambient current speed at the present location of their respective outfalls. Alternatively, dilution studies for facilities not using the "Single plume, stagnant ambient" procedures or the 12.3 cm/sec default

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 contaminated sites and discharges of produced ground water from uncontaminated site activities through the generic permit program.

SUMMARY: The proposed rulemaking is 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 and to update references to incorporated documents.

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

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

SPECIFIC AUTHORITY: 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS.

LAW IMPLEMENTED: 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS.

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

TIME AND DATE: 2:00 p.m., January 14, 2000

PLACE: Conference Room A, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

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

62-621.250 General Conditions.

Notwithstanding Rule 62-620.610, F.A.C., and unless stated otherwise in this Chapter, the following conditions apply to all permits listed in this Chapter:

(1) through (18) No change.

(19) The use of generic permits issued under this Chapter is limited to a term not to exceed five years ~~the expiration date of the generic permit~~. Terms and conditions of the permit are automatically continued in accordance with 40 CFR 122.6, which is hereby incorporated by reference, only where the permittee has submitted a timely and complete Notice of Intent 180 days prior to expiration of ~~this permit~~ coverage. The requirements for submittal of Notice of Intent are located in each specific generic permit.

(20) No change.

Specific Authority 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. History—New 8-22-95, Amended 5-1-97, _____.

62-621.300 Permits.

(1) Generic Permit for Discharges From Petroleum Contaminated Sites.

(a) The document "Generic Permit for Discharges From Petroleum Contaminated Sites," document number 62-621.300(1), issued by the Department and effective [effective date], ~~dated March 10, 1997~~ is hereby incorporated by reference and made part of this Chapter. This document may be obtained by contacting either the local Department District Office or by writing the Department of Environmental Protection, Industrial Wastewater Section, Mail Station #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(b) The document referenced in rule 62-621.300(1)(a) item (1) of this section contains the specific discharge limits, operating requirements, and application requirements for discharges from petroleum contaminated sites.

~~(c) Coverage under this generic permit expires on August 22, 2000.~~

(2) Generic Permit for Discharge of Produced Ground Water From any Non-contaminated Site Activity.

(a) The document "Generic Permit for the Discharge of Produced Ground Water From Any Non-Contaminated Site Activity," document number 62-621.300(2), issued by the Department and effective [effective date], ~~dated March 10, 1997~~, is hereby incorporated by reference and made part of this Chapter. This document may be obtained by contacting either the local Department District Office or by writing the Department of Environmental Protection, Industrial Wastewater Section, Mail Station #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(b) The document referenced in rule 62-621.300(2)(a) item (1) of this section contains the specific discharge limits and operating requirements for discharges of produced ground water from any site activity.

~~(c) Coverage under this generic permit expires on August 22, 2000.~~

(3) No change.

Specific Authority 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS. Law Implemented 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS. History—New 12-24-96, Amended 5-1-97, _____.

62-621.700 Best Management Practices (BMP) Plan.

When a BMP plan is required by a generic permit listed in this Chapter, the permittee shall prepare the plan in accordance with the following procedures:

(1) through (2) No change.

(3) The publication “Guidance Manual for Developing Best Management Practices (BMP).” document number EPA 833-B-93-004, “NPDES Guidance Document” can be used as a reference which contains technical information on BMPs and the elements of the BMP program. Copies of this publication ~~The “NPDES Guidance Document”~~ can ~~may~~ be obtained by submitting written requests to: Department of Environmental Protection, Bureau of Water Facilities ~~Planning and~~ Regulation, Industrial Wastewater Section, Mail Station #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or Director, Water Management Division, U.S. EPA Region IV, ~~61 Forsyth Street, 345 Courtland St., N. E.,~~ Atlanta, Georgia ~~30303 30365~~.

Specific Authority 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. History—New 8-22-95, Amended 7-1-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-32R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Waste Tire Rule 62-711

RULE TITLES: RULE NOS:

Waste Tire Permit Requirements 62-711.300

Waste Tire Prohibitions 62-711.400

Waste Tire Site Notification and Requirements 62-711.500

Waste Tire Collector Requirements 62-711.520

Waste Tire Processing Facility Requirements 62-711.530

Storage Requirements 62-711.540

Waste Tire Collection Center Requirements 62-711.550

Closing of Waste Tire Sites 62-711.700

General Permits 62-711.801

PURPOSE AND EFFECT: Chapter 99-215, Laws of Florida., amended Section 403.717, Florida Statutes, to raise the minimum number of waste tires in a waste tire site from 1,000 to 1,500, and to make other corresponding changes to reflect this new number. This will require a number of conforming changes to the Waste Tire Rule. In addition, the Department is proposing to add criteria to determine when a processed tire is considered a product. There are also a number of clerical or technical changes which need to be made.

SUMMARY: All references in the rule chapter to 1,000 tires have been changed to 1,500 tires. A subsection is being added to Rule 62-711.300 which will provide that a facility which receives certain size tire chips (a nominal one-inch chip) or crumb rubber (less than .5 inches) and consumes these processed tires as a fuel or raw material will not need to obtain a waste tire processing facility permit. A number of clerical changes are also being made, mainly updating cross-references to forms and other rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 403.704, 403.709, 403.717, 403.814 FS.

LAW IMPLEMENTED: 403.707, 403.709, 403.717, 403.814 FS.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., Wednesday, January 26, 2000

PLACE: Bunnell City Hall, 200 South Church Street, Bunnell, Florida 32110

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Services, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jan Rae Clark, Solid Waste Section, Mail Station 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)488-0300

THE FULL TEXT OF THE PROPOSED RULES IS:

62-711.300 Waste Tire Permit Requirements.

(1) through (2) No change.

(3) Waste tire collection centers which are not exempt from permitting under Rule ~~62-711.300(9)~~ ~~62-711.310~~, F.A.C., shall obtain a permit and shall meet the requirements for waste tire collection centers in Rule 62-711.550, F.A.C.

(4) through (8) No change.

(9) A permit is not required under this chapter for tire storage at:

(a) A tire retreading business, unless 1,500 ~~4,000~~ or more waste tires are stored on the business premises;

(b) A single facility that, in the ordinary course of business, removes tires from motor vehicles, unless 1,500 ~~4,000~~ or more waste tires are stored on the business premises; or

(c) A retail tire-selling business which is serving as a waste tire collection center, unless 1,500 ~~4,000~~ or more waste tires are stored on the business premises.

(10) Facilities which receive and consume processed tires for use as a fuel source or raw material shall not be required to obtain a waste tire processing facility permit for storage of this material, provided the following specifications and conditions are met:

(a) The processed tires conform to specifications for nominal one-inch chips, as specified in Table I, or conform to specifications for crumb rubber, as specified in Table II.

<u>TABLE I</u> <u>Nominal 1-inch Processed Tire Chip</u>		
<u>Characteristic</u>	<u>Specification</u>	<u>Testing Procedure</u>
<u>Particle Size</u>	<u><10% by weight retained on a 2" square sieve</u> <u><5% total by weight passing through a # 4 sieve.</u>	<u>Sieve Analysis Procedure:</u> <u>ASTM D 422-63 (Reapproved 1990)</u>
<u>Wire Content</u>	<u><1% by weight free wire</u> <u><3% of the particles contain bead wire.</u>	<u>No established procedure.</u> <u>Magnetically or physically separate and weigh free wire as a % of a sample weighing 15-25 pounds</u> <u>No established procedure.</u> <u>Physically separate and count particles containing bead wire as a % of a sample of at least 100 particles</u>

<u>TABLE II</u> <u>Crumb Rubber</u>		
<u>Characteristic</u>	<u>Specification</u>	<u>Testing Procedure</u>
<u>Particle Size</u>	<u>0% by weight retained on a .05" square sieve</u>	<u>Sieve Analysis Procedure:</u> <u>ASTM D 422-63 (Reapproved 1990)</u>
<u>Wire Content</u>	<u><1% by weight free wire</u>	<u>No established procedure.</u> <u>Magnetically or physically separate and weigh free wire as a % of total sample weighing 15-25 pounds</u>
<u>Fabric Content</u>	<u><10% by weight</u>	<u>No established procedure.</u> <u>Physically separate and weigh fabric as % of a total sample weighing 15-25 pounds</u>

(b) Storage of either nominal one-inch chips or crumb rubber shall conform to Rules 62-711.540(1)(b), (g) and (h); (2); and (3), except that maximum pile height shall be limited to 10 feet.

(c) For facilities consuming nominal one-inch chips, the maximum processed tire inventory shall be limited to the following:

1. For facilities which have been in operation less than six months, one month's projected usage based on design capacity; or

2. For other facilities, two times the average actual monthly usage during the preceding six months.

3. For single project applications, the entire stockpile shall be consumed within 120 days of its initial formation.

(d) Processed tires, including those meeting the above specifications for nominal one-inch chips or crumb rubber, shall be transported only by a registered waste tire collector.

(e) Facilities which cut, shred, or otherwise alter whole waste tires, or accept processed tires for further processing, are considered waste tire processing facilities, and the processed tires produced will be considered waste tires, even if the resulting processed tire material meets the above specifications for nominal one-inch chips or crumb rubber. Facilities that receive, consume, or process whole waste tires or processed tires other than these specified types and sizes will continue to be regulated as waste tire processing facilities.

(f) Specific references to the following document is made in this rule: ASTM Method D 422-63 (Reapproved 1990), Standard Test Method for Particle-Size Analysis of Soils, Reapproved and editorial changes made September 1990. This document is adopted as a standard and is incorporated into this rule by reference. The reference document is available for inspection at any of the Department's district offices.

Specific Authority 403.704, 403.717 FS. Law Implemented 403.707, 403.717 FS. History--New 2-19-89, Amended 11-7-90, 2-28-94, Formerly 17-711.300, Amended 12-17-96,_____.

62-711.400 Waste Tire Prohibitions.

(1) No person may maintain a waste tire site unless such site is an integral part of a permitted waste tire processing facility, except as provided in Rule ~~62-711.500~~ ~~62-711.510(4)~~, F.A.C. For the purpose of this rule, "an integral part of a waste tire processing facility" means the waste tire site is on the same property as the processing facility.

(2) No change.

(3) Whole waste tires may not be disposed of in a landfill. Waste tires that have been cut into sufficiently small parts may be disposed of or used as initial cover at a permitted landfill.

(a) No change.

(b) For purposes of disposal, a sufficiently small part means that the tire has been cut into at least eight substantially equal pieces. Any processed tire which is disposed of in a

landfill and which does not meet the size requirement of subsection (a) above must receive initial cover, as defined in Rule 62-701.200(~~53~~)(~~37~~), F.A.C., once every week.

(4) No person shall store waste tires unless the waste tires are:

(a) through (c) No change.

(d) Collected and stored at a facility exempted under Rule ~~62-711.300~~ ~~62-711.310~~, F.A.C.

(5) No change.

Specific Authority 403.704, 403.717 FS. Law Implemented 403.717 FS. History--New 2-19-89, Amended 11-7-90, 9-8-92, 2-28-94, Formerly 17-711.400, Amended _____.

62-711.500 Waste Tire Site Notification and Requirements.

(1) The owner or operator of any waste tire site shall provide the Department with information concerning the site's size, location, and the quantity of waste tires accumulated at the site. Form ~~62-701.900(20)~~(~~47~~) shall be used for such information, and shall include the following:

(a) through (e) No change.

(2) through (5) No change.

Specific Authority 403.704, 403.717 FS. Law Implemented 403.717 FS. History--New 2-19-89, Amended 2-28-94, Formerly 17-711.500, Amended 12-17-96,_____.

62-711.520 Waste Tire Collector Requirements.

(1) through (3) No change.

(4) To obtain or renew a waste tire collector registration number and approval to transport waste tires, a collector shall submit an application on Form ~~62-701.900(18)~~ ~~62-711.900(1)~~ to the Department. All waste tire collector registrations expire on April 1 each year, unless renewed. Renewal applications shall be submitted annually by March 1. For a new collector, the application shall be submitted at least 30 days before the collector intends to begin transporting waste tires. The application shall contain at least the following information:

(a) through (f) No change.

(5) through (6) No change.

(7) Waste tire collectors shall submit to the Department an annual report that summarizes the information collected under subsection (6) above. The information shall be submitted to the Department on Form ~~62-701.900(22)~~ ~~62-711.900(5)~~, provided by the Department. This report shall be submitted to the Department annually by March 1 with the annual registration fee and renewal application as a condition of renewing and maintaining a registration.

(8) through (12) No change.

Specific Authority 403.704, 403.717 FS. Law Implemented 403.717 FS. History--New 2-19-89, Amended 11-7-90, 2-28-94, Formerly 17-711.520, Amended _____.

62-711.530 Waste Tire Processing Facility Requirements.

(1) All waste tires shall be stored in accordance with the waste tire site requirements in Rule ~~62-711.500~~ ~~62-711.540~~, F.A.C.

(2) through (4) No change.

(5) Owners and operators of waste tire processing facilities shall submit quarterly reports to the Department that summarize the information collected under subsection (4) above. These reports shall be submitted by the 20th of the month following the close of each calendar quarter. The report shall be submitted to the Department on Form ~~62-701.900(21)~~ ~~62-711.900(4)~~. In addition to the information required in subsection (4) above, the following information shall be included:

(a) through (g) No change.

(6) Applications for processing facility permits shall be submitted to the Department on Form ~~62-701.900(23)~~ ~~62-711.900(6)~~.

(7) Processing facilities that will process less than ~~1,500~~ ~~4,000~~ tires during any 30 days and store less than ~~1,500~~ ~~4,000~~ waste tires on any day may be permitted as "Small processing facilities." The owner or operator of such a facility shall submit a permit application to the Department on Form ~~62-701.900(24)~~ ~~62-711.900(7)~~. The application fee for a "Small processing facility" is \$500. A small processing facility is subject to the same requirements as a waste tire processing facility, but is exempt from the specific requirements of Rules 62-711.530(1), (2) and (6), F.A.C., and Rule 62-711.540(3), F.A.C.

Specific Authority 403.704, 403.717 FS. Law Implemented 403.087, 403.717 FS. History--New 2-19-89, Amended 11-7-90, 2-28-94, Formerly 17-711.530, Amended _____.

62-711.540 Storage Requirements.

(1) through (3) No change.

(4) For all waste tire sites, collection centers, processing facilities, and disposal facilities which store processed waste tires, the temperature of any above-ground piles of compacted, processed tires over ~~ten~~ ~~eight~~ feet high shall be monitored and may not exceed 300 degrees Fahrenheit. Temperature control measures shall be instituted so that pile temperatures do not exceed 300 degrees Fahrenheit. Temperature monitoring and controls are not required for processed tires disposed of in permitted landfills.

(5) through (6) No change.

Specific Authority 403.704, 403.717 FS. Law Implemented 403.717 FS. History--New 2-19-89, Amended 11-7-90, 2-28-94, Formerly 17-711.540, Amended _____.

62-711.550 Waste Tire Collection Center Requirements.

(1) The owner or operator of a waste tire collection center shall meet the following requirements:

(a) Store no more than ~~1,500~~ ~~4,000~~ waste tires at the collection center at any one time;

(b) through (c) No change.

(2) Applications for collection center permits shall be submitted to the Department on Form ~~62-701.900(25)~~ ~~62-711.900(8)~~. The application shall contain the following information:

(a) The name, address, FEID number, and telephone number of the owner and operator of the facility, and the name, address, and telephone number of the facility;

(b) through (e) No change.

(3) through (4) No change.

Specific Authority 403.704, 403.717 FS. Law Implemented 403.717 FS. History--New 2-28-94, Formerly 17-711.550, Amended _____.

62-711.700 Closing of Waste Tire Sites.

(1) through (2) No change.

(3) All permits issued under this rule shall include an approved closing plan. The closing plan shall include:

(a) through (c) No change.

(d) Proof of financial assurance pursuant to Rules ~~62-711.500(3)~~ ~~62-711.540(2)~~ ~~(4)~~, F.A.C.

(4) No change.

Specific Authority 403.704, 403.717 FS. Law Implemented 403.717 FS. History--New 2-19-89, Amended 11-7-90, 2-28-94, Formerly 17-711.700, Amended _____.

62-711.801 General Permits.

(1) No change.

(2) To obtain a general permit the owners and operators of the mobile equipment shall notify the Department on Form ~~62-701.900(19)~~ ~~62-711.900(2)~~. The notification shall be submitted at least 30 days before the operation begins or the existing general permit expires. The notification shall contain the following information:

(a) The name, address, FEID number, and telephone number of the owner and operator of the mobile equipment; and

(b) through (c) No change.

(3) Owners or operators of mobile processing equipment shall report to the Department every three months, describing each site at which the mobile equipment has operated. The owner or operator shall use Form Number ~~62-701.900(19)~~ ~~62-711.900(2)~~ for such reports.

(4) through (5) No change.

Specific Authority 403.704, 403.717, 403.814 FS. Law Implemented 403.717, 403.814 FS. History--New 2-19-89, Amended 2-28-94, Formerly 17-711.801, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Hinkley, Chief, Bureau of Solid and Hazardous Waste
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Ruddell, Director, Division of Waste Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 1999

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE TITLES:	RULE NOS.:
Definitions	64E-1.001
Laboratory Certification Standards	64E-1.0015
Certification – Application, Inspection, and Renewal	64E-1.002
Personnel, Sample Collection and Handling, Methodology, Proficiency Testing and Quality Assurance Requirements	64E-1.003
Certification of Out-of-State Laboratories	64E-1.004
Records, Reports, and Contractual Agreements	64E-1.005
Denial or Decertification	64E-1.006
Fees and Certification Categories	64E-1.007
Scope of Accreditation	64E-1.008
Laboratory Certification Criteria	64E-1.009
Definitions	64E-1.100
Categories of Certification	64E-1.101
Certification Requirements	64E-1.102
Methodology	64E-1.103
On-Site Evaluations	64E-1.104
Display of Certificate and Use of Certification	64E-1.105
Proficiency Testing Requirements	64E-1.106
Renewal of Annual Certification	64E-1.107
Contractual Agreements, Records, and Reports	64E-1.108
Denial or Revocation	64E-1.109
Fees	64E-1.110

PURPOSE AND EFFECT: The proposed rule amendments will change the criteria for laboratory certification to conform to the consensus standards adopted at the National Environmental Laboratory Accreditation Conference (NELAC). The existing Safe Drinking Water and Environmental Water testing laboratory certifications will be combined into one program. The scope of this program will be expanded to offer new test methods for certification, plus allow flexibility of approval of alternate or performance-based environmental measurement protocols. The certification fee structure will be changed to accommodate the reorganized categories of certification and allow the Department to recover the costs of operating the certification program.

SUMMARY: The scope of certification offered will be organized into category groups based on regulatory program (e.g., SDWA, RCRA, CWA) and scientific discipline. The certification requirements will conform to the applicable NELAC Standards adopted herein by reference. The certification fees are revised to reflect the cost of certifying laboratories more accurately and equitably.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The certification fees for basic environmental and full service testing laboratories will

increase; however, the fees for intermediate-size laboratories may decrease as certification categories are consolidated. The Department considered the cost of proficiency test samples that laboratories will have to purchase from commercial suppliers to comply with these rules, in determining the certification fees. The rule amendments should have no effect on competition and the open market. However, because laboratory testing according to the NELAC Standards can assist in the production of environmental data with a known, usable, defensible validity, regulatory agencies will increasingly accept data from certified laboratories, and the competition from unqualified laboratories that underbid certified laboratories for contracts will be eliminated.

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

SPECIFIC AUTHORITY: 381.00591, 403.0625(3), 403.863(1), 403.863(2) FS.

LAW IMPLEMENTED: 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.863(1), 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2), 403.8635(3) FS.

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

TIME AND DATE: 9:00 a.m., January 25, 2000

PLACE: Florida Department of Health, Bureau of Laboratories, Porter Auditorium, 1217 N. Pearl Street, Jacksonville, FL 32202

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stephen A. Arms, Program Administrator, Bureau of Laboratories, P. O. Box 210, Jacksonville, FL 32231

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-1.001 Definitions.

Specific Authority 381.00591, 403.0625(3), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4) 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History–New 4-22-79, Amended 3-7-85, Formerly 10D-41.51, Amended 12-12-89, 11-15-90, 8-5-93, 4-19-95, 4-25-96, Formerly 10D-41.051, Repealed.

64E-1.0015 Laboratory Certification Standards.

Any environmental testing laboratory certified or seeking certification pursuant to this rule shall comply with Section 1.8.1; Appendix A to Chapter 1 (Program Policy and Structure); Sections 2.1.3, 2.2.3, 2.4, 2.5, 2.7.2, 2.7.3, 2.7.4, 2.7.6, 3.4.5, 3.5, 4.1, 4.2, 4.3, 4.4, and 4.6; Chapter 5 (Quality Systems) and its Appendices; and Sections 6.2.2 and 6.8 of the standards adopted at the National Environmental Laboratory Accreditation Conference (NELAC) on July 1, 1999, which are adopted herein by reference.

Specific Authority 381.00591, 403.0625(3), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History—New

64E-1.002 Certification – Application, Inspection and Renewal.

Specific Authority 403.863 FS. Law Implemented 403.863, 403.8635 FS. History—New 4-22-79, Amended 3-7-85, Formerly 10D-41.52, Amended 12-12-89, 8-5-93, 4-19-95, 4-25-96, Formerly 10D-41.052, Repealed

64E-1.003 Personnel, Sample Collection and Handling, Methodology, Proficiency Testing and Quality Assurance Requirements.

Specific Authority 403.863 FS. Law Implemented 403.863, 403.8635 FS. History—New 4-22-79, Amended 3-7-85, Formerly 10D-41.53, Amended 12-12-89, 11-15-90, 8-5-93, 4-19-95, 4-25-96, 12-11-96, Formerly 10D-41.053, Repealed

64E-1.004 Certification of Out-of-State Laboratories.

Specific Authority 403.863 FS. Law Implemented 403.863, 403.8635 FS. History—New 4-22-79, Amended 3-7-85, Formerly 10D-41.54, Amended 12-12-89, 8-5-93, 4-25-96, Formerly 10D-41.054, Repealed

64E-1.005 Records, Reports, and Contractual Agreements.

(1) Laboratories shall maintain analytical performance according to Chapter 5 of the NELAC Standards, referenced in Rule 64E-1.0015, for those analytes and test methods with which they have been certified or are seeking certification. Each certified laboratory shall maintain the documentation required in Chapter 5 of the NELAC Standards and comply with the laboratory report format and content requirements in Section 5.13 of the NELAC Standards.

(2) For compliance with the Florida Safe Drinking Water Act, the laboratory will report the information described in Rule 62-550.730(2)(a), revised on 12-9-96, in the appropriate format approved by the Department of Environmental Protection.

(2) Results of analysis.

(a) The laboratory may report presumptive positive microbiological results immediately without waiting for total coliform confirmation. The laboratory shall report confirmed positive total coliform results to the supplier of water no later than the end of the next business day after confirmed positive total coliform results are determined. The laboratory shall report positive fecal coliform or E. coli results to the supplier of water by the end of the day when the results are determined, unless the results are determined after the water supplier's office is closed, in which case the laboratory shall report the results to the water supplier before the end of the next business day. If a laboratory invalidates a sample due to heterotrophic interference as described in Rule 62-550.518(10)(b), which is adopted by reference herein, the replacement sample must be analyzed by a Department of Health certified laboratory using a method less susceptible to heterotrophic interference (e.g. MMO-MUG).

(b) Whenever a sample result, or the average of the results from an initial sample and a confirmation sample, exceeds the maximum contaminant level for nitrate, nitrite, or total nitrate-nitrite, the laboratory shall report the result to the supplier of water by the end of the day when the result was determined, unless the result was determined after the water supplier's office is closed, in which case the laboratory shall report the result to the water supplier before the end of the next business day.

(c) Whenever a sample result exceeds the maximum contaminant level for any other contaminant listed in Rules 62-550.310 or 62-550.320, the laboratory shall report the result to the supplier of water no later than the end of the next business day after the result was determined.

(d) Whenever an unregulated contaminant listed in Rules 62-550.405, 62-550.410, or 62-550.415 is detected in a sample, the laboratory shall report the result to the supplier of water no later than four business days after the result was determined.

(e) For the purposes of this chapter, a result is considered determined when the laboratory director or his/her designee signs or authenticates the report with the results. The results shall be reported in such a manner that the supplier of water receives the results within the indicated timeframes in paragraphs (2)(a) through (2)(d) of this section.

~~(3) For reporting of chemistry and radiochemistry results, the laboratory shall include with its final report a copy of the laboratory's Safe Drinking Water Analyte Sheet, HRS H Form 1041, and the Safe Drinking Water Analyte Sheet—Radiological, HRS H Form 1903, if radiochemical parameters are included in the report. These forms are issued by the Department of Health to indicate that the laboratory is certified to perform the test(s) on the analyte(s) reported. Both Safe Drinking Water Analyte Sheets are herein adopted by reference.~~

~~(4) The laboratory shall maintain a copy of each chemical or microbiological sample report form for not less than five years and shall maintain all raw data, calculations, extraction records, standard preparation records, other sample preparation records, proficiency test data and quality control data pertaining to each sample report form for not less than five years.~~

~~(5) A local laboratory may subcontract analytical work for those analytes, categories, and subcategories which the local laboratory is not certified to perform. The local laboratory is responsible for determining that the contract laboratory is certified under these rules for the categories, methods, and analytes for which it is being contracted to perform. Local laboratory records shall indicate the person who performed the analysis and the name of the contract laboratory. When a data report submitted in compliance with the act contains results reported by one or more contract laboratories, the local laboratory shall include the contract laboratory name;~~

~~certification number, and Safe Drinking Water Analyte Sheet, HRS-H Form 1041 and/or HRS-H Form 1903, for each contract laboratory in that report.~~

~~Specific Authority 381.00591, 403.0625(3), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History—New 4-22-79, Amended 3-7-85, Formerly 10D-41.59, Amended 12-12-89, 11-15-90, 8-5-93, 4-19-95, 4-25-96, Formerly 10D-41.059, Amended _____.~~

64E-1.006 Denial or Decertification.

~~Specific Authority 403.863 FS. Law Implemented 403.863, 403.8635 FS. History—New 4-22-79, Amended 3-7-85, Formerly 10D-41.60, Amended 12-12-89, 8-5-93, 4-19-95, 4-25-96, Formerly 10D-41.060, Repealed _____.~~

64E-1.007 Fees and Certification Categories.

(1) Application Fee – An applicant for certification must submit to the Department of Health a non-refundable fee of ~~\$200~~ ~~\$100~~ for the evaluation and processing of each application. The Department of Health shall assess an additional fee of ~~\$200~~ ~~\$100~~ for each subsequent application for additional Fields of Testing, as defined in Appendix A to Chapter 1 of the NELAC Standards, referenced in Rule 64E-1.0015 analytes.

(2) Certification Fee – In addition to the application processing fee, ~~each applicant for certification shall pay to the Department of Health shall charge nonrefundable the following~~ fees for the initial certification and on application for annual renewal for each category of certification in each category group in Rules 64E-1.007(6) through 64E-1.007(9) below as follows:

- (a) Chemistry, Whole Effluent Toxicology, Microscopy, and Microbiology
 - 1. One category \$500 ~~\$400~~
 - 2. Two categories..... \$1000 ~~\$800~~
 - 3. Three categories \$1500 ~~\$1200~~
 - 4. Four or more categories..... \$2000 ~~\$1500~~
- (b) Radiochemistry \$500 ~~\$400~~

(3) Laboratories approved after July 1 shall have the certification fees prorated on a quarterly basis beginning with the quarter in which the ~~d~~Department issues certification.

(4) The Department of Health shall assess the travel expenses it incurs as a result of on-site inspection to the out-of-state laboratories, in addition to the application and certification fees in this section. An in-state laboratory shall reimburse the department for on-site inspection travel expenses if the department conducts an inspection, in addition to the inspection conducted pursuant to Rule 64E-1.104(1), at the laboratory's written request. If the department does not conduct the requested inspection within 60 days of the request, the department shall not charge these expenses to the laboratory.

(5) The laboratory shall pay all fees required by Subsections (2) through (4) of this section within 90 days of the date of invoice. For annual renewal of certification, the laboratory shall pay the fees required by Subsection (2) of this section by July 1 of each calendar year.

(6) For the Safe Drinking Water Act (SDWA) category group, certification is available in the following categories:

- (a) Microbiology,
- (b) Primary Inorganic Contaminants,
- (c) Secondary Inorganic Contaminants,
- (d) Radiochemistry,
- (e) Synthetic Organic Contaminants,
- (f) Dioxin,
- (g) Other Regulated Contaminants (e.g., Volatile Organic Contaminants),

- (h) Group I Unregulated Contaminants,
- (i) Group II Unregulated Contaminants, and
- (j) Group III Unregulated Contaminants.

(7) For the Clean Water Act (CWA) category group, including ambient monitoring of surface water and groundwater, certification is available in the following categories:

- (a) Microbiology,
- (b) Whole Effluent Toxicity (Bioassay),
- (c) Radiochemistry,
- (d) Metals,
- (e) General Chemistry,
- (f) Volatile Organics,
- (g) Extractable Organics, and
- (h) Pesticides-Herbicides-PCB's.

(8) For the Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) category group, and all programs under the purview of the Florida Department of Environmental Protection's Waste Management Division, certification is available in the following categories:

- (a) Microbiology,
- (b) Whole Effluent Toxicity (Bioassay),
- (c) Radiochemistry,
- (d) Metals,
- (e) General Chemistry,
- (f) Volatile Organics,
- (g) Extractable Organics, and
- (h) Pesticides-Herbicides-PCB's.

(9) For the Clean Air Act (CAA) category group, the categories of certification available are:

- (a) General Chemistry,
- (b) Volatile Organics,
- (c) Extractable Organics, and
- (d) Pesticides and PCB's.

Specific Authority 381.00591, 403.0625(3), 403.863(2) 403.8635 FS. Law Implemented 381.00591, 403.0625(1), 403.0625(4), 403.863(4), 403.8635(3) FS. History—New 3-7-85, Formerly 10D-41.62, Amended 12-12-89, 8-5-93, 4-19-95, 4-25-96, Formerly 10D-41.062, Amended _____.

PART II

CERTIFICATION OF ENVIRONMENTAL WATER-TESTING LABORATORIES

64E-1.100 Definitions.

Specific Authority 403.0625, 403.863 FS. Law Implemented 403.0625 FS. History—New 8-27-86, Amended 10-10-89, 6-29-94, 2-13-96, 4-25-96, Formerly 10D-41.101, Repealed _____.

64E-1.101 Categories of Certification.

Specific Authority 403.0625, 403.863 FS. Law Implemented 403.0625 FS. History—New 8-27-86, Amended 10-10-89, 6-29-94, 2-13-96, 4-25-96, 12-11-96, Formerly 10D-41.102, Repealed _____.

64E-1.102 Certification Requirements.

(1) An application for certification shall be made in writing to the Department of Health on Form DH 1762, accompanied by the application fee, and the laboratory's Quality Manual. If the laboratory is requesting reciprocal certification pursuant to Subsection (5) of this section, the laboratory shall also submit the most recent on-site inspection report from its primary NELAP recognized accrediting authority. The report shall address all the requested analytes and test methods for which the laboratory is seeking reciprocal certification. If proficiency testing is available for the requested Fields of Testing, the laboratory must arrange for these results from the latest three testing round attempts to be submitted directly to the Department of Health by the approved proficiency test provider. DH HRS Form 1762, "Application for Certification of Environmental Water Testing Laboratories," July 1999 March 1995 is herein adopted by reference.

(2) Separate application and certification shall be required for all laboratories maintained on separate premises even though operated under the same management; however, separate certification is not required for separate buildings on the same or adjoining grounds.

(3)(a) ~~The laboratory shall report in writing to the Department of Health within 30 days all changes in laboratory name, ownership, location, personnel, methodology or any other factor significantly affecting the performance of analyses for which the laboratory was originally certified.~~

~~(b) An advertisement which refers to certification of a laboratory's location and methodology for which it is not certified shall be considered false advertisement.~~

(3)(4)(a) An application is not completed until the laboratory has fulfilled all of the following requirements:

~~(a)±. The application reviewed by the Department of Health was found to contain all the information required in Section 4.1.7 of the NELAC Standards, referenced in Rule 64E-1.0015 have approved methodology as required in rule 64E-1.103.~~

~~(b) The submitted 2. A Quality Manual contains all the information required in Section 5.5.2 of the NELAC Standards, referenced in Rule 64E-1.0015 Assurance Plan has been approved by the Department of Health or the Department of Environmental Protection (DEP) as required in rule 64E-1.102(6).~~

~~(c)3- Proficiency samples are successfully analyzed in two of the most recent three testing rounds, if available from an in the United States Environmental Protection Agency (EPA) or Department of Health approved proficiency testing provider program, as required in Rrule 64E-1.106.~~

~~(d)4- An on-site laboratory inspection has been conducted for the Fields of Testing categories for which the laboratory is seeking certification, as required in Rrule 64E-1.104.~~

~~(e) All applicable 5- Certification fees are paid as required in Rrule 64E-1.007 64E-1.110.~~

~~(4) If an incomplete application is submitted, the Department of Health will retain (b) Failure to complete the application for up to one year at the laboratory's request process within 2 years from the date received by the Department of Health shall result in denial of certification.~~

~~(5) After completion of all prerequisites specified in rules 64E-1.102(4)(a)1, 3., the Department of Health shall conduct an on-site survey to determine compliance with all the requirements in this Part.~~

~~(6) The laboratory shall prepare and follow a written quality assurance plan reviewed by the Department of Health for laboratories analyzing domestic wastewater only, or by DEP for laboratories analyzing anything in addition to domestic wastewater.~~

~~(a) All Quality Assurance Plans prepared for the Department of Health shall comply with the specifications in HRS QA 8/93, January 12, 1994, which is incorporated by reference herein, and shall be approved before the certification process can be continued.~~

~~(b) All Quality Assurance Plans prepared for DEP shall comply with the specifications in DEP-QA-001/90, September 30, 1992 or DEP-QA-001/92, September 30, 1992, both of which are incorporated by reference herein, and shall be approved before the certification process can be continued.~~

~~(c) A copy of the written Quality Assurance Plan, analytical methods, quality control data, proficiency test data, and other records documenting compliance with these rules shall be available for the on-site laboratory inspection.~~

~~(5)(7)(a) The Department of Health shall certify an out of state laboratory to perform environmental water analysis provided that laboratory complies with all the requirements in this Part.~~

~~(b) An out-of-state laboratory shall be eligible considered for reciprocal certification to perform environmental water analyses provided:~~

~~(a)4. The laboratory is certified by a National Environmental Laboratory Accreditation Program (NELAP) recognized accrediting authority for those Fields of Testing the state in which the laboratory is requesting certification pursuant to this rule, it is located if that state's certification criteria are acceptable to EPA and are at least as stringent as the requirements of this Part.~~

~~(b)2. The laboratory submits to the Department of Health the an application, fee, and documents required in Rule 64E-1.102(1) copies of the laboratory's most recent proficiency test results, and the fees required by rule 64E-1.110.~~

~~(c)3. The laboratory complies with the requirements of rules 64E-1.102(1) through (4) and 64E-1.102(6), and~~

~~4. The laboratory submits to the Department of Health a copy of its most recent inspection audit report from the certifying agency in the state where the laboratory operates, together with a current copy of the laboratory's certification from the NELAP accrediting authority and the certifying agency's analyte sheet showing those Fields of Testing for which the laboratory is certified state's rules and regulations regarding laboratory certification.~~

~~(6)(e) If upon review of the documents listed in Rule 64E-1.102(5)(7)(b) above the Department of Health determines that the application process is complete and that the laboratory is already certified by its NELAP-recognized primary accrediting authority for the same Fields of Testing requested on its application out of state certification program is equivalent to the requirements of this Part, the Department of Health will not require an on-site survey by its inspectors and certification will be granted after the laboratory pays the certification fees required in Rule 64E-1.007.~~

~~(7)(d) If upon review of the documents listed in Rule 64E-1.102(5)(7)(b) above the Department of Health is unable to determine that the out-of-state certification program is equivalent to the requirements of this rule Part, then, in addition to the requirements in rules 64E-1.102(7)(b)2. through 3. above, an on-site inspection survey will be performed by the Department of Health. The laboratory will be responsible for the travel expenses incurred for cost of the on-site inspection survey.~~

~~1. The Department of Health will grant certification if the results of the survey verify compliance with this Part.~~

~~2. If the results of the on-site survey do not indicate the laboratory's compliance with the requirements of this Part, the laboratory's application for certification will be denied.~~

~~(e) The HRS Policy Memorandum, dated March 23, 1993, regarding out-of-state laboratory certification is adopted by reference herein.~~

Specific Authority 381.00591, 403.0625(3), 403.863(1), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History—New 8-27-86, Amended 10-10-89, 6-29-94 2-13-96, 4-25-96, Formerly 10D-41.103, Amended _____.

64E-1.103 Methodology.

Specific Authority 403.0625, 403.863 FS. Law Implemented 403.0625 FS. History—New 8-27-86, Amended 10-10-89, 6-29-94, 4-25-96, Formerly 10D-41.104, Repealed _____.

64E-1.104 On-Site Inspections Evaluations.

(1) The Department of Health shall inspect the premises and operations of laboratories certified or seeking certification, except as provided in Rule 64E-1.102(6) and Section 4.6.2 of the NELAC Standards, referenced in Rule 64E-1.0015 to perform environmental water analyses. Such inspections shall occur at least once every 2 calendar years and at such other times as the Department of Health deems necessary to determine continued compliance with this rule Part. Inspections may be unannounced and may include the on-site analysis of proficiency test samples as well as the photographing, filming, or videotaping of any portion of the laboratory, equipment, activity, samples taken, records, test results or other information related to certification under this rule Part.

(2) Inspections will be unannounced ~~only~~ in those cases in which the Department of Health determines this approach necessary to establish compliance. Factors such as past record, proficiency test performance, personnel and overall laboratory performance will be considered in making this determination.

(3) The laboratory shall ensure that its Quality Manual, analytical methods, quality control data, proficiency test data, laboratory standard operating procedures, and all records needed to verify compliance with the NELAC Standards, referenced in Rule 64E-1.0015, and this rule are available for review during the on-site laboratory inspection. The laboratory shall allow the department's authorized personnel to examine records; observe the laboratory's facilities, procedures, and equipment; and interview staff during the on-site inspection ~~Inspections will include the review of quality control data. The laboratory shall analyze at least one quality control check sample annually for each certified analyte and methodology.~~

(4) Inspections will include on-site proficiency test samples when the Department of Health is unable to determine compliance using more conventional methods.

(5) The laboratory shall submit to the Department of Health a Plan of Correction for each deficiency noted during the on-site evaluation. Proposed corrective-action plans must be completed on or attached to the "Statement of Deficiencies and Plan of Correction" form, DH 1137, 3/97, adopted by reference herein.

(6) The Department of Health may conduct on-site inspections of the laboratory at any time.

Specific Authority 381.00591, 403.0625(3), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History—New 8-27-86, Amended 10-10-89, 6-29-94, 4-25-96, Formerly 10D-41.105, Amended _____.

64E-1.105 Display of Certificate and Use of Certification.

A current certification document shall be displayed at all times in a prominent place in each certified laboratory. DH 1629, 3/98 and DH HRS Form 1697, 3/98, both entitled "Environmental Water Testing Laboratory Certificate," are adopted by reference herein. The laboratory must also comply with Sections 6.8 (a)(1), (2), (3), and (4) and 6.8 (b)(1) and (2) of the NELAC Standards, referenced in Rule 64E-1.0015.

Specific Authority 381.00591, 403.0625(3), 403.863(1), 403.863(2) FS. Law Implemented 381.00591, 403.0625(2), 403.0625(4), 403.863(4), 403.863(7), 403.8635(1) FS. History-New 8-27-86, Amended 6-29-94, Repromulgated 4-25-96, Formerly 10D-41.106, Amended _____.

64E-1.106 Proficiency Testing Requirements.

(1) Applicant and certified laboratories shall participate in a the EPA proficiency testing program from a provider, when available, or in a program by the Department of Health or approved by the Department of Health as being compliant with Chapter 2 (Proficiency Testing) of the NELAC Standards, referenced in Rule 64E-1.0015 equivalent or better than the EPA program. Participation means that the laboratory will analyze and report to the approved provider Department of Health the results of all proficiency test samples required by the approved program for which the laboratory desires and maintains certification.

(2) Laboratories shall bear the cost of any subscription to a proficiency testing program required by the Department of Health for compliance purposes. The Department of Health shall not be charged a fee for the analysis of any performance evaluation samples.

(3) Unless associated with the submittal of an application form as provided in Rule 64E-1.102(1), the laboratory must authorize the approved provider, on or prior to the testing round closing date, to submit the proficiency testing results to the department concurrently with the submittal of these results to the laboratory.

(4) Laboratories shall satisfactorily analyze at least one high and one low proficiency testing sample per year, when available, for each analyte certified. All analytes within each category group for which a laboratory is certified or is pending certification must be satisfactorily analyzed, if available, on two of at both high and low concentration levels during the most recent three EPA Water Pollution proficiency testing rounds attempted. For the Safe Drinking Water Act category group, satisfactory analysis of a proficiency test sample at least once per year is also required for each test method with which the laboratory reports test results under Rule 64E-1.005(2) program. Proficiency test sample results shall be considered satisfactory when they are within the acceptable limits established by the EPA for each analysis as published in the "EPA Performance Evaluation Report," or within the acceptance limits established by the approved equivalent proficiency test sample provider.

(5) A laboratory that meets the requirements of Subsection (4) of this section for a particular regulatory program and analyte is eligible for obtaining and maintaining certification for all test methods associated with that program and analyte. Otherwise, certification shall be denied, suspended, or revoked for all test methods associated with that program and analyte.

(6) A laboratory shall participate in at least two testing rounds from an approved proficiency test sample provider per fiscal (July 1-June 30) year, with no more than seven months between consecutive testing rounds, for each available pending or certified analyte and regulatory program.

(7) The laboratory shall comply with all requirements in Section 2.5 of the NELAC Standards, referenced in Rule 64E-1.0015, in analyzing proficiency test samples. Pursuant to Section 2.5.1(c) of the NELAC Standards, the laboratory shall not submit proficiency test sample results generated by another laboratory facility as its own.

(8) Proficiency test sample providers shall report laboratory results for proficiency test samples in a format approved by the Florida Department of Health testing program. Results of the analyses on analytes failed on two consecutive proficiency tests at the same concentration level are not acceptable under this Part, and certification shall be revoked until the laboratory has demonstrated to the Department of Health that it analyzed one follow up proficiency test sample approved by the Department of Health in a satisfactory manner and has produced results within the limits established by EPA or the alternate approved program.

Specific Authority 381.00591, 403.0625(3), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History-New 8-27-86, Amended 10-10-89, 6-29-94 2-13-96, 4-25-96, Formerly 10D-41.107, Amended _____.

64E-1.107 Renewal of Annual Certification.

The Department of Health will renew certifications after receipt of a renewal invoice and fee, provided the laboratory is maintaining compliance with this rule Part, attests to such compliance, and has reported acceptable proficiency test values for the categories certified within the previous year. Laboratories meeting renewal certification criteria will be renewed annually on July 1. The Renewal Attestation of Compliance (~~ENV~~), DH HRS Form 1907, 3/98 and Environmental Testing Laboratory Renewal Invoice, DH HRS Form 1906, 3/98 are both herein adopted by reference.

(1) The Department of Health will mail renewal notices at least 30 days prior to July 1. Failure to receive a renewal notice does not exempt laboratories from meeting the renewal date requirement of July 1 of each year.

(2) All laboratory certifications shall expire on July 1 of each calendar year.

(3) The certification of any laboratory which fails to pay the required renewal fee and to return the completed attestation form to the department by July 1 shall automatically expire

without notice or further proceeding. A laboratory whose certification has expired may reapply for certification in accordance with Rule 64E-1.102(1).

Specific Authority 381.00591, 403.0625(3), 403.863(1), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2), 403.8635(3) FS. History—New 8-27-86, Amended 6-29-94, 4-25-96, Formerly 10D-41.108, Amended _____.

64E-1.108 Contractual Agreements, Records, and Reports.

Specific Authority 403.0625, 403.863 FS. Law Implemented 403.0625 FS. History—New 8-27-86, Amended 10-10-89, 6-29-94, 4-25-96, Formerly 10D-41.109, Repealed _____.

64E-1.109 Denial or Revocation.

Specific Authority 403.0625, 403.863 FS. Law Implemented 403.0625 FS. History—New 8-27-86, Amended 6-29-94, 4-25-96, 12-11-96, Formerly 10D-41.110, Repealed _____.

64E-1.110 Fees.

Specific Authority 403.0625, 403.863 FS. Law Implemented 403.0625 FS. History—New 8-27-86, Amended 6-29-94, 4-25-96, Formerly 10D-41.112, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Carl C. Kircher

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Stephen A. Arms

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

November 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

August 20, 1999

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

6A-1.09981

RULE TITLE:

Implementation of Florida's System of School Improvement and Accountability

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:

The amendments contained herein are a result of a review of the proposed rule by the Joint Administrative Procedures Committee (JAPC), additional considerations by the Department of Education, and concerns expressed by the Pinellas District School Board, Florida School Boards Association (FSBA), Florida Association of District School Superintendents (FADSS), Florida Parent Teacher Association (PTA), and other interested parties. Please note that language

shown as struck through in the notice of proposed rulemaking as published on November 12, 1999, does not appear in the following text. Language shown as underlined in the initial notice appears in the following text without the underlining. The changes being hereby noticed are indicated by striking through deleted language and underlining added language.

Subparagraph (1)(a)2.

2. Data including attendance, discipline data, ~~cohort graduation rate~~, and dropout rate as specified in subparagraphs ~~(5)(b)3., (c)4., (d)6., and (e)6.~~, of this rule shall be used in designating school performance grades. The Commissioner of Education (Commissioner) shall establish criteria for using student readiness for college as a requirement in designating school performance grades when the process of calibrating FCAT performance data with college placement test data has been completed.

Subparagraph (1)(b)2.

2. Data including attendance, discipline data, ~~cohort graduation rate~~, and dropout rate as specified in subparagraphs ~~(5)(b)3., (c)4., (d)6., and (e)6.~~, of this rule shall be used in designating school performance grades. The Commissioner shall establish criteria for using student readiness for college as a requirement in designating school performance grades when the process of calibrating FCAT performance data with college placement test data has been completed.

Sub-subparagraph (1)(c)1.d.

d. Data including attendance, school discipline data, cohort graduation rate, and dropout rate. The Commissioner shall establish criteria for using student readiness for college as a requirement in designating school performance grades when the process of calibrating FCAT performance data with college placement test data has been completed.

Paragraph (3)(a)

(a) For the purpose of calculating state and district results, the scores of all students enrolled in standard curriculum courses shall be included. This includes the scores of students who are ~~language impaired~~, speech impaired, gifted, hospital homebound, and Limited English Proficient (LEP) students who have been in an English for Speakers of Other Languages (ESOL) program for more than two (2) years.

Subsection (4)

(4) School Performance Grades. The measure of school accountability shall be the school performance grade. The ~~Commissioner of Education (Commissioner)~~ is authorized to designate a school performance grade for each school that has at least thirty (30) eligible students in membership in each of the grade levels assessed for state accountability purposes as specified in subsection (3) of this rule. (Remainder of subsection (4) remained as advertised.)

Paragraph (5)(b)

(b) School Performance Grade D. A school is designated School Performance Grade D, making less than satisfactory progress, if it meets the following criteria:

1. The student achievement scores in at least one (1) of the subject areas specified for state accountability were below the criteria in paragraph (5)(a) of this rule.

2. At least ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's performance grade as specified in subsection (3) of this rule were assessed.

3. For elementary, middle, and high schools, the percent of students absent more than twenty (20) days and the percent of out-of-school suspensions were no more than one standard deviation above the state average. For high schools, the drop-out rate was no more than one standard deviation above the state average. If the school's performance for any of the data requirements in this subparagraph has improved from the previous school year, then the criteria for that data requirement will be considered to have been met.

Subparagraph (5)(c)2.

2. The percent of students in the school who score in the lowest twenty-five (25) percent in the state in reading is maintained within two (2) percentage points or decreased from the previous year. This provision shall apply to schools that have at least thirty (30) students in the lowest twenty-five (25) percent in the state in reading. If a school does not have at least thirty (30) students in the lowest twenty-five (25) percent in the state in reading, then the cumulative number of students in the school scoring in FCAT Achievement Level 1 and Achievement Level 2 in reading shall be substituted for students scoring in the lowest twenty-five (25) percent in the state, unless there are fewer than thirty (30) students.

Proposed subparagraph (5)(c)2., renumbered as 3. (Text unchanged as advertised.)

Subparagraph (5)(c)4.

4. For elementary, middle, and high schools, the percent of students absent more than twenty (20) days and the percent of out-of-school suspensions were no more than one standard deviation above the state average. For high schools, the drop-out rate was no more than one standard deviation above the state average. If the school's performance for any of the data requirements in this subparagraph has improved from the previous school year, then the criteria for that data requirement will be considered to have been met.

Subparagraph (5)(c)2. was renumbered as 5. (Text unchanged as advertised.)

Subparagraph (5)(d)4.

4. The percent of students in the school who score in the lowest twenty-five (25) percent in the state in reading is maintained within two (2) percentage points or decreased from the previous year. This provision shall apply to schools that have at least thirty (30) students in the lowest twenty-five (25) percent in the state in reading. If a school does not have at least thirty (30) students in the lowest twenty-five (25) percent in the state in reading, then the cumulative number of students in the school scoring in FCAT Achievement Level 1 and

Achievement Level 2 in reading shall be substituted for students scoring in the lowest twenty-five (25) percent in the state, unless there are fewer than thirty (30) students.

Subparagraph (5)(d)6.

6. For elementary, middle, and high schools, the percent of students absent more than twenty (20) days and the percent of out-of-school suspensions were no more than one standard deviation above the state average. For high schools, the drop-out rate was no more than one standard deviation above the state average. If the school's performance for any of the data requirements in this subparagraph has improved from the previous school year, then the criteria for that data requirement will be considered to have been met.

Subparagraph (5)(d)6. as advertised was renumbered as (5)(c)7.

Subparagraph (5)(e)2.

2. The percent of students in the school who score in the lowest twenty-five (25) percent in the state in reading is maintained within two (2) percentage points or decreased from the previous year. This provision shall apply to schools that have at least thirty (30) students in the lowest twenty-five (25) percent in the state in reading. If a school does not have at least thirty (30) students in the lowest twenty-five (25) percent in the state in reading, then the cumulative number of students in the school scoring in FCAT Achievement Level 1 and Achievement Level 2 in reading shall be substituted for students scoring in the lowest twenty-five (25) percent in the state, unless there are fewer than thirty (30) students.

Subparagraph (5)(e)6.

6. For elementary, middle, and high schools, the percent of students absent more than twenty (20) days and the percent of out-of-school suspensions were no more than one standard deviation above the state average. For high schools, the drop-out rate was no more than one standard deviation above the state average. If the school's performance for any of the data requirements in this subparagraph has improved from the previous school year, then the criteria for that data requirement will be considered to have been met.

Subsection (7)

(7) Accuracy and Representativeness of Performance Data. Each school district superintendent shall certify the accuracy of performance data and shall be responsible for providing all related information to the Department within the time limits specified by the Commissioner. Unless performance data can be determined to accurately represent the progress of the school, the Commissioner is authorized to withhold the designation of a school's performance grade or designate the school in a lower performance grade. If less than ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's performance grade were assessed, the school's performance grade shall be designated incomplete for no more than thirty (30) days or until the data are determined by the Commissioner to

accurately represent the performance of the school. The Commissioner's determination of a school's performance grade shall be final.

Subsection (8)

(8) Rewards and Recognition. Schools must have a designated school performance grade to participate in the Florida School Recognition Program as authorized by Section 231.2905, Florida Statutes. Schools designated School Performance Grade A and schools that have improved at least one (1) performance grade from the previous school year are eligible for school recognition and financial awards.

(a) Schools designated School Performance Grade A and schools that have improved at least two (2) performance grades may be given deregulated status as specified in Section 228.0565(5), (7), (8), (9), and (10), Florida Statutes, ~~and shall have greater authority over the allocation of the school's total budget. The school's total budget includes funds generated from the FEFP, state categoricals, lottery funds, grants, and local funds.~~ Districts shall develop guidelines for the implementation of this provision and shall provide deregulated status to eligible schools that request it. The school advisory council and principal of an eligible school seeking waivers from state statutes shall submit requests as specified in Section 228.0565(7)(a) and (b), Florida Statutes. The school's deregulated status shall remain in effect as long as the school abides by the provisions of Section 228.0565(5), (7), (8), (9), and (10) or unless This increased authority remains in effect until the school's performance grade declines.

(b) Schools designated School Performance Grade A and schools that have improved at least two (2) performance grades shall have greater authority over the allocation of the school's total budget. Local school boards shall adopt policies in accordance with Section 230.23(17)(d), Florida Statutes, which grant schools greater authority over the allocation of the school's total budget, including, but not limited to, allocation of instructional staff and the acquisition of instructional materials, equipment, and technology. The school's total budget includes funds generated from the FEFP, state categoricals, lottery funds, grants, and local funds. The policies shall provide for approval of a school's written proposal as long as the proposal remains within the school's total budget, specifies the areas in which the school will have administrative and fiscal autonomy, specifies the areas in which the school will follow school district fiscal and administrative policies, and is consistent with the school's deregulated status.

(c) Schools that have improved at least one (1) performance grade from the previous school year are eligible for school recognition and financial awards under the provisions of the Florida School Recognition Program authorized by Section 231.2905, Florida Statutes. Schools designated as School Performance Grade F that make

substantial progress toward the next performance grade level designation may receive financial awards under guidelines to be determined by the Commissioner.

Subsection 14

(14) If any provision of this rule or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared severable.

DEPARTMENT OF EDUCATION

State Board of Independent Colleges and Universities

RULE NOS.:	RULE TITLES:
6E-1.003	Definition of Terms
6E-1.0031	Licensure Required; Exemptions From Licensure
6E-1.0032	Fair Consumer Practices
6E-1.0034	Fees and Expenses
6E-1.0035	Permission to Operate
6E-1.0045	Minimum Standards for Use of the Name "College" or "University"

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 24, No. 42 (10/16/98), Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF EDUCATION

State Board of Independent Colleges and Universities

RULE NO.:	RULE TITLE:
6E-2.008	Change in Ownership or Control

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 24, No. 42 (10/16/98), Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON JANUARY 25, 2000

The Governor and Cabinet, on January 25, 2000, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12A-1.048, FAC. (Sale of Agricultural Products, Including Poultry and Livestock), Rule 12A-1.049, FAC. (Sales of Animals), and Rule 12A-1.087, FAC. (Partial Exemption for Farm Equipment), and the proposed repeal of Rule 12A-1.050, FAC. (Food for Animals). The proposed amendments incorporate statutory amendments regarding the sale of agricultural products and the partial exemption for farm equipment; clarify the exemption provided for the sale of animals; and repeal the recitation of the statutory exemptions for the sale of feeds for poultry, ostriches, and livestock and for the sale or rental of guide dogs for the blind. These proposed amendments and proposed rule repeal were noticed for a Rule

Development Workshop in the Florida Administrative Weekly on February 5, 1999 (Vol. 25, No. 5, pp. 420-425). The rule development workshop was held on February 24, 1999.

As noticed, a public hearing was conducted on November 19, 1999. No substantive changes were made by the Department in response to comments received at the public hearing or comments received by letter dated November 15, 1999, from the Joint Administrative Procedures Committee.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.051
RULE TITLE: Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed substantial rewording of Rule 12A-1.051, FAC., in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 43, pp. 4910-4919, October 29, 1999, issue of the Florida Administrative Weekly. These changes are in response to a Petition for Administrative Determination of Invalidity of Department's Proposed Rule filed on behalf of Coastal Steel Construction, Inc. (Case No. 99-4866RP), on November 18, 1999, and to comments received by the Department at a hearing on proposed rulemaking on November 30, 1999. The changes to subparagraph (2)(e)3. of Rule 12A-1.051, FAC., are made in response to oral comments received at the hearing and are for clarification purposes only. The changes made to paragraph (11)(g) of Rule 12A-1.051, FAC., are in response to the petition and delete that portion of the paragraph asserted to be invalid in the petition.

Subparagraph 3. of paragraph (e) of subsection (2) of Rule 12A-1.051, FAC., has been changed, so that, when adopted, that subparagraph will read as follows:

3. "Machinery or equipment" serves a particular commercial activity that is carried on at a location rather than serving general uses of land or a structure. Examples of machinery or equipment include conveyor systems, printing presses, drill presses, or lathes. Examples of items that are not machinery or equipment because they are integrated into the structure or realty and retain their usefulness no matter what activity is carried on at the site include heating and air conditioning system components or water heaters. Any property that would be classified as machinery or equipment under section 212.08(5), Florida Statutes, or any other provision of Chapter 212, Florida Statutes, is considered to be machinery or equipment for purposes of this rule. In the case of property used in the production of electrical or steam energy, any item that would qualify as exempt machinery or equipment under section 212.08(5)(c), Florida Statutes, is considered to be machinery or equipment for purposes of this rule.

Paragraph (g) of subsection (11) of Rule 12A-1.051, FAC., has been changed, so that, when adopted, that paragraph will read as follows:

(g) The percent of contract price method involves an alternative way to calculate the use tax owed and alternative timing for accrual and payment of tax. It does not change the nature of the tax liability. The tax involved is still a use tax on fabricated cost. It is not a tax on the income earned from contracts. Election of the method, therefore, does not affect the jurisdiction where the tax is owed.

DEPARTMENT OF REVENUE

Corporate, Estate And Intangible Tax

RULE NO.: 12C-1
RULE TITLE: Corporate Income Tax

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. 38, pp. 4397-4402, September 24, 1999, issue of the Florida Administrative Weekly. The following changes to the proposed amendments to Rules 12C-1.034 and 12C-1.051, FAC., are in response to comments received on October 27, 1999, from the Joint Administrative Procedures Committee. The following changes to the proposed amendments to Rule 12C-1.0152, FAC., are in response to written comments incorporated into the record of the public hearing held on October 20, 1999.

Rule 12C-1.0152, F.A.C., Other Methods of Apportionment:

Paragraph (b) of subsection (1) of Rule 12C-1.0152, FAC., has been revised, so that, when adopted, that paragraph will read:

(b) A taxpayer (The party (Department of Revenue or the taxpayer) seeking to utilize an alternative apportionment method must show by clear and cogent evidence that the regularly applicable formula would result in taxation of extraterritorial values (see Butler Bros. v. McColgan, 315 U.S. 501, 62 S. Ct. 701, 86 L. Ed. 991 (1942), which is incorporated by reference in Rule 12C-1.0511, F.A.C.). This can be shown only if the regularly applicable formula is demonstrated to operate unreasonably and arbitrarily in apportioning to Florida a percentage of income which is out of all proportion to the business transacted in Florida and does not accurately and fairly reflect business activity in Florida (see Hans Rees' Sons, Inc. v. North Carolina ex rel Maxwell, 283 U.S. 123, 51 S. Ct. 385, 75 L. Ed 879 (1931), which is incorporated by reference in Rule 12C-1.0511, F.A.C.).

Rule 12C-1.034, F.A.C. (Special Rules Relating to Estimated Tax):

Subparagraph 3. of paragraph (a) of subsection (3) of Rule 12C-1.034, F.A.C. (Special Rules Relating to Estimated Tax) has been revised, so that, when adopted, that subparagraph will read:

3. A business may be required to make a declaration of estimated tax by the 1st day of the 5th month, even though income may not actually be earned until later in the taxable year. For example, a seasonal business that can reasonably expect before by the 1st day of the 4th month of a taxable year to owe more than \$2,500 for the taxable year will be required to make a declaration of estimated tax on the first day of the fifth month of the taxable year. Therefore, a Christmas shop that has a taxable year ending January 31 will be expected to make a declaration by June 1 (the first day of the fifth month following the end of the taxable year) if the corporation reasonably expects to owe more than \$2,500 for the tax year. It does not matter whether the corporation is making sales by that date or not.

Paragraph (c) of subsection (3) of Rule 12C-1.034, F.A.C., has been revised, so that, when adopted, that paragraph will read:

(c) When the tax due for the corporation's prior taxable year exceeded \$2,500, as provided by s. 220.34(2)(d)1., F.S., there will be a presumption that the taxpayer could reasonably expect to owe \$2,500 in estimated tax. However, a taxpayer may rebut this presumption and show reasons to use an alternate date.

Subparagraph 1. of paragraph (g) of subsection (9) of Rule 12C-1.034, F.A.C., has been revised, so that, when adopted, that subparagraph will read:

1. The computation of interest and penalty for period of the underpayment of any installment of estimated tax begins on the day following the date such installment is required to be paid and ends on the first day of the fourth month following the close of the taxable year, or the date such underpayment is paid, whichever is earlier.

Rule 12C-1.051, F.A.C., Forms:

Proposed subsections (1) through (25), as numbered in the proposed amendments to Rule 12C-1.051, F.A.C., have been renumbered (1) through (22) and revised, so that, when adopted, those subsections of Rule 12C-1.051, F.A.C., will read:

The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Title	Effective Date
(1) Form DR-703;	Dealer Questionnaire, (r. 12/92) dated 12/92;	03/96
(2) Form DR-835;	Power of Attorney, (r. 01/97) dated 06/95;	—
(3) Form F-851;	Affiliations Schedule, (r. 01/99) dated 01/95;	—
(4) Form F-1065;	Florida Partnership Information Return with Instructions, (r. 01/99) dated 12/94;	—
(5) Form F-1120,	Corporate Income/Franchise and Emergency-Excise Tax Return with Instructions (Package), dated 12/94;	—
(5) F-1120A	Florida Corporate Short Form Income Tax Return (N. 01/99)	—
(6) F-1120A (Flats)	Florida Corporate Short Form Income Tax Return (N. 01/99)	—
(7)(6) Form F-1120FF, (Flats);	Florida Corporate Income/Franchise and Emergency Excise Tax Return, (r. 1/99) dated 12/94;	—
(8) F-1120N	Instructions for filing Form F-1120 Corporate Income/Franchise and Emergency Excise Tax Return (r. 1/99)	—
(7) Form F-1120FTN;	Instructions for Preparing Forms F-1120, F-1120ES, and F-7004, dated 01/95;	—

(9)(8) Form F-1120ES;	declaration/Installment of Florida Estimated Income/Franchise and/or Emergency Excise Tax (Installment 1, 2, 3, 4); (r. 01/99) dated 12/94;	—
(9) Form F-1120ES, (Flats);	Declaration/Installment of Florida Estimated Income/Franchise and/or Emergency-Excise Tax (Installment 1), dated 12/94;	—
(10) Form F-1120ES;	Declaration/Installment of Florida Estimated (Flats); income/Franchise and/or Emergency-Excise Tax (Installment 2, 3, 4), dated 12/94;	—
(10)(11) Form F-1120F;	Forms Requisition, (r. 01/99) dated 12/94;	—
(11)(12) Form F-1120P;	Payment Coupon, (r. 01/99) dated 12/94;	—
(12)(13) Form F-1120X;	Amended Florida Corporate Income/Franchise And Emergency Excise Tax Return, (r. 01/99) dated 12/93;	—
(13)(14) Form F-1122;	Authorization and Consent of Subsidiary Corporation to be Included in a Consolidated Income and Emergency Excise Tax Return, (r. 01/99) dated 12/94;	—
(14)(15) Form F-1150;	Computation of Installment Sales Income Adjustment; (r. 1/99) dated 12/94;	—
(15)(16) Form F-1155;	Computation of Long-Term Contract Adjustment; (r. 01/99) dated 12/94;	—
(16)(17) Form F-1156;	Gasohol Development Tax Incentive Credit; (r. 01/95)	03/96
(18) Form F-1157;	Enterprise Zone Jobs Credit, dated December 1992;	—
(17)(19) Form F-1157Z;	Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax; (r. 07/98) dated July 1995;	01/96
(18)(20) Form F-1158;	Enterprise Zone Property Tax Credit; (r. 07/98) dated December 1992;	—
(19)(21) Form F-1158Z;	Enterprise Zone Property Tax Credit; (r. 07/98) dated July 1995;	01/96
(20) F-1159	Application for Child Care Tax Credits (N. 12/98)	—
(21)(22) Form F-2220;	Underpayment of Estimated Tax on Florida Corporate Income, Franchise and Emergency Excise Tax; (r. 01/99) dated 12/94;	—
(22)(23) Form F-7004;	Tentative Income/Franchise and Emergency Excise Tax Return and Application for Extension of Time to File Return; (r. 01/99) dated 12/94;	—

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON JANUARY 25, 2000
 The Governor and Cabinet, on January 25, 2000, sitting as head of the Department of Revenue, will consider approving the proposed amendments to the following rule sections in Rule Chapter 12C-1, FAC., Corporate Income Tax: Rule 12C-1.001, FAC. (Explanation of Rules); Rule 12C-1.011, FAC. (Tax Imposed); Rule 12C-1.0152, FAC. (Other Methods of Apportionment); Rule 12C-1.0154, FAC. (Payroll Factor for Apportionment); Rule 12C-1.0222, FAC. (Returns; Time and Place for Filing); Rule 12C-1.034, FAC. (Special Rules Relating to Estimated Tax); Rule 12C-1.042, FAC. (Methods of Accounting); and Rule 12C-1.051, FAC. (Forms). These proposed amendments clarify, explain, or define terms and concepts used in the application and administration of the corporate income tax regarding nexus, apportionment factor computation, estimated tax requirements, and forms adoption. The proposed amendments were noticed for a Rule Development Workshop in the Florida Administrative Weekly on July 16, 1999 (Vol. 25, No. 28, pp. 3185-3190). The rule development workshop was held on August 5, 1999. No one appeared at the workshop to testify, and no one submitted written comments.

A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on September 24, 1999 (Vol. 25, No. 38, pp. 4397-4402), and a public hearing was conducted on

October 20, 1999. Written comments regarding subsection (1) of Rule 12C-1.0152, FAC., were incorporated into the record at the public hearing. On October 27, 1999, the Joint Administrative Procedures Committee submitted comments regarding the proposed amendments to Rules 12C-1.011, 12C-1.034 and 12C-1.051, FAC. In response to comments made a part of the public record at the hearing held on October 20, 1999, and comments received from the Joint Administrative Procedures Committee, a Notice of Change has been filed for publication in the Florida Administrative Weekly. This Notice of Change amends the proposed amendments to subparagraph (3)(a)3., paragraph (3)(c), and subparagraph (9)(g)1. of Rule 12C-1.034, FAC., and the proposed amendments to Rule 12C-1.051, FAC.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

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

NOTICE OF CHANGE

Notice is hereby given that in accordance with subparagraph 120.54(3)(d)1., F.S., changes have been made to the proposed amendment to Rule 12D-16.002, FAC., as published in Vol. 25, No. 40, October 8, 1999, issue of the Florida Administrative Weekly, and to forms incorporated by reference under subsections 25(c), (38)(a), and (38)(d). When amended, subsections (13)(a), (b), (c); (22)(a), (b); (25)(c), (29)(a); (38)(a), (d); (39)(a); and (46)(b); and the Law Implemented will read as follows:

- (13)(a) DR-418 Economic Development Ad Valorem Property Tax Exemption (r. ~~12/99 6/98~~) 01/00
~~12/98~~
- (b) DR-418E Enterprise Zone Ad Valorem Property Tax Exemption – Child Care Facility Application For Exemption Certification (n. 12/99) 01/00
- (d) DR-420S Certification of School Taxable Value (r. ~~6/99 4/95-~~) 01/00
~~12/94~~
- (22)(a) DR-482 Application and Return for Agricultural or ~~High-Water Recharge~~ Classification of Lands (r. ~~12/99 12/96~~) 01/00
~~12/96~~
- (b) DR-482HW Application and Return for High-Water Recharge Classification of Lands (n. 12/99) 01/00
- (25)(c) DR-487 Certification of Compliance (r. ~~12/99 6/96~~) 01/00
- (29)(a) DR-490 Notice of Disapproval of Application For Property Tax Exemption By The County Property Appraiser (r. ~~12/99 6/94~~) 01/00
~~12/94~~
- (38)(a) DR-501 Original Application for Ad Valorem Tax Exemption (r. ~~12/99 7/95~~) 01/00
~~12/95~~
- (d) DR-501SC Sworn Statement of Adjusted Gross Income of Household and Return (n. 12/99) 01/00

- (39)(a) DR-501S Eligibility Criteria to Qualify for Property Tax Exemption (r. ~~12/99 12/97~~) 01/00
~~12/97~~
- (46)(b) DR-513 Tax Collector's Certification (r. ~~3/99 12/97~~) 01/00
~~12/97~~

Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 14-10 Outdoor Advertising Sign Regulation and Highway Beautification

RULE NOS.: RULE TITLES:
 14-10.001 General Provisions
 14-10.003 Licenses
 14-10.004 Permits
 14-10.0051 Zoned and Unzoned Commercial and Industrial Areas Along Interstate and Federal-Aid Primary Highways
 14-10.006 Additional Permitting Criteria
 14-10.007 Maintenance of Nonconforming Signs

NOTICE OF THE CANCELLATION AND PROPOSED RESCHEDULING OF RULE DEVELOPMENT WORKSHOP

The rule development workshop originally scheduled for January 18, 2000, is hereby canceled. Notice of the rule development workshop was published in Florida Administrative Weekly, Vol. 25, No. 47, dated November 24, 1999. The rule development workshop will be rescheduled for February 1999. Notice of the rescheduled workshop will be published in a future issue of the Florida Administrative Weekly.

SUBJECT AREA TO BE ADDRESSED: This is an amendment to six of the rules in Rule Chapter 14-10. Revised forms are being incorporated by reference.

STATE BOARD OF ADMINISTRATION

RULE NO.: RULE TITLE:
 19-8.011 Loss Reimbursement Procedures

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 25, No. 47, November 24, 1999, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 20-48 Targeted Value-Added Promotions Program for Fresh Grapefruit

RULE NOS.:	RULE TITLES:
20-48.004	Allocation; Disbursement of Funds
20-48.005	Program Requirements
20-48.006	Qualification of Advertising/Merchandising

SECOND NOTICE OF CHANGE

Notice is hereby given that the following additional changes have been made to the proposed rules, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 35, September 3, 1999 issue of the Florida Administrative Weekly. The changes are in response to comments provided by the Joint Administrative Procedures Committee.

20-48.004(9) is changed as follows:

(9) All claims must be submitted and filed with the Department no later than July 31 of each shipping season and must include FOB pricing and movement and an explanation of the volumetric variance when movement during promotion period was significantly less than anticipated on Participant's commitment form. A Targeted Value-Added Promotion Program Evaluation form CIT/MKTG/154/EFF 10/20/99, incorporated by reference, must accompany each claim, or payment to retailer cannot be processed. Claims that are incomplete or otherwise late will be rejected by the Department with written notification to the participant.

20-48.005(3) is changed as follows:

(3) Upon establishing a promotional agreement with a retailer, the shipper will notify the Department of Citrus by submitting the appropriate Targeted VAP Agreement Form, incorporated herein by reference:

(a) Targeted VAP Agreement Form CIT/MKTG/152/EFF.12/1/99 ~~8/1/99~~ (CIT/MKTG/152A/EFF 12/1/99 for club stores) for an advertising promotion, or

(b) Targeted VAP Agreement Form CIT/MKTG/153/EFF.10/20/99 for media/demo promotion.

(6) No promotion shall begin until the retailer has signed a Targeted Value-Added Promotion Program Agreement Form (CIT/MKTG/149/REV.8/1/99 or CIT/MKTG/149A/EFF. 12/1/99 for club stores), incorporated herein by reference.

20-48.006(1)(c) is changed as follows:

(c) For club stores (that do no feature advertising) other comparable advertising or promotion as listed below will be deemed to meet the minimum activity requirement, if the Department of Citrus staff has lead time of at least 10 days in advance of the planned activity.

"A" Activities (At least one "A" activity, a maximum of 50¢ carton reimbursement for all "A" activities.)	"B" Activities (<u>"B" activities equal 10¢ per carton per activity; 25¢ per carton maximum.</u>)
1. Front Lobby Display (21 cartons or equivalent)	1. <u>Multi-unit pricing on bulk fruit or bags (e.g., 6 pieces for \$2 or 2 bags for \$4)</u>
2. High Graphic Bin Display	2. <u>Brochures or other health information on Florida citrus provided for shoppers</u>

3. Cut fruit sampling/demonstration (\$5,000 cap)

3. FDOC supplied point-of-sale materials posted
4. Feature ad placed in the In-Store-Flyer

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53-32.006	MEGA MONEY Rules and Prohibitions

NOTICE OF CHANGE

Notice of Change is hereby given that the following changes have been made to the proposed rule based upon comments received from the Joint Administrative Procedures Committee. The rule was originally published in the October 1, 1999, issue of the Florida Administrative Weekly. The rule shall now read as follows:

(4) MEGA MONEY tickets can be cancelled only through the retailer terminal which sold the ticket and within twenty minutes after printing, except that no MEGA MONEY ticket can be cancelled after game close for that drawing. A MEGA MONEY ticket can be cancelled by the retailer which sold the ticket within twenty minutes after printing, except that no MEGA MONEY ticket shall be cancelled after game close for that drawing. No MEGA MONEY ticket may be cancelled except through the optical mark reader.

Section IV
Emergency Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE TITLE:	RULE NO.:
Temporary Restrictions on Importation of Animals	5CER99-1

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: Heartwater is an acute tick-borne disease of domestic and wild ruminants, including cattle, sheep, goats, deer and antelope. This killer disease is caused by the rickettsial bacterium *Cowdria ruminantium* which is transmitted by ticks of the genus *Amblyomma*. It is characterized by a rapid rise in body temperature, loss of appetite and respiratory distress, followed by nervous signs such as circling motions, incoordination, recumbency, and paddling movements of the limbs. Should this disease enter the United States, mortality rates in susceptible species would be expected to be from 40% to approaching 100%. Since there is no officially recognized treatment or practical vaccine to protect against the disease, prevention relies on control of its tick vectors. The same ticks are also potential vectors of diseases which may affect the general public.

The justification for this action is the November 29, 1999 notification that 15 *Amblyomma sparsum* ticks collected from tortoises in Hillsborough County have tested positive for *Cowdria ruminantium* (Heartwater) organism.

Reptiles, amphibians, llamas, antelopes, and captive wild species from all areas are included in this rule because they are potential carriers of heartwater or ticks which are competent vectors of heartwater. Introduction of the disease into Florida would be disastrous to the State's beef and dairy cattle industries and the State's ruminant wildlife.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: Under this action requiring certification of non-exposure to the disease is justified until the Department has determined that a threat to cattle, deer and other ruminant animals in the state no longer exists. This action is fair because without this restriction, the state's multimillion dollar cattle industry and deer population is endangered.

SUMMARY OF THE RULE: This rule places restrictions upon the importation of certain animals capable of carrying heartwater disease, or the vector of heartwater disease, into the state.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Dr. Leroy M. Coffman, Director, Division of Animal Industry, Department of Agriculture and Consumer Services, 407 South Calhoun Street, Room 335, Mayo Building, Tallahassee, Florida 32399-0800, Phone (850)410-0900

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-1 Temporary Restrictions on Importation of Animals.

(1) The Official Certificate of Veterinary Inspection (OCVI) for reptiles, amphibians, llamas, antelopes, and captive wild species entering the state must contain a statement by the issuing veterinarian that the animals identified on the OCVI are free of signs of infectious or communicable disease and the vectors of any infectious or communicable disease.

(2) Animals from countries where heartwater is endemic.

(a) All animals imported from countries where heartwater is endemic must have a prior permission number recorded on the accompanying OCVI. This number can be obtained from the Division by telephone.

(b) All animals intended for importation into or through the State of Florida from countries where heartwater is endemic shall be accompanied by an OCVI issued in accordance with this rule, and showing that the veterinarian issuing the OCVI inspected the animals at the time of movement to the port of entry and found them free from ticks and any evidence of communicable disease and that, as far as it has been possible to determine, they have not been exposed to heartwater, or the vectors of heartwater, during the 60 days immediately preceding their movement to the port of entry.

(c) All animals offered for entry into or through the State of Florida from countries where heartwater is endemic shall be subject to inspection at the port of entry, and all such animals found to be free from communicable disease and tick infestation and not to have been exposed thereto, shall be admitted into the United States subject to the other applicable provisions of this rule. Animals found to be infected with or have been exposed to a communicable disease, or infested with ticks, shall be refused entry. Animals refused entry shall be quarantined until such time that they have been inspected, treated and deemed to be free from communicable disease and tick infestation.

Specific Authority 570.07(21),(23), 585.08(2)(a) FS. Law Implemented 585.08(1), 585.145 FS. History—New 12-9-99.

THIS RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: December 9, 1999

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 90 Specifics **RULE NO.:** 53ER99-66

SUMMARY OF THE RULE: This emergency rule describes Instant Game 90, "BONUS 7'S," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-66 Instant Game 90 Specifics.

(1) Name of Game. Instant Game Number 90 "BONUS 7'S."

(2) Price. BONUS 7'S tickets sell for \$1.00 per ticket.

(3) BONUS 7'S Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning BONUS 7'S Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any BONUS 7'S Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The play symbols and play captions in BONUS 7'S are as follows:

INSERT SYMBOLS

(5) The bonus play symbols and play captions in BONUS 7'S are as follows:

INSERT SYMBOLS

(6) Determination of Prize Winners.

(a) The holder of a ticket having three "7's" exposed in the play area in any one row, column or diagonal shall be entitled to the corresponding prize amount shown, or if "FREE TICKET" is shown as the corresponding prize, shall be entitled to a prize of a free \$1.00 ticket.

(b) The holder of a ticket having three "7's" exposed in the play area in any one row, column or diagonal and a "7" exposed in the "BONUS BOX" play area shall be entitled to a prize of triple the corresponding prize amount shown.

(7) Prize amounts in Instant Game Number 90, BONUS 7'S are \$2, \$3, \$7, \$27, \$77, and \$700.

(8) Number and Size of Prizes. The following prizes will be available in the Instant Game Number 90, BONUS 7'S:

(a) Approximately 1,726,273 prizes falling in the cash categories per 63 pools of 240,000 tickets per pool.

(b) The expected value, number of prizes, and odds of winning in Instant Game Number 90 are as follows:

	WIN	NUMBER IN 63 POOL	ODDS
GET THREE SEVENS IN: RIGHT COLUMN	TICKET	1,764,000	1 in 8.57
MIDDLE COLUMN	\$2	907,200	1 in 16.67
LEFT COLUMN	\$3	352,800	1 in 42.86
MIDDLE COLUMN + BONUS	\$6	252,000	1 in 60.00
TOP ROW	\$7	50,400	1 in 300.00
LEFT COLUMN + BONUS	\$9	100,800	1 in 150.00
TOP ROW + BONUS	\$21	50,400	1 in 300.00
CENTER ROW	\$27	10,080	1 in 1,500.00
BOTTOM ROW	\$77	2,520	1 in 6,000.00
DIAGONAL	\$700	63	1 in 240,000.00
DIAGONAL + BONUS	\$2,100	10	1 in 1,512,000.00

(9) For reorders of Instant Game Number 90, the expected value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(10) The over-all odds of winning any prize in Instant Game Number 90 are 1 in 4.33.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c), 24.109(1) FS. History--New 12-9-99.

THIS RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: December 9, 1999

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces its entry of an Order Granting Request for Variance, as required by Section 120.542(8), F.S.

NAME OF THE PETITIONER: Aucilla Area Solid Waste Management Administration

DATE THE PETITION WAS FILED: March 30, 1999

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 62-701.630(4)(b), Florida Administrative Code, which requires the cost estimate for landfill closure financial assurance to include the costs of soil cover from off-site.

REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Florida Administrative Weekly, April 30, 1999, Vol. 25, No. 17

THE DATE OF THE ORDER APPROVING THE VARIANCE OR WAIVER: December 7, 1999

THE GENERAL BASIS FOR THE AGENCY DECISION: The Petitioner has demonstrated that allowing it to fund the escrow account for the Aucilla Area Regional Landfill using the cost of on-site cover material in the closure cost estimate, under several specific conditions, is expected to meet the purpose of the underlying statute, and that the Petitioner would suffer an undue hardship if the variance is not granted.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Request for Variance 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, or e-mail to yon_mj@dep.state.fl.us.

The Department of Environmental Protection has taken action on a petition for variance received from Janey Morrison, on October 7, 1999. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 25, No. 45, dated November 12, 1999. Public comment was not received. The petition requested a variance from the \$500 deductible under rule 62-769.800(4), Florida Administrative Code for. On December 3, 1999, the Department granted the variance in a final order, OGC File No. 99-1808.

For a copy of the final order write or call: Rebecca Grace, Department of Environmental Protection, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; telephone (850)921-9623.

DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice that it received a Petition for Emergency Variance of Rule 64B19-11.001, filed on December 10, 1999, from Carl Alan Steed, Ph.D. The Petitioner is seeking an emergency waiver or variance of Rule 64B19-11.001(1)(a)(b), with respect to the requirement that an

applicant must receive a passing score of at least 70%. The Board will discuss this matter by telephone conference call on January 4, 2000, at 3:00 p.m., at "meet me" number (850)488-8295 or SunCom 278-8295.

A copy of the Petition for Emergency Variance may be obtained by writing: Board of Psychology Department of Health, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255.

For additional information, contact: Kaye Howerton, Executive Director, Board of Psychology, at the above address or telephone (850)487-4664.

Any person requiring a special accommodation at this telephone conference because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the telephone conference. 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).

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Florida Department of State, Division of Elections announces a meeting of the Presidential Candidate Selection Committee to which all persons are invited:

DATE AND TIME: January 4, 2000, 2:00 p.m.

PLACE: 301, The Capitol, Tallahassee, FL

PURPOSE: To select candidates to appear on the March 14, 2000 Presidential Preference Primary Ballot.

The Department of State, Division of Cultural Affairs announces the following public meetings, to which all persons are invited:

Literature Organizations

DATE AND TIME: February 15, 2000, 9:00 a.m. - Close*

Folk Arts Organizations

DATE AND TIME: February 17, 2000, 9:00 a.m. - Close*

Sponsor/Presenter Organizations

DATE AND TIME: February 22, 2000, 9:00 a.m. - Close*

Media Arts Organizations

DATE AND TIME: February 24, 2000, 9:00 a.m. - Close*

Interdisciplinary/Multidisciplinary Organizations

DATE AND TIME: February 29, 2000, 9:00 a.m. - Close*

Dance Organizations

DATE AND TIME: March 2, 2000, 9:00 a.m. - Close*

Music Organizations

DATE AND TIME: March 7, 2000, 9:00 a.m. - Close*

Theatre-Community Organizations

DATE AND TIME: March 21, 2000, 9:00 a.m. - Close*

Theatre-Professional Organizations

DATE AND TIME: March 23, 2000, 9:00 a.m. - Close*

Visual Arts Organizations

DATE AND TIME: March 29, 2000, 9:00 a.m. - Close*

Science/Youth and Children's Museums

DATE AND TIME: March 30, 2000, 9:00 a.m. - Close*

PLACE: R. A. Gray Building, Auditorium, (Street Level), 500 South Bronough Street, Tallahassee, FL 32399

PURPOSE: To review applications to the 2000-2001 Florida Guide to Cultural Programs for Organizations.

DATE AND TIME: March 14-16, 2000, 9:00 a.m. - Close*

Arts in Education

DATE AND TIME: April 18, 2000, 9:00 a.m. - Close*

International Cultural Exchange

PLACE: Room 609, Twin Towers, 2600 Blairstone Road, Tallahassee, FL 32301

PURPOSE: To review applications to the 2000-2001 Florida Guide to Cultural Programs for Organizations

Folk Arts Fellows

DATE AND TIME: May 4, 2000, 9:00 a.m. - Close*

Dance Fellows

DATE AND TIME: May 17, 2000, 9:00 a.m. - Close*

Interdisciplinary Fellows

DATE AND TIME: May 18, 2000, 9:00 a.m. - Close*

Theatre Fellows

DATE AND TIME: May 26, 2000, 9:00 a.m. - Close*

Music Fellows

DATE AND TIME: May 31, 2000, 9:00 a.m. - Close*

Media Arts Fellows

DATE AND TIME: June 2, 2000, 9:00 a.m. - Close*

Literature Fellows

DATE AND TIME: June 6, 2000, 9:00 a.m. - Close*

Visual Arts Fellows/2D

DATE AND TIME: June 20-22, 2000, 9:00 a.m. - Close*

Visual Arts Fellows/3D

DATE AND TIME: June 27-28, 2000, 9:00 a.m. - Close*

PLACE: Room 180 and 182, Public Service Commission, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0950

PURPOSE: To review applications to the 2000-2001 Florida Guide to Programs for Individual Artists

*5:00 p.m., or until conclusion of business.

Please note that meeting locations are subject to change. Please contact the Division offices, (850)487-2980, prior to each meeting date to confirm that meeting's location.

Telephone Participation Procedures - As stated on page 18 of the 2000-2001 Florida Guide to Cultural Programs for Organizations, organization grant applicants may participate in the panel meetings by telephone. Applicants must submit a

written request for telephone participation, which must be received by the Division no later than 4:00 p.m., Eastern Standard Time, on the last business day immediately preceding the scheduled panel meeting. The request must contain the organization name and application number; the name and date of the panel meeting; the name of the person or persons designated to speak to the panel; and the complete telephone number, including the area code and extension. The request must be signed by an authorized official of the organization, with the name and title typed below the signature.

A copy of each meeting agenda may be obtained by writing: Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, or by calling Dr. Gaylen Phillips, (850)487-2980.

DEPARTMENT OF BANKING AND FINANCE

The Florida **Board of Funeral and Cemetery Services** announces a public Board Meeting and all persons are invited to attend.

DATE AND TIME: January 12, 2000, 10:00 a.m. – 5:00 p.m.

PLACE: Room 317, The Capitol, Tallahassee, Florida

PURPOSE: Regular Board Business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

To obtain further information contact: Gladys Hennen, Administrative Assistant II, Division of Finance, 101 East Gaines St., Fletcher Bldg., Room 649B, Tallahassee, FL 32399-0350, Telephone (850)410-9898.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Gladys Hennen, (850)410-9898, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Gladys Hennen via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The **Funeral and Cemeteries Legislative Advisory Board** and its committees announce a public meeting and all persons are invited to attend.

DATE AND TIME: January 13, 2000, Care and Maintenance Trusting Rate Committee, 8:00 a.m. – 9:00 a.m.; Internet Sales/Advertising Committee, 9:00 a.m. – 10:00 a.m.; Sales Practices and Preneed Sales Agents Committee, 10:00 a.m. – 11:00 a.m.; Pre-Need Trusting Rate Committee, 11:00 a.m. – 12:00 noon; Advisory Board Meeting, 1:00 p.m. – 5:00 p.m.

PLACE: Room 317, The Capitol, Tallahassee, Florida

PURPOSE: Discussion of Chapter 497 and proposed legislation.

To obtain further information contact: Gladys Hennen, Administrative Assistant II, Division of Finance, 101 East Gaines St., Fletcher Bldg., Room 649B, Tallahassee, FL 32399-0350, Telephone (850)410-9898.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Gladys Hennen, (850)410-9898, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Gladys Hennen via the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Agriculture Center and Horse Park Authority Executive Committee:

DATE AND TIME: January 12, 2000, 10:00 a.m.

PLACE: Office of the Florida Restaurant Association, 230 South Adams Street, Tallahassee, Florida 32301

PURPOSE: Business Meeting.

A copy of the agenda can be obtained by contacting: Stephen Monroe, Mayo Building, Room 431, Tallahassee, Florida 32399-0800 or by calling (850)488-4132. Participants requiring special accommodations should contact Stephen Monroe.

The **Forestry Arson Alert Association, Inc.** announces a public meeting to which all persons are invited:

DATE AND TIME: Friday, February 4, 2000, 1:00 p.m.

PLACE: Prime Osborne Convention Center, Fire Rescue East Conference, Jacksonville, Florida

PURPOSE: To consider the following agenda items: 1) Arson rewards; 2) Budget; 3) Prevention Items; 4) New Business.

A copy of the agenda may be obtained by writing: Mr. L. Earl Peterson, Division of Forestry, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, Telephone (850)488-6111.

DEPARTMENT OF EDUCATION

The **Building Construction Industry Advisory Committee** announces a meeting and all interested people are invited.

DATES AND TIMES: January 25, 2000, 3:00 p.m.; January 26, 2000, 8:00 a.m.

PLACE: Amelia Island Plantation, P. O. Box 3000, Amelia Island, Florida 32035-3000, (904)261-6161

PURPOSE: To review research and continuing education proposals from universities and community colleges with building construction programs. To review research and continuing education priorities and the operation of BCIAC and other new business that may come before the Committee. A copy of the agenda may be obtained at the meeting or by

contacting: Patty Barritt, Sr. Secretary, BCIAAC, School of Building Construction, P. O. Box 115703, University of Florida, Gainesville, Florida 32611, Telephone (352)392-9045.

The **Board of Regents** of the State University System of Florida announces a meeting to which the public is invited. This meeting will be held to negotiate the 2000-2001 Re-opener Agreement between the Board of Regents and the Florida Public Employees Council 79, American Federation of State, County and Municipal Employees (AFSCME).

DATES AND TIME: January 10-11, 2000, 10:00 a.m. – 4:00 p.m.

PLACE: Florida Education Center, Room 1704, 325 West Gaines Street, Tallahassee, Florida

The Board welcomes participation from any interested members of the public.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity Programs, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The **State Board of Independent Colleges and Universities** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 14, 2000, 9:00 a.m.

PLACE: University of Phoenix, 2290 Lucien Way, 4th Floor, Maitland, Florida 32751

PURPOSE: Rules Workshop and Meeting of the Licensure Standards Committee.

The Board welcomes participation from any interested members of the public.

Any person who desires a copy of the proceedings should arrange to tape the meetings.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is requested to advise the Board at least five calendar days before the meeting by contacting Mary Cook, (850)488-8695.

The **State Board of Independent Colleges and Universities** announces public meetings to which all persons are invited.

PLACE: Double Tree Hotel, 4500 West Cypress Street, Tampa, FL

DATE AND TIME: Thursday, January 27, 2000, 10:00 a.m. – 2:00 p.m.

PURPOSE: Rules Committee Meeting.

DATE AND TIME: Thursday, January 27, 2000, 2:00 p.m. – 5:00 p.m.

PURPOSE: SBICU Advisory Council Meeting.

DATE AND TIME: Thursday, January 27, 2000, 6:00 p.m. – 8:00 p.m.

PURPOSE: SBICU Retreat for Board Members.

DATE AND TIME: Friday, January 28, 2000, 9:00 a.m. – 5:00 p.m.

PURPOSE: SBICU Quarterly Board Meeting (This meeting will be interrupted at 11:00 a.m., for the Rules Hearing.)

The Board welcomes participation from any interested members of the public.

Any person who desires a copy of the proceedings should arrange to tape the meetings. If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is requested to advise the Board at least five calendar days before the meeting by contacting: Mary Cook, (850)488-8695.

The **State Board of Community Colleges** announces the following conference call to which all persons are invited:

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

PLACE: Ralph Turlington Building, Room 1314, 325 W. Gaines Street, Tallahassee, Florida, to participate in the conference call, dial Suncom 291-6455 or (850)921-6455.

PURPOSE: Preliminary review of community college audits for Board action by the Finance Subcommittee on Audits.

If you need additional information write: Division of Community Colleges, 1314 Ralph Turlington Building, 325 W. Gaines Street, Tallahassee, Florida 32399-0400.

The **Gulf Coast Community College District**, Board of Trustees will hold its monthly meeting as follows.

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

PLACE: Gardner Seminar Room, Panama City, FL

PURPOSE: Regular monthly meeting.

Contact person for the meeting is: Dr. Robert L. McSpadden, President.

DEPARTMENT OF COMMUNITY AFFAIRS

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of the Training Task Force to which all persons are invited.

DATES AND TIME: January 13-14, 2000, 10:00 a.m.

PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Kelley Training Center, Room 305, Tallahassee, Florida 32399

PURPOSE: To discuss the ongoing work of the District Response Teams Subcommittee to the Training Task Force and other hazardous materials training issues.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Education and Training Section, (850)413-9899, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Education and Training Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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. Additional information may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2149, or by Telephoning (850)413-9899.

The **Florida Building Commission** announces the following meetings to which all persons are invited: The Florida Building Commission, "The Commission"

DATES AND TIMES: January 8, 2000, 10:00 a.m. – 6:00 p.m.; January 9, 2000, 10:00 a.m. – 6:00 p.m.; January 10, 2000, 8:00 a.m.–6:00 p.m.; January 11, 2000, 8:00 a.m. – 4:15 p.m.

PLACE: Double Tree Hotel, 101 South Adams Street, Tallahassee, Florida, Telephone (850)224-5000

PURPOSE: Review and decide on Commission member proposed glitch amendments; review and decide on wind design Ad Hoc's recommendations; adopt the building code rule (Draft III) of the Florida Building Code; adopt draft III as amended and approve proceeding with rule development process for the building code rule; review and decide on funding implementation of the code recommendations; review and decide on recommendations for accessibility parking waivers; review, discuss and adopt amendatory text of recommendations for a State Product Approval System; review and decide on recommendations on entry level training program; review and decide on recommendations on roles and responsibilities of licensees; review, discuss and adopt amendatory text of the components for inclusion in the report to the legislature; review and decide on recommendations on Manufactured and Prototype buildings; review and decide on recommendations for changes to statutes; review and decide on recommendations on amendatory report to legislature; review

and decide on recommendations on Threshold Inspectors Committee Laws/Rules; and review assignments for next month.

January 8, 2000 – Meetings of Ad Hoc Committee on Masonry Bracing, Ad Hoc on Wind Design Issues Recommendations, and Ad Hoc on Manufactured and Prototype Building Review.

January 9, 2000 – Meeting of Ad Hoc Committee for Funding the Implementation of Code (Permit Surcharge), Ad Hoc on Stairway Handrails, and South Florida Integration Ad hoc Committee on Product Approval.

January 10, 2000 – Plenary Session of the Commission: Review and decide on special Ad Hoc's recommendations on amendments; review and decide on Commission member proposed glitch amendments; review and decide on wind design Ad Hoc's recommendations; adopt the building code rule (Draft III) of the Florida Building Code; adopt draft III as amended and approve proceeding with rule development process for the building code rule; review and decide on funding implementation of the code recommendations; review and decide on recommendations for accessibility parking waivers; DCA Legal staff update on recommendations on copyright and royalty agreements; discuss possible reconsideration of Cobalt Moon Inc. application for waiver from accessibility requirements; and update and overview of the report to the legislature.

January 11, 2000 – Plenary Session of the Commission: Discuss and adopt amendatory text of recommendations for a State Product Approval System; review and decide on recommendations on entry level training program; discuss and adopt the Education TG recommendations on Information Guidebook on Roles and Responsibilities of Construction Industry Licensee; review and decide on recommendations on roles and responsibilities of licensees; discuss and adopt amendatory text of the components for inclusion in the report to the legislature; review and decide on recommendations on Manufactured and Prototype buildings; review and decide on recommendations for changes to statutes; review and decide on recommendations on amendatory report to legislature; review and decide on recommendations on Threshold Inspectors Committee Laws/Rules; approve proceeding with the rule development process for the education/training rule; appoint Ad Hoc to make recommendations on privatization and the role of the state with overseeing building departments; appoint Ad Hoc to determine which buildings will be exempt from the code; and review assignments for next month.

A copy of the Committee and Commission meeting agendas may be obtained by sending a request in writing: Jean Easom, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they 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.

Any person requiring a special accommodation at these meetings because of a disability or physical impairment should contact Ms. Jean Easom, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited:

DATE AND TIME: Tuesday, January 11, 2000, 9:00 a.m. – 4:00 p.m.

PLACE: Hermitage Room, The Hermitage Center, 1801 Hermitage Boulevard, Tallahassee, FL

PURPOSE: To discuss ratemaking procedures; to discuss reimbursement procedures; to discuss mitigation efforts; and to discuss the general business of the Council.

Anyone wishing a copy of the agenda should contact: Anne Bert, Florida Hurricane Catastrophe Fund, Post Office Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Patti Elsbernd, (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 5, 2000, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C, Third Floor, Tallahassee, Florida

PURPOSE: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980). A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, Telephone (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 991267-TP – Complaint and/or petition for arbitration by Global NAPS, Inc. for enforcement of Section VI(B) of its interconnection agreement with BellSouth Telecommunications, Inc., and request for relief.

DATE AND TIME: January 10, 2000, 9:30 a.m.

PLACE: Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the prehearing.

Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a Special Commission Conference in the following docket to which all interested persons are invited.

Docket No. 991222-TP – Request for submission of proposals for relay service, beginning in June 2000, for the hearing and speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991.

DATE AND TIME: January 11, 2000, 9:30 a.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider and make a decision regarding the request for submission of proposals for relay service, beginning in June 2000, for the hearing and speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350 and 367, F.S.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy, (\$1.00 per copy, Rule 25-22.002, FAC.) by writing: Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida. The agenda and recommendation are also accessible on the PSC Homepage: <http://www.floridapsc.com> at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need 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 is based. Any person requiring some accommodation at this conference because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a Special Commission Conference in the following docket to which all interested persons are invited.

Docket No. 990750-TP – Petition by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom for arbitration of certain unresolved issues in interconnection negotiations between ITC^DeltaCom and BellSouth Telecommunications, Inc.

DATE AND TIME: January 11, 2000, 1:00 p.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider and make a decision regarding the petition by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom for arbitration of certain unresolved issues in interconnection negotiations between ITC^DeltaCom and BellSouth Telecommunications, Inc.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350 and 367, F.S.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy, (\$1.00 per copy, Rule 25-22.002, FAC.) by writing: Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida. The agenda and recommendation are also accessible on the PSC Homepage: <http://www.floridapsc.com>, at no charge. If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need 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 is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990321-TP – Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation.

Docket No. 981834-TP – Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

DATES AND TIME: January 12-13, 2000, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To permit parties to present testimony and exhibits relative to the petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation and the petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory, and for such other purposes as the Commission may deem appropriate. At the hearing, all parties shall be given the opportunity to present testimony and other evidence on the issues identified by the parties at the prehearing conference held on December 9, 1999. All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S. and Chapter 25-28, FAC.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least five calendar days prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a Hearing and Prehearing Conference to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 990935-GU – Petition for Approval of Experimental Rider FTA-2 (Firm Transportation Aggregation Service 2) and Modifications to Imbalance Cashout Provisions of Rider FTA Program, by Tampa Electric Company d/b/a Peoples Gas System.

DATES AND TIMES: Hearing, Friday, January 14, 2000, 9:30 a.m.; Prehearing Conference, Monday, January 10, 1999, 1:30 p.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

PURPOSE: The purpose of the Hearing is for the Commission to take final action in the above-referenced docket. The purpose of the Prehearing Conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the case.

Any person requiring some accommodation at the Hearing or Prehearing Conference because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor**, Office of Policy and Budget announces a public hearing to which all interested persons are invited.

DATE AND TIME: January 10, 2000, 9:00 a.m. – 10:00 a.m.

PLACE: The Capitol Building, Room 2107, Tallahassee, Florida

PURPOSE: The office will have copies of agencies’ Legislative Budget Requests for Fiscal Year 2000-2001 available and will respond to public questions and comments. Written comments may be submitted to the Executive Office of the Governor, Donna Arduin, Director of the Office of Policy and Budget, The Capitol, Tallahassee, Florida 32399-0001 by January 10, 2000.

The Florida Partnership for School Readiness, **Executive Office of the Governor** announces the following public meeting to which all persons are invited.

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

PLACE: The Knott Building, Room 412, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Partnership for School Readiness.

A copy of the agenda may be obtained by contacting: Kristin Gilmore, Florida Partnership for School Readiness, Executive Office of the Governor, Room 131, Knott Building, Tallahassee, Florida 32399, (850)488-0337.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meetings to which all persons are invited: DATE AND TIME: January 6, 2000, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited:

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

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending personnel, program planning and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: January 6, 2000, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Ginny Montgomery, (904)363-6350, Extension 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC) to which all persons are invited.

DATE AND TIME: Wednesday, January 12, 2000, 5:00 p.m.

PLACE: Polk County Agriculture Center, W. H. Stuart Center, 1710 US Hwy. 17-98, South, Bartow, Florida 33830

PURPOSE: Regular Bi-monthly Meeting of the LEPC.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Treasure Coast Regional Planning Council** announces a meeting of the Council's Overall Economic Development Program Committee to which all persons are invited:

DATE AND TIME: January 13, 2000, 2:00 p.m.

PLACE: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER: To conduct a meeting of the Treasure Coast Regional Planning Council Overall Economic Development Program Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he may need

to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: January 21, 2000, 9:30 a.m.

PLACE: Howard Johnson's Motor Lodge, 950 U.S. Highway One, Stuart, Florida

GENERAL SUBJECT MATTER: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

The Florida District X, **Local Emergency Planning Committee** announces the following meeting to which all persons are invited.

DATE AND TIME: January 27, 2000, 10:00 a.m.

PLACE: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER: To conduct a meeting of the Florida District X, Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Florida District X, LEPC with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, January 10, 2000, 9:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, St. Petersburg, Florida 33702

PURPOSE: Area Agency on Aging Board Meeting.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, 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 based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:
DATE AND TIME: Thursday, January 13, 2000, 9:00 a.m. (Please call to confirm date, time and location)
PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, Florida
PURPOSE: Agency on Bay Management Full Agency.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, 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 based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:
DATE AND TIME: Friday, January 21, 2000, 9:30 a.m. (Please call to confirm date, time and location)
PLACE: Columbia Restaurant, 2117 7th Avenue, Tampa, (Ybor City), Florida
PURPOSE: Regular Council Meeting.

SUBJECTS TO BE CONSIDERED: Routine Council Business; DRI Development Order Amendment Reports; Local Government Comprehensive Plan Reviews; Aging Policy Committee; Agency on Bay Management; Local Emergency Planning Committee; Chairman's Report.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above meeting or hearing, 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 based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:
DATE AND TIME: Monday, January 24, 2000, 9:30 a.m. (Please call to confirm date, time and location)
PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, Florida
PURPOSE: IC&R Clearinghouse Review Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, 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 based.

The **Tampa Bay Regional Planning Council**, District VIII, Tampa Bay Local Emergency Planning Committee, (LEPC) announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, January 26, 2000, 10:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., St. Petersburg, FL 33702

PURPOSE: Regular Bi-Monthly District VIII LEPC Meeting.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

REGIONAL TRANSPORTATION AUTHORITIES

The **Central Florida Regional Transportation Authority**, (LYNX) lists the following tentative schedule of Board Meetings for the year 2000. All meetings will be held on a Thursday at 2:30 p.m., unless another day or time is specified in the individual meeting notice published for that meeting.

DATES AND TIME: January 27, 2000; February 24, 2000; March 23, 2000; April 27, 2000; May 25, 2000; June 22, 2000; July 27, 2000; August 24, 2000; September 28, 2000; October 26, 2000; December 7, 2000, 2:30 p.m.

PLACE: Educational Leadership Center, Orange County School Board Room, 445 W. Amelia Street, Orlando, Florida 32801

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 Ron Jones, (407)841-2279, at least 48 hours before the meeting. If hearing impaired, contact LYNX, (407)423-0787 (TDD).

The **Central Florida Regional Transportation Authority**, (LYNX) announces the following public meeting of the Governing Board of the Authority to which all persons are invited.

DATE AND TIME: January 27, 2000, 2:30 p.m.

PLACE: Educational Leadership Center, Board Room, 1st Floor, 445 W. Amelia Street, Orlando, FL 32801

PURPOSE: Regularly Scheduled Board Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order.
2. Presentations, if any.
3. Approval of Minutes.
4. Consent Items.
5. Action Items.
6. Chairman's Report.
7. Executive Director's Report.
8. Other Business.

A copy of the detailed agenda may be obtained by contacting: Sandy Bazinet, Assistant Secretary, Central Florida Regional Transportation Authority, 445 W. Amelia Street, Suite 800, Orlando, Florida 32801, (407)841-2279.

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 Ron Jones, (407)841-2279, at least 48 hours before the meeting. If hearing impaired, contact the Authority, (407)423-0787 (TDD).

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following public meetings to which all persons are invited:

DATE AND TIME: Monday, January 3, 2000, 10:00 a.m.

MEETING: Governing Board

PLACE: Holiday Inn, Plantation Room, 2620 West International Speedway Blvd., Daytona Beach, FL 32114

PURPOSE: Planning and discussion of topics for Governing Board Retreat.

Anyone requiring a special accommodation to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Ann Freeman, (904)329-4101 or (904)329-4450 (TDD).

NOTE: If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearing(s), such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **South Florida Water Management District** announces regular and special public workshops and meetings which may be conducted by means of or in conjunction with communications technology, specifically by telephonic conference, to which all interested parties are invited:

DATES AND TIME: January 3-4, 2000; January 10-11, 2000; January 17-18, 2000; January 24-25, 2000; 9:00 a.m. – 6:00 p.m.

PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Governing Board workshops to discuss and consider District business including regulatory and non-regulatory matters. All or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

Copies of the agendas may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceedings are made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Tony Burns, District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 5, 2000, 10:30 a.m.

PLACE: District Headquarters, B-1 Building, Conference Room 3B, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: A meeting of the Policy Revision Subcommittee of the Environmental Advisory Committee to discuss changes in the Committee's policy, including but not limited to membership, officers, scheduling and the Sunshine Law and recommend any changes to the Governing Board.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Office of Communications, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

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

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6106, at least two business days in advance of the meeting to make appropriate arrangements.

For more information contact: Woodie VanVoorhees, (561)682-6332.

The **South Florida Water Management District** announces a regular and special public workshop/meeting which may be conducted by means of or in conjunction with communications technology, specifically by telephonic conference, to which all interested parties are invited:

DATE AND TIME: January 12, 2000, 9:00 a.m.

PURPOSE: Governing Board workshop to discuss and consider District Business including regulatory and non-regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members. In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference in order to take action on items listed on the Thursday, January 13th meeting agenda, including regulatory and non-regulatory items.

DATE AND TIME: January 12, 2000, 1:00 p.m.

PURPOSE: Human Resources Committee meeting to discuss regular committee business.

DATE AND TIME: January 12, 2000, 2:00 p.m.

PURPOSE: Audit Committee meeting to discuss regular committee business. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

DATE AND TIME: January 12, 2000, time to be determined

PLACE: To be determined

PURPOSE: Possible off-site dinner with Governing Board members after Workshop/Meeting. No discussion of the Governing Board's business or activities shall occur between or among Board members at this dinner site.

DATE AND TIME: January 13, 2000, 8:30 a.m.

PURPOSE: Governing Board meeting for consideration of regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Tony Burns, District Clerk, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 13, 2000, 8:50 a.m.

PLACE: B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: To consider the purchase of lands or property rights generally described in the SFWMD 1999 Save Our Rivers Five Year Plan.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Blair R. Littlejohn III, Director, Real Estate Division, (561)682-6842.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 14, 2000, 10:30 a.m.

PLACE: District Headquarters B-1 Building, Storch Room, Third Floor, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: A meeting of the Environmental Advisory Committee to discuss and take positions on environmental issues and to present the Committee's recommendations to the Governing Board.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Office of Communications, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

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

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact: Woodie VanVoorhees, (561)682-6332.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 21, 2000, 12:30 p.m. – 5:00 p.m.

PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: A meeting of the Water Utility Advisory Committee to discuss issues affecting water utilities and to advise the Governing Board of any positions it takes on these issues.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Office of Communications, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For more information contact: Gardenia Long, (561)682-6001.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 24, 2000, 7:00 p.m.

PLACE: Wyndham Resort and Spa, 250 Racquet Club Road, Ft. Lauderdale, Florida

PURPOSE: Public meeting to discuss acquisition of lands within Broward County for the East Coast Buffer/Water Preserve Areas Project.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Real Estate Division, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

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

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For general land acquisition information, contact the Senior Real Estate Specialist, Pete Schneider, (561)682-6831. For more general project information, contact: Project Manager, Jim Jackson, (561)682-6334.

The South Florida Water Management District announces a closed door attorney-client meeting as follows:

DATE AND TIME: January 4, 2000, 10:00 a.m.

PLACE: Governing Board Chambers, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Attorney-Client Session pursuant to Fla. Stat. Section 286.011(8) (1993) to discuss settlement negotiations or strategy related to litigation expenditures in Natural Resources Defense Council, Inc. v. U.S. Army Corps of Engineers and South Florida Water Management District, etc., et. al., U.S. District Court, Southern District of Florida.

ATTENDEES: Governing Board members: M. Collins, M. Minton, M. Berger, V. Carter, G. Fernandez, P. Gleason, N. Gutierrez, Jr., H. Thornton, T. Williams; District Executive Director: F. Finch; District Attorneys: J. Fumero, R. Clements and K. Rizzardi.

The subject matter shall be confined to pending litigation. At the conclusion of the session, the Governing Board meeting shall be re-opened. Pursuant to Florida law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. Transcript of the attorney-client session shall be made part of the public record upon conclusion of the litigation.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATES AND TIME: January 14-15, 2000, 8:00 a.m. – 8:00 p.m., on both days

PLACE: Florida Keys Service Center, 80432 Old Road, Islamorada, Florida

PURPOSE: Governing Board/Executive Director Retreat

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Darryl Bell, Governing Board/Business Operations Coordinator, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680, (561)682-2529.

The **South Florida Water Management District** announces regular and special public workshops and meetings which may be conducted by means of or in conjunction with communications technology, specifically by telephonic conference, to which all interested parties are invited:

DATES AND TIME: February 7-8, 2000; February 14, 2000; February 21-22, 2000; February 28-29, 2000, 9:00 a.m. – 6:00 p.m.

PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Governing Board workshops to discuss and consider District business including regulatory and non-regulatory matters. All or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

Copies of the agendas may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceedings are made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Darryl Bell, Governing Board Business/Operations Coordinator, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 5, 2000, 9:30 a.m. – 12:30 p.m.

PLACE: Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, Florida

PURPOSE: A meeting of the Lower West Coast Water Supply Plan Advisory Committee to review and gather public input on the Plan.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Mark Elsner, (561)682-6156.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 5, 2000, 9:30 a.m. – 12:30 p.m.

PLACE: Lorida Civic Center, 1909 Oak Avenue, Lorida, Florida

PURPOSE: A meeting of the Kissimmee Basin Water Supply Plan Advisory Committee to review and gather public input on the Plan.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Chris Sweazy, (407)858-6100.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 11, 2000, 10:00 a.m. – 2:00 p.m.

PLACE: City of Stuart Chambers, 121 S. W. Flagler Avenue, Stuart, Florida

PURPOSE: The voting members of the St. Lucie River Issues Team are asked to reconvene for a meeting to accept proposals and view presentations on proposed projects being submitted for funding in the year 2000.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally

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

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Paul Miller, (561)223-2600.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 14, 2000, 9:00 a.m. – 12:00 Noon

PLACE: Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, Florida

PURPOSE: A meeting for the Caloosahatchee Advisory Committee to discuss modeling results of alternative scenarios for the Caloosahatchee Basin and the Draft Caloosahatchee Water Management Plan.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Janet Starnes, (941)338-2929, Extension 7735.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 19, 2000, 9:30 a.m. – 12:30 p.m.

PLACE: Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, Florida

PURPOSE: A meeting of the Lower West Coast Water Supply Plan Advisory Committee to review and gather public input on the Plan.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary

for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Mark Elsner, (561)682-6156.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 19, 2000, 10:00 a.m. – 2:00 p.m.

PLACE: City of Stuart Chambers, 121 S. W. Flagler Avenue, Stuart, Florida

PURPOSE: The voting members of the St. Lucie River Issues Team are asked to reconvene for a meeting to rank all proposals and select those project proposals that will be submitted for funding in the year 2000.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Paul Millar, (561)223-2600.

The South Florida Water Management District announces a public workshop to which all interested parties are invited:

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

PLACE: South Florida Water Management District Miami Field Station, 9001 N. W. 58th Street, Miami, Florida

PURPOSE: A workshop session of the Miami-Dade County Lake Belt Plan Implementation Committee to discuss the Lake Belt Detailed Master Plan, including wellfield protection and non-mining issues.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any Miami-Dade County Lake Belt Plan Implementation Committee decision require a record of the proceedings. Affected persons are advised it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact: Jim Jackson Project Manager, (561)682-6334.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 21, 2000, 9:30 a.m. – 12:30 p.m.

PLACE: Orlando Utilities Commission, 3800 Gardenia Avenue, Orlando, Florida

PURPOSE: A meeting of the Kissimmee Basin Water Supply Plan Advisory Committee to review and gather public input on the Plan.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Chris Sweazy, (407)858-6100.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

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

DATE AND TIME: Friday, January 14, 2000, 10:00 a.m. – completion

PLACE: 2740 Centerview Drive, Rhyne Building, Room 308, Tallahassee, Florida, (850)488-6036

PURPOSE: To approve minutes from November 8, 1999 meeting, review WAGES Subcommittee recommendations, follow-up on background screening, follow-up on bonding issue, review AOR Subcommittee report and FY 98/99 financial review of the CTD.

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, 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.

REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following meeting to which all persons are invited.

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

PLACE: DeSoto County Administration Building, 201 East Oak Street, Arcadia, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority. In accordance with Public Law No. 106-40, Chemical Safety Information, Site Security and Fuels Regulatory Relief Act, the Authority will also conduct a public briefing concerning elements of the Peace River/Manasota Regional Water Supply Facility's Risk Management Plan at this meeting.

Information about the meeting may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240 or calling (941)316-1776.

Affected persons are advised that it will be necessary for them to make their own arrangements if a verbatim record of the meeting is needed including testimony and evidence upon which any appeal is based.

DEPARTMENT OF VETERANS' AFFAIRS

The Florida **Department of Veterans' Affairs** announces that it will hold a review meeting of the sites submitted for the North Florida State Veterans' Nursing Home #4, and for the Southwest State Veterans' Nursing Home #5. The public meeting will occur:

DATE AND TIME: January 11, 2000, 9:00 a.m.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference, Room 225F, Tallahassee, FL 32399-7000

PURPOSE: Review sites submitted for State Veterans' Nursing Homes, #4 & #5.

A copy of the agenda may be obtained by contacting: Lyndette Aguirre, Florida Department of Veterans' Affairs, (727)319-7407.

Accommodations can be made for persons with disabilities provided several days notification is received. Please notify John Venable, Department of Elder Affairs, (850)414-2000.

SPACEPORT FLORIDA AUTHORITY

The **Spaceport Florida Authority** announces a Board of Supervisors meeting to which the public is invited.

DATE AND TIME: January 12, 2000, 10:00 a.m. – 12:00 p.m.

PLACE: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003

PURPOSE: The Board will continue discussion on the status of ongoing projects including the Reusable Launch Vehicle (RLV) facility at Kennedy Space Center, the Horizontal Integration Facility (HIF) facility at Launch Complex 37, and the development at Launch Complex 20; Washington update; development, planning and administrative issues, and to consider any proposed financing of matters related to the business of the Authority.

For more information, contact: Mr. Jim Leary, (407)730-5301, Ext. 1121.

To obtain a copy of the agenda, write: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Spaceport Florida Authority at least seven (7) days prior to the meeting.

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

The **Florida Commercial Space Financing Corporation** announces a Meeting and Teleconference to which the public is invited.

DATE AND TIME: January 12, 2000, 1:00 p.m. – 3:00 p.m.

PLACE: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920

PURPOSE: A Meeting to continue development, planning and administrative issues and to consider any proposed financing matters related to the business of the corporation. The Teleconference will be available at the offices of Spaceport Florida Authority.

For more information, contact: Mr. Ed O'Connor, (321)730-5301, Ext. 1101.

To obtain a copy of the agenda write: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Spaceport Florida Authority.

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, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Space Research Institute (FSRI)** will hold a public meeting of its board of directors on:

DATE AND TIME: January 13, 2000, 10:30 a.m. – 4:00 p.m.

PLACE: 100 Spaceport Way, Cape Canaveral, Florida.

For more information about FSRI or this meeting, contact: Edward Ellegood, (407)730-5301.

PURPOSE: To include discussions, deliberations and actions on the FSRI's structure and charter.

The FSRI is a legislatively established independent academic institute responsible for combining the capabilities and interests of universities and colleges statewide to support the needs of the state's space industry.

To obtain a copy of the agenda, write to Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Spaceport Florida Authority at least seven (7) days prior to the meeting.

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, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces the following meetings to be conducted by the Florida **Board of Architecture and Interior Design (Board):**

MEETING: Interior Design Committee

DATE AND TIME: January 10, 2000, 9:30 a.m.

PLACE: Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, FL 32207, (904)396-5100

PURPOSE: To review rules regulating the practice of interior design in the State of Florida.

MEETING: Architecture/Architecture Continuing Education Committee

DATE AND TIME: January 10, 2000, 1:30 p.m.

PURPOSE: To review issues associated with regulation of the architecture profession.

MEETING: Board of Architecture and Interior Design

DATE AND TIME: January 11, 2000, 9:00 a.m.

PURPOSE: To conduct an official meeting of the Board to review issues associated with regulation of both architecture and interior design professions.

Agenda copies may be obtained by writing the Board: 1940 North Monroe Street, Tallahassee, FL 32399-0751.

Any person deciding to appeal a decision made with respect to any matter considered at the meeting must ensure a verbatim record of the proceeding is made. Such record must include the testimony and evidence upon which an appeal is to be based.

Any person requiring special accommodations because of a disability or physical impairment should contact: Gregory Spence, Regulation Supervisor, 1940 North Monroe Street, Tallahassee, Florida 32399-0751 or call (850)488-6685, Extension 3, at least forty-eight (48) hours prior to the meeting. Hearing or speech impaired respondents may contact Mr. Spence using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation** announces the following meetings to be conducted by the Florida **Board of Landscape Architecture** (Board):

MEETING: Board

DATE AND TIME: February 4, 2000, 10:30 a.m.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399-0751

PURPOSE: To conduct an official meeting of the Board in order to review issues associated with regulation of the landscape architecture profession.

Agenda copies may be obtained by writing the Board: 1940 North Monroe Street, Tallahassee, FL 32399-0751.

Any person deciding to appeal a decision made with respect to any matter considered at the meeting must ensure a verbatim record of the proceeding is made. Such record must include the testimony and evidence upon which an appeal is to be based.

Any person requiring special accommodations because of a disability or physical impairment should contact: Gregory Spence, Regulatory Supervisor, 1940 North Monroe Street, Tallahassee, Florida 32399-0751 or call (850)488-6685, Extension 3, at least forty-eight (48) hours prior to the meeting. Hearing or speech impaired respondents may contact Mr. Spence using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIME: Wednesday, January 12, 2000; Thursday, January 13, 2000; Friday, January 13, 2000, 8:00 a.m.

PLACE: Palm Beach Gardens Marriott, Palm Beach Gardens, Florida

PURPOSE: Committee, Disciplinary Actions and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings 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.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Rodney Hurst, (904)727-3689, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Electrical Contractors' Licensing Board** announces an Official Board, and Committee Meetings to which all interested persons are invited. (Parts of this meeting are confidential and closed to the public)

DATE AND TIME: January 18, 2000, Rules Hearing – 10:00 a.m. or soon thereafter; Committee Meetings – 11:00 a.m. or soon thereafter

DATE AND TIME: January 19, 2000, 8:30 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Board Room, Tallahassee, Florida 32399-0771, (850)488-3109

PURPOSE: Official Board Meeting.

A copy of the agenda may be obtained by writing: Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

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

For further information, contact: Florida Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact George Ayrish at the Electrical Contractors' Licensing Board at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call George Ayrish 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 Veterinary Medicine** announces the following meeting to be held by telephone conference call to which all parties are invited to attend.

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

PLACE: Access Telephone Number (850)921-5400, Suncom 291-5400

PURPOSE: Probable Cause Panel meeting, agenda available on request.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-2404, 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 Probable Cause Panel of the **Florida Real Estate Commission** will meet:

DATE AND TIME: January 18, 2000, 1:30 p.m., or the soonest thereafter. Portions of the probable cause proceedings are not open to the public.

PLACE: Suite 301, North Tower, 400 West Robinson Street, Orlando, Florida

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 9:00 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission**, (FREC) announces a meeting to which all persons are invited.

DATE AND TIME: January 19, 2000, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida

PURPOSE: Official business of Commission. Among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, Rule development workshops, Florida Administrative Code 61J-2 Rule amendments, Budget discussions, Escrow Disbursement Requests, Recovery Fund Claims, education issues, Petitions for declaratory statement, and disciplinary actions.

If a person decides to appeal a decision made by the Commission with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required. Probable Cause Panel(s) may also meet during this session. Portions of the Probable Cause are not open to the public.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, Administration Office, P. O. Box 1900, Orlando, Florida 32802-1900.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public meeting of the Citizens Source Water Assessment and Protection Program Technical Advisory Committee. All persons are invited and a brief public comment period will be provided.

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

PLACE: Board Room, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida

If an accommodation for a disability is needed in order to participate in the public meeting, please call the Personnel Specialist, (850)488-2996 or 1(800)955-8771 (TDD), at least 7 days before the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Citizens Source Water Assessment and Protection Program Technical Advisory Committee will discuss Florida's proposed Source Water Assessment and Protection Program and comments received by the U.S. Environmental Protection Agency. The required components of the program are identification of all public drinking water supply wells, mapping of source water assessment areas, identification of potential sources of contamination, the susceptibility of each public supply well to identified potential sources, and provisions for public notification of the availability of these assessments.

A copy of the agenda may be obtained by contacting: Allan Stodghill, Department of Environmental Protection, Water Quality Standards and Source Water Protection Section, 2600 Blair Stone Road, MS 3575, Tallahassee, Florida 32399-2400, Telephone (850)921-9429.

DEPARTMENT OF HEALTH

The **Department of Health** and the **Board of Psychology** announces a conference call of the board to which all persons are invited:

DATE AND TIME: January 4, 2000, 3:00 p.m. or soon thereafter

NUMBERS: Nonsuncom (850)488-8295 Suncom 278-8295

PURPOSE: General business meeting to discuss petition for variance or waiver of Rule 64B19-11.001(1)(b).

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 2020 Capital Circle, S. E., BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office, (850)487-2098.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

The **Department of Health** announces a public meeting to which all persons are invited. The meeting will be held by telephone conference call at the following locations:

- Marina Garcia Wood, Ft. Lauderdale, FL, (954)983-9666
- Lucius Noyes, Palatka, FL, (904)325-7576
- Arnold Barad, Boynton Beach, FL, (561)735-3300
- Gene R. Motley, St. Augustine, FL, (904)829-5693
- Leonard Inge, Tallahassee, FL, (850)599-4374
- Juan Mora, Miami, FL, (954)924-2032
- Helen Fong, Orlando, FL, (407)248-1826
- Gail Smith, Apopka, FL, (407)886-8911
- Michael Stamitoles, Pensacola, FL, (407)434-4990
- Edwin Bayo, Att. Gen. Office, Tallahassee, FL, (850)414-3300

DATE AND TIME: January 10, 2000, 10:00 a.m. (EDT)
PURPOSE: To approve candidates for licensure and examination. Review any applicants with disciplinary action.

A copy of the agenda may be obtained by writing: Board of Pharmacy, 2020 Capital Circle, Southeast, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)487-9833, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need to ensure a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health**, Council of Licensed Midwifery announces a public meeting to which all persons are invited.

DATES AND TIMES: January 20-21, 2000, 8:30 a.m. (EST)
PLACE: Hilton Garden Inn, 3333 Thomasville Road, Tallahassee, FL

PURPOSE: To conduct general business of the Council.
A copy of the Council agenda may be obtained by writing: Bill Buckhalt, Executive Director, Department of Health, Council of Licensed Midwifery, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, FL 32399-3256

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council of Licensed Midwifery, Dianne Clark, (850)488-8154, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting they will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Florida **Emergency Medical Services Advisory Council** will hold their quarterly meeting.

DATE AND TIME: January 21, 2000, 8:00 a.m., EST
PLACE: Melbourne Airport Hilton, Rialto Place, 200 Rialto Place, Melbourne, Florida 32901, Telephone (407)768-0200
PURPOSE: To conduct general business of the council.

An agenda may be obtained by contacting: Desi Lassiter, Bureau of Emergency Medical Services, (850)245-4055.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Bureau of Emergency Medical Services, (850)245-4440, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Bureau of emergency Medical Services using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For further information, write: Desi Lassiter, 2020 Capital Circle, Southeast, Bin #C18 (HEMS), Tallahassee, Florida 32399-1738 or call (850)245-4440.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Personnel Committee of the Florida **Commission on Mental Health and Substance Abuse** will meet by meet-me-call on:

DATE AND TIME: January 10, 2000, 5:30 p.m. – 7:00 p.m.
PLACE: Anyone wishing to access this meeting may do so by dialing (850)921-6513.

PURPOSE: To discuss applications for executive director of the Commission.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in the meeting should contact Denise Putnal prior to the meeting, Department of Children and Family Services, 1317 Winewood Boulevard, Building 3, Room 102, Tallahassee, FL 32399-0700, Telephone (850)922-4272, or call via Florida Relay Service, 1(800)955-8771 (TDD).

The Florida **Commission on Mental Health and Substance Abuse** announces a meeting to which all persons are invited.

DATE AND TIME: January 31, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: South Florida State Hospital, Gymnasium Building, 1000 S. W. 84th Ave., Pembroke Pines, Florida

PURPOSE: The agenda will provide for public testimony on the functioning, staffing, financing, quality and effectiveness of the publicly supported mental health and substance abuse system, the behavioral health needs of older persons and priority populations. Written testimony may also be sent to the address below.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Denise Putnal prior to the meeting at the Department of Children and Family Services, 1317 Winewood Boulevard, Building 3, Room 102, Tallahassee, FL 32399-0700, Telephone (850)922-4272, Suncom 292-4272 or call via the Florida Relay Service, 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing the department at the above address.

The **Department of Children and Family Services**, Professional Development Centers announces a meeting of the Child Welfare Standards and Training Council to which any interested parties are invited:

DATE AND TIME: January 12, 2000, 10:00 – 5:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL

PURPOSE: Discussion of issues related to child welfare training.

For additional information, please contact: Barbara Buda, Professional Development Centers Central Office, (850)487-0841.

The **Health and Human Services Board**, District 4 announces the following public meetings to which all persons are invited.

DATE AND TIME: January 13, 2000, 2:00 p.m.

PLACE: Roberts Building, Auditorium, 5920 Arlington Expressway, Jacksonville, FL 32225

PURPOSE: Regular Board meeting for general business.

The Health and Human Services Board Committees will meet as follows:

Committee	Date/Time	Room
Health Committee	1/18/00 – 3:00 p.m.	Conf. Room 1
Children's Committee	1/13/00 – 12:30 p.m.	Conf. Room 1
Adult Committee	1/13/00 – 12:30 p.m.	Conf. Room 1
Budget Committee	1/06/00 – 12:00 p.m.	Conf. Room 1

A copy of the agenda may be obtained by writing: Department of Children and Family Services, P. O. Box 2417, Jacksonville, FL 32231-0083 (Attention: Harry Smith).

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.) please notify Harry Smith, (904)723-2151, at least 48 hours in advance of the meeting. Hearing impaired please call (904)646-2859 (TDD).

The Florida **Department of Children and Family Services** announces the District 8, Human Rights Advocacy Committee for Mental Health will meet on the following dates:

DATES AND TIME: January 10, 2000; February 7, 2000; March 6, 2000; April 3, 2000; May 1, 2000; June 5, 2000, 10:00 a.m.

PLACE: Riverside Behavioral Center, 733 E. Olympia Avenue, Punta Gorda, FL

PURPOSE: Regular committee meeting.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Consumer Relations Unit, 2295 Victoria Avenue, Fort Myers, Florida 33901 one week prior to the meeting.

Certain portions of the meetings are not subject to open meetings requirement per 402.165(8)(c), Florida Statutes and 402.166(8)(c), Florida Statutes.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact: Consumer Relations Unit, (941)338-1431 or 1(800)342-0825. Florida Relay Service 1(800)955-8770 (Voice) 1(800)955-8771 (TDD).

The Florida **Department of Children and Family Services** announces the District 8, Human Rights Advocacy Committee for Developmental Services will meet on the following dates:

DATE AND TIME: January 24, 2000, 10:00 a.m.

PLACE: Children's Haven, 4405 DeSoto Road, Sarasota, FL

DATES AND TIME: February 17, 2000, April 20, 2000, June 15, 2000, 10:00 a.m.

PLACE: Gulf Coast Center, 5820 Buckingham Road, Fort Myers, FL

DATE AND TIME: March 16, 2000, 10:00 a.m.

PLACE: Special Training and Rehabilitation of Charlotte County, 525 Bowman Terrace, Punta Gorda, FL

DATE AND TIME: May 18, 2000, 10:00 a.m.

PLACE: Venice Service Center, 897 East Venice Avenue, Venice, FL

PURPOSE: Regular committee meeting.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Consumer Relations Unit, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to the meeting.

Certain portions of the meetings are not subject to open meetings requirement per 402.165(8)(c), Florida Statutes and 402.166(8)(c), Florida Statutes.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Consumer Relations Unit, (941)338-1431 or 1(800)342-0825. Florida Relay Service 1(800)955-8770 (Voice), 1(800)955-8771 (TDD).

The Florida **Department of Children and Family Services** announces the District 8, Human Rights Advocacy Committee for Multi-Program will meet on the following dates:

DATE AND TIME: January 27, 2000, 10:00 a.m.

PLACE: Clewiston Service Center, 215 S. Francisco St., Clewiston, FL

DATE AND TIME: February 24, 2000, 10:00 a.m.

PLACE: Community and Career Service Center of Arcadia, 805 N. Mills Ave., Arcadia, FL

DATE AND TIME: March 23, 2000, 10:00 a.m.

PLACE: Regional Service Center, Room 140, 2295 Victoria Ave., Fort Myers, FL

DATE AND TIME: April 27, 2000, 10:00 a.m.

PLACE: Immokalee Service Center, 401 Colorado Ave., Immokalee, FL

DATE AND TIME: May 25, 2000, 10:00 a.m.

PLACE: Sarasota Service Center, 1864 17th St., Sarasota, FL

DATE AND TIME: June 22, 2000, 10:00 a.m.

PLACE: Regional Service Center, Room 140, 2295 Victoria Ave., Fort Myers, FL

PURPOSE: Regular committee meeting.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Consumer Relations Unit, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to the meeting.

Certain portions of the meetings are not subject to open meetings requirement per 402.165(8)(c), Florida Statutes and 402.166(8)(c), Florida Statutes.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact:

Consumer Relations Unit, (941)338-1431 or 1(800)342-0825. Florida Relay Service 1(800)955-8770 (Voice) 1(800)955-8771 (TDD).

The **Department of Children and Family Services**, Refugee Programs Administration Office announces the following public meetings to which all interested persons are invited.

MEETING: District 4/Duval County Refugee Task Force

DATE AND TIME: Wednesday, January 26, 2000, 2:00 p.m. – 4:00 p.m.

PLACE: Lutheran Social Services, 421 West Church Street, Suite 322, Jacksonville, Florida 32202

Contact person is: Juel Kamke, Telephone (850)413-8217.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Duval County/Children and Family Services, District 4 area.

A copy of the agenda may be obtained by writing: Juel Kamke, Refugee Programs Administration Office, 1317 Winewood Blvd., Building 2, Room 202, Tallahassee, Florida 32399-0700.

MEETING: Districts 5, 6 and 14 – Tampa Bay Area Refugee Task Force

DATE AND TIME: Thursday, January 27, 2000, 9:30 a.m.

PLACE: Gulf Coast Jewish Family Services, 14041 Icot Boulevard, Clearwater, Florida 33760

Contact Person is: Osman Uzun, (850)413-4200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to Refugee resettlement in the Tampa Area/Children and Family Services, District(s) 5, 6 and 14.

A copy of the agenda may be obtained by writing: Osman Uzun, Refugee Programs Administration Office, 1317 Winewood Blvd., Building 2, Room 202, Tallahassee, Florida 32399-0700.

MEETING: District 9/Palm Beach County Refugee Task Force
DATE AND TIME: Wednesday, January 19, 2000, 1:30 p.m. – 3:30 p.m.

PLACE: Naval and Marine Corps Reserve Center, 1227 Marine Drive, West Palm Beach, Florida

Contact person is: Deirdre Williams, Telephone (850)488-3791

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to Refugee resettlement in the Palm Beach County/Children and Family Services, District 9 area.

A copy of the agenda may be obtained by writing: Deirdre Williams, Refugee Programs Administration Office, 1317 Winewood Blvd., Building 2, Room 202, Tallahassee, Florida 32399-0700.

MEETING: District 10/Broward County Refugee Task Force

DATE AND TIME: There was no meeting in December; Tuesday, January 25, 2000, 9:00 a.m. – 12:00 p.m.

PLACE: First Lutheran Church, 441 N. E. 3rd Ave., Ft. Lauderdale, Florida 33301

Contact person is: Cheraka Thomas, Telephone (850)414-0067

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to Refugee resettlement in the Broward County/Children and Family Services, District 10 area.

A copy of the agenda may be obtained by writing: Cheraka Thomas, Refugee Programs Administration Office, 1317 Winewood Blvd., Building 2, Room 202, Tallahassee, Florida 32399-0700.

MEETING: District 11/Miami Area Refugee Task Force

DATE AND TIME: There was no meeting in December; Wednesday, January 12, 2000, 10:00 a.m. – 12:00 p.m.

PLACE: Radisson Mart Plaza Hotel, 711 N. W. 72nd Ave., Miami, Florida 33126, Contact person is Taddese Fessehaye or Susan Sullivan, Telephone (850)488-3791.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to Refugee resettlement in the Miami Area/Children and Family Services, District 11.

A copy of the agenda may be obtained by writing: Taddese Fessehaye or Susan Sullivan, Refugee Programs Administration Office, 1317 Winewood Blvd., Building 2, Room 202, Tallahassee, Florida 32399-0700.

Pursuant to the Provisions of the American's with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting at the Refugee Programs Administration Office, (850)488-3791 or Fax (850)487-4272. If you are hearing or speech impaired, please contact the agency by calling TDD Number (850)922-4449 and reference the specific Refugee Task Force Meeting by location and date.

WAGES BOARD

The State of Florida **WAGES Board** announces a public conference-call meeting to which all persons are invited:

DATE AND TIME: Wednesday, January 5, 2000, 9:00 a.m. – 10:00 a.m.

PLACE: State of Florida WAGES Board Office, 102 W. Whiting Street, Suite 502, Tampa, Florida 33602, Meet-Me-Conference Call: (850)921-2548 or Suncom 291-2548

PURPOSE: Consultation between WAGES Board members Ellyn Setnor Bogdanoff, who chairs the Board's Research Committee, and Dr. Bob Brooks, who is secretary of the Florida Department of Health, with regard to development of an appropriate procurement instrument in connection with a research project to evaluate the teen pregnancy prevention programs being conducted by or on behalf of local WAGES coalitions.

A copy of the agenda for this conference call may be obtained by writing: State WAGES Board Office, 102 W. Whiting Street, Suite 502, Tampa, FL 33602, or by calling Linda Shanker, (813)272-3802.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Linda Shanker, (813)272-3802. 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 (TTD).

FLORIDA COMMISSION ON RESPONSIBLE FATHERHOOD

The **Florida Commission on Responsible Fatherhood** announces the following meeting to which all interested parties are invited to attend.

The meeting will be held at the following time and location:

DATES AND TIMES: January 10, 2000, 10:00 a.m. – 5:00 p.m.; January 11, 2000, 8:00 a.m. – 5:00 p.m.

PLACE: Holiday Inn La Concha Hotel, 430 Duval Street, Key West, FL 33042, Telephone (305)296-2991, Fax (305)294-3283

PURPOSE: The Commission on Responsible Fatherhood will be having a business meeting and will take public testimony on all issues concerning responsible fatherhood. Public Testimony will begin at 11:00 a.m. and will conclude at 12:00 noon on January 10, 2000.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Ms. Kathy Collins, Commission on Responsible Fatherhood, (850)488-4952, at least five calendar days prior to the meeting.

TRAINING COUNCIL AND ASSESSMENT CENTER

The Region XII, **Training Council and Assessment Center**, Board of Directors announces a public meeting to which all interested persons are invited:

DATE AND TIME: Tuesday, January 11, 2000, 10:00 a.m.

PLACE: Palm Beach Community College, Criminal Justice Room 101, 4200 Congress Avenue, Lake Worth FL 33461

PURPOSE: The agenda will include but is not limited to: FDLE/CJSTC updates; Palm Beach Community College/Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola, Secretary of the Criminal Justice Institute, Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL 33461, Telephone (561)439-8145.

FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST

The Board of Trustees for the **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: January 21, 2000, 10:30 a.m.

PLACE: Broward County Governmental Center, 115 S. Andrews Ave., Room 513, Ft. Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting the Trust's Administrator, FACC Service Corporation, (850)921-0808

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF REVENUE

The Petitioner, a licensed private investigative agency, locates individuals entitled to unclaimed property according to public records obtained from the Department of Banking and Finance. If a claimant is located, the Petitioner contracts to recover the property for a fee. The Petitioner requests a Declaratory Statement as to whether the activity is a taxable investigative service pursuant to Section 212.05(1)(j), Florida Statutes, as interpreted by Rule 12A-1.0092, Florida Administrative Code.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF BANKING AND FINANCE

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Securities and Investor Protection, issued a Final Order on December 7, 1999, disposing of the Petition for Declaratory Statement filed by counsel for the Florida Institute for Medicare Advocacy, Inc. (File No. 2853-S-9/99). The Final Order held that, under the facts presented in the petition, the pooled trust and joinder agreement did not constitute a "security" as defined by Section 517.021(19), Florida Statutes, and that the Petitioner did not have to register as an "issuer" pursuant to Section 517.12, Florida Statutes.

A copy of the Final Order can be obtained by writing: Agency Clerk, Department of Banking and Finance, Suite 526, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

FLORIDA PAROLE COMMISSION

NOTICE IS HEREBY GIVEN that the State of Florida, Florida Parole Commission, received a signed Petition to Initiate Rulemaking on November 15, 1999, from Lawrence Stewart, DC #052116. Petitioner is a prisoner seeking to repeal Rule 23-21.0155(3), Florida Administrative Code. The Petition has been assigned Parole Commission #99-2-RR. On December 9, 1999, Parole Commission Chairman Jimmie L. Henry issued an Order denying the Petition.

A copy of the Petition and Order may be obtained by writing: William L. Camper, General Counsel, Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

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

NONE

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

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

CALL FOR BIDS

Made by the University of North Florida, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, on behalf of the State of Florida, Board of Regents.

PROJECT NAME, NUMBER AND LOCATION: Child Care Development Center Parking Lots and Site Improvements – BR-930. University of North Florida, 4567 St. Johns Bluff Road South, Jacksonville, Florida 32224.

PROJECT SCOPE: The work consists of site improvements for the new Child Development Center (CDC) including, earthwork, storm drainage, sanitary sewer system, potable water system, asphalt pavement, concrete sidewalks and curbs, pavement marking, roadway signing, landscaping, erosion control measures and incidental work. The CDC building will be constructed under a separate contract.

QUALIFICATION: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Sealed bids will be received on:

DATE AND TIME: January 25, 2000, until 2:00 p.m., Local Time

PLACE: University of North Florida, Building 5, Conference Room, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, at which time and place they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual, which may be obtained or examined at the office of the Architect/Engineer at Bessent, Hammack & Ruckman, Inc., 1900 Corporate Square Boulevard, Jacksonville, Florida 32216, Telephone (904)721-2991, Fax (904)725-0171.

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Minority Business Advocacy and Assistance Office, Department of Labor and Employment Security. Consideration will be given to the percentage of participation, as described in the Instructions to Bidders, in the award of the contract.

PRE-SOLICITATION/PRE-BID MEETING: The Bidder is encouraged to attend the pre-solicitation/pre-bid meeting. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

DATE AND TIME: January 18, 2000, 2:00 p.m., Local Time

PLACE: University of North Florida, Building 5, Physical Facilities Conference Room 4567, St. Johns Bluff Road, South, Jacksonville, Florida 32224

DEPOSIT: \$100.00 per set of drawings and Project Manual is required with a limit of three (3) sets per general contractor or prime bidder; and two (2) sets of drawings and Project Manuals for plumbing, heating/ventilating/air conditioning and electrical contractors acting as subcontractors.

REFUND: The deposit shall only be refunded to those general contractors, prime bidders, or plumbing, heating/ventilating/air conditioning and electrical contractors acting as either prime or subcontractors, who after having examined the drawings and specifications:

- a. submit a bona fide bid, or
- b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning, or electrical work and who return the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of bidding documents may be examined at the Architect/Engineer's office and local plan rooms. Full sets may be purchased through the Architect/Engineer for \$100.00 per set for the printing and handling cost.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

INVITATION TO BID

The School Board of Broward County, Florida
Competitive sealed bids will be received by the Purchasing Department until the date and time shown for the following:

BID NUMBER: 20-188B

BID TITLE: PAPER AND PLASTIC ITEMS FOR CAFETERIAS (REBID)
 DUE DATE AND TIME: JANUARY 20, 2000, ON OR BEFORE 2:00 p.m.
 LOCATION OF BID OPENING: PURCHASING DEPARTMENT, 7720 WEST OAKLAND PARK, SUITE 323, SUNRISE, FLORIDA 33351-6704
 CONTRACT TERM: DATE OF AWARD THROUGH AUGUST 31, 2001
 ESTIMATED DOLLAR VALUE OF THE BID: \$500,000.00
 CONTACT PERSON: CHARLES V. HIGH, C.P.M., A.P.P.
 TELEPHONE NUMBER: (954)765-6107
 FAX NUMBER: (954)768-8911
 E-MAIL: chigh@browardschools.com
 WEBSITE: <http://www.browardschools.com>
 Department: Purchasing

DEPARTMENT OF COMMUNITY AFFAIRS

Request for Proposals

State Agency: Department of Community Affairs
 RFP Number: HCD/FW 99-001
 RFP Title: FARMWORKER HOUSING
 RFP Date of Issuance: December 23, 1999
 RFP Date and Time of Closing: February 24, 2000, 4:00 p.m., Tallahassee Time
 RFP Opening Date and Time: February 25, 2000, 10:00 a.m., Tallahassee Time
 PURPOSE: The Department of Community Affairs is soliciting sealed proposals from general or special purpose local governments or 501(c)(3) nonprofit corporations to construct affordable farmworker rental housing for migrant and seasonable farmworkers in Collier and Hillsborough Counties. Grant funds may only be used for acquisition and construction related costs for the development of the units.
 BACKGROUND: In July of 1999, the United States Congress appropriated a total of \$20 million to the United States Department of Agriculture (USDA) in Emergency Supplemental Appropriation funds to address farmworker emergencies in the nation. The USDA subsequently requested proposals for the use of these emergency funds to meet emergency farmworker needs in local areas. The State of Florida, under the leadership of the Executive Office of the Governor, submitted a state consolidated proposal requesting \$10 million of those federal Emergency Supplemental Appropriation funds to respond to a statewide crisis in farmworker housing. The request represented the first step in a long-term comprehensive farmworker housing initiative, which will address the severe shortage and deplorable conditions of housing available to migrant and seasonal farmworkers in the state.

In the proposal to the USDA, Florida requested funds to address the farmworker housing crisis in two emergency target areas in Hillsborough and Collier counties. Based on an analysis of existing capacity and need, the State proposed to seek sponsors to construct projects that would provide rental housing units for unaccompanied adult migrant and seasonal farmworkers in Collier and Hillsborough counties and rental housing units for migrant and seasonal farmworker families in Hillsborough County. In its proposal, the State also proposed to create housing component manufacturing capacity at a Florida Department of Corrections (DOC) facility. Respondents who are awarded funds will be required to coordinate and cooperate with the Department of Corrections and integrate DOC building components into their overall project design. On September 28, 1999, the USDA announced the award of \$9.1 million to the State of Florida. The DCA accepted this award.

RFP REQUEST: Requests for copies of the RFP should be addressed to: Carolyn Johnson, Department of Community Affairs, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-3581. Requests may also be faxed to Carolyn Johnson, (850)410-1555.

The Request for Proposal may also be accessed by obtaining a copy from the Department's website: www.dca.state.fl.us/fhcd/fwrfp.

If an accommodation is needed in order for a person with a disability to participate in this solicitation, please notify the Economic Assistance Section at the number listed above at least five days before the accommodation is required. If you are hearing or speech impaired, please contact the Economic Assistance Unit Office using the Florida Dual Party Relay system which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

LEGAL NOTICE

REQUEST FOR PROPOSALS FOR PARTIAL
 BROKERAGE COMMUNITY TRANSPORTATION
 COORDINATOR FOR THE TRANSPORTATION
 DISADVANTAGED IN GLADES COUNTY AND THE
 HENDRY COUNTY JOINT SERVICE AREA

The Southwest Florida Regional Planning Council will accept proposals from qualified agencies or firms to coordinate a partial brokerage transportation disadvantaged program in the joint service area of Glades County and Hendry County, Florida. Proposals will be received until the deadline of 3:00 p.m., Friday, January 28, 2000, at the offices of the Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33917.

The selected firm will serve as the designated Community Transportation Coordinator for the Transportation Disadvantaged, as authorized by Chapter 427, Florida Statutes,

and more fully described in Rule 41-2 of the Florida Administrative Code. In this Request for Proposals, the designated Community Transportation Coordinator is to be a partial brokerage coordinator. They shall be responsible for the coordination of transportation services. The firm shall also be responsible for arranging trips. Trips may be provided directly by the firm, or subcontracted out to other qualified transportation providers. Under this proposal, the designated community transportation coordinator shall commence coordination on July 1, 2000.

PRE-PROPOSAL MEETING: In order to review requirements of this Request for Proposals and provide answers to questions from interested agencies/firms, a non-mandatory pre-proposal meeting will be held on January 5, 2000, 1:00 p.m., at the offices of the Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33917. Firms and agencies represented will have an opportunity to clarify any information contained in the request for proposals. Questions can be submitted in writing prior to the pre-proposal meeting. No statements made during the conference will be considered binding changes to this solicitation unless they are subsequently issued as a written addendum to this proposal package.

Copies of the document may be obtained after December 28th, 1999 by appearing in person or contacting the Southwest Florida Regional Planning Council, at the offices of the Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33917, Telephone (941)656-7720, Fax (941)656-7724. There may be a cost to obtain a copy of the complete document.

LEGAL NOTICE

**REQUEST FOR PROPOSALS FOR COMPLETE
BROKERAGE COMMUNITY TRANSPORTATION
COORDINATOR FOR THE TRANSPORTATION
DISADVANTAGED IN LEE COUNTY**

The Southwest Florida Regional Planning Council will accept proposals from qualified agencies or firms to coordinate a complete brokerage transportation disadvantaged program in Lee County, Florida. Proposals will be received until the deadline of 3:00 p.m., Friday, January 28, 2000, at the offices of the Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33917. The Southwest Florida Regional Planning Council is conducting this process on behalf of the Lee County Metropolitan Planning Organization.

The selected firm will serve as the designated Community Transportation Coordinator for the Transportation Disadvantaged, as authorized by Chapter 427, Florida Statutes, and more fully described in Rule 41-2 of the Florida Administrative Code. In this Request for Proposals, the designated Community Transportation Coordinator is to be a complete brokerage firm. It shall be responsible for the

coordination of all transportation disadvantaged services. The designated community transportation coordinator will provide no transportation directly; all trips are to be provided by other qualified transportation providers. Under this proposal, the designated community transportation coordinator shall commence coordination on July 1, 2000.

PRE-PROPOSAL MEETING: In order to review requirements of this Request for Proposals and provide answers to questions from interested agencies/firms, a non-mandatory pre-proposal meeting will be held on January 5, 2000, 1:00 p.m., at the offices of the Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33917. Firms and agencies represented will have an opportunity to clarify any information contained in the request for proposals. Questions can be submitted in writing prior to the pre-proposal meeting. No statements made during the conference will be considered binding changes to this solicitation unless they are subsequently issued as a written addendum to this proposal package.

Copies of the document may be obtained after December 28th, 1999, by appearing in person or contacting: Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33917, Telephone (941)656-7720, Fax (941)656-7724. There may be a cost to obtain a copy of the complete document.

SPACEPORT FLORIDA AUTHORITY

**REQUEST FOR ANTICIPATED SERVICES
FOR SPACEPORT UTILITIES PRIVITIZATION**

The Spaceport Florida Authority (SFA), is seeking expressions of interest and statements of qualification by operators of electrical utilities to partner with SFA and to respond to the expected RFP from the United States Air Force for the privatization of operations of the electrical utilities at the Cape Canaveral Air Station (CCAS) and Patrick Air Force Base (PAFB).

The expression should include a strategy for operating, maintaining and improving the electrical infrastructure at CCAS & PAFB. The expression should also include a plan for using SFA's statutory powers to maximize the benefits to governmental and commercial users of the facilities at CCAS & PAFB.

SFA was established by Florida Law to support the retention, expansion and diversification of the state's space-related industry. SFA is empowered as a transportation authority and as a subdivision of the state, with the authority to own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve electric power plants, transmission lines and related facilities.

Interested persons should submit three (3) copies of their expression of interest in a sealed envelope entitled "APPLICATION TO PARTICIPATE IN SPACEPORT

FLORIDA AUTHORITY'S PARTNERSHIP FOR SPACEPORT UTILITIES" to: Systems Planning Manager-Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, FL 32920-4003. Applications must be received no later than 3:00 p.m., January 21, 2000. Questions should be addressed to Keith Witt, (407)730-5301, Extension 1135.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**NOTICE OF INVITATION TO BID
BID NO. BDRS 36-99/00**

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: Unexploded ordinance services

SCOPE OF WORK: Monitor and assess risk that could be encountered in future wetland restoration activities at Kissimmee Prairie State Preserve

PARK LOCATION: Kissimmee Prairie State Preserve, 33104 N. W. 192nd Ave., Okeechobee (Okeechobee Co.), Florida

PROJECT MANAGER: Dallas Marshall, Bureau of Design and Recreation Services, Telephone (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 ten (10) 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 Thursday, December 23, 1999 at: Kissimmee Prairie State Preserve, 33104 N. W. 192nd Avenue, Okeechobee, Florida 34942, Attention: Barry Burch, Park Manager, Telephone (941)462-5360

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, (850)488-3539 at least five (5) workdays prior to opening.

BID SUBMITTAL DUE DATE: No later than 4:00 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

**NOTICE OF INVITATION TO BID
BID NO. BDRS 37-99/00**

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: Wetlands restoration

SCOPE OF WORK: Excavation of spoil areas and the filling and grading of drainage ditches that were used to drain wetlands

PARK LOCATION: Kissimmee Prairie State Preserve, 33104 N. W. 192nd Ave., Okeechobee (Okeechobee Co.), Florida

PROJECT MANAGER: Dallas Marshall, Bureau of Design and Recreation Services, Telephone (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 Thursday, December 23, 1999 at: Kissimmee Prairie State Preserve, 33104 N. W. 192nd Avenue, Okeechobee, Florida 34942, Attention: Barry Burch, Park Manager, Telephone (941)462-5360

PRE-BID CONFERENCE: A Pre-Bid Conference will be held at 1:00 p.m., January 12, 2000, at Kissimmee Prairie State Preserve. Attendance is mandatory for bidders. A bidder not attending is not qualified or eligible to submit a bid for the project.

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, (850)488-3539, at least five (5) workdays prior to opening.

BID SUBMITTAL DUE DATE: No later than 3:30 p.m., Tuesday, January 25, 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 CHILDREN AND FAMILY SERVICES

NOTICE TO PROFESSIONAL CONSULTANTS

The State of Florida, Department of Children and Family Services, Office of Design and Construction, announces that professional engineering services are required on the project listed below. Applications from qualified firms are to be sent to the attention: Mr. Glenn Jenkins, P. E., Office of Design and Construction, Department of Children and Family Services, 1317 Winewood Blvd., Building 3, Room 205-J, Tallahassee, FL 32399-0700.

PROJECT: Upgrade Fire Alarm
South Florida Evaluation and Treatment Center (Miami)

PROJECT NUMBER: DCF-99221120

PROJECT BUDGET: \$240,000

ENGINEERING SERVICES TO BE PROVIDED: Preparation of design documents for new central fire alarm system for AHCA and state fire marshal approval, and preparation of bid documents for bidding and building permit review. Bidding and construction administration services are also required.

INFORMATION CONTACT: Glenn G. Jenkins, P. E., (850)921-8920

RESPONSE DUE: January 28, 2000 by 5:00 p.m., Eastern Standard Time.

INSTRUCTIONS

Submit three copies of each of the following with Letter of Interest:

1. Professional Qualifications Supplement (PQS). Use current DMS PQS Form DBC5112. Complete PQS form using past and present fees under contracts with the Department of Children and Family Services.
2. Completed SF-254 (U.S. GSA Standard Form 254).
3. Completed SF-255 (U.S. GSA Standard Form 255).
4. Firm's current Professional Engineering Registration in the State of Florida, pursuant to F.S. Chapter 471.
5. (Corporations Only:) Current Corporate Certification showing validation date and the designation of registered professionals qualifying the corporation to practice engineering in the State of Florida.

To receive consideration, firms must possess professional registration and corporate certification (if a corporation) in the State of Florida, as of the response due date.

Representative samples of related work submitted by an applicant may be considered in the rating of Experience and Ability. All information submitted will be maintained in the project file, and will not be returned.

Selection will be made in accordance with DMS procedures for "Selection of the Design Professional" (a copy of which may be downloaded from <http://www.state.fl.us/dms/dbc/sdp.doc>). Upon approval of the Director of the Office of General Services, notification of selection results will be mailed to all applicants. Failure to file a protest within the time prescribed in s. 120.57(3)(b), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

Upon selection, the Department will undertake to negotiate a fee with the top-ranked firm(s). In accordance with Section 287.055, Florida Statutes, the Department of Children and Family Services will award a Professional Services Contract for each project to the highest-ranked firm submitting an acceptable fee proposal. Applicants are advised that plans and specifications for engineering projects may be reused in accordance with F.S. 287.055(11).

GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY

**INVITATION TO BID
WEATHERPROOF CONTROLLED CORRIDOR
00-004**

The Gainesville-Alachua County Regional Airport Authority, (GACRAA) is soliciting sealed bids for the purchase and installation of a flexible weatherproof controlled corridor (walkway) to protect and contain passengers when enplaning and deplaning across the active passenger terminal ramp. The bid documents and technical specifications are available at the Gainesville Regional Airport's Administrative Office, 3880 Northeast 39th Avenue, Gainesville, FL 32609.

It is the intent of GACRAA to purchase a weatherproof corridor as a terminal development for its commercial service airport. All bids submitted shall be effective for 90 days. Bids must be signed by an authorized official, enclosed in a sealed envelope or package, and mailed or delivered so as to be received and accepted by the Fiscal Coordinator, Gainesville-Alachua County Regional Airport Authority Accounting Department, 3880 Northeast 39th Avenue, Gainesville, FL 32609, by 3:00 p.m., (local time), January 31, 2000.

GACRAA reserves the right to reject any or all bids received in response to this Invitation to Bid as determined to be in the best interest of the Airport.

For additional information, contact: Tate Fisher, (352)373-0259, Fax (352)374-8368.

TAYLOR COUNTY BOARD OF COUNTY COMMISSIONERS

**REQUEST FOR PROPOSALS FOR
CERTIFICATE OF NEED
FOR DOCTORS' MEMORIAL HOSPITAL**

The Taylor County Board of County Commissioners is requesting sealed Request for Proposals (RFP's) on preparation and completion of the Certificate of Need (CON) process for replacing Doctors' Memorial Hospital (DMH) with a new facility.

Sealed RFP's will be received by the Clerk of Court, 1st. Floor, Courthouse, 108 North Jefferson Street or P. O. Box 620, Perry, Florida 32348, to arrive no later than 4:00 p.m., Local Time, on Monday, March 6, 2000.

RFP's will be opened and read aloud at 6:10 p.m., Local Time, Monday, March 6, 2000, in the Taylor County Administrative Complex, Old Post Office Complex, 201 E. Green Street, Perry, Florida.

RFP considerations/specifications MUST be obtained from the Clerk of Court, 1st Floor, Courthouse or P. O. Box 620, Perry, Florida 32348.

The Board reserves the right to accept or reject any and/or all RFP'S and to award the RFP in the best interest of Taylor County.

Additional information may be obtained from: Annie Mae Murphy, Clerk of Court, P. O. Box 620, Perry, Florida 32348, (850)838-3506, Ext. 18.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS, Taylor County, Florida.
ANNIE MAE MURPHY, Clerk to the Board

**Section XII
Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

**NOTICE OF CONSIDERATION OF
CEMETERY BYLAWS**

The State of Florida, Board of Funeral and Cemetery Services, will address approval of the bylaws of the following cemetery at the meeting to be held on March 16, 2000 in South Florida:

Trinity Memorial Gardens of Lakeland, Inc.
Lakeland, Florida

A file pertaining to the above is available for public inspection and copying by any person at the Fletcher Building, 101 East Gaines Street, 6th Floor, Tallahassee, Florida 32399-0350. Comments may be submitted at the above address without requesting a hearing. Those persons whose substantial interests may be determined by these proceedings, including settlements, grants and denials are advised that they may request a hearing concerning the notice of intent to be conducted in accordance with the provisions of Section 120.569 and 120.57, Florida Statutes and Rule 28-106.104(2), Florida Administrative Code. The petitions for hearing should comply with Rule 28-106.201 and 28-106.301, Florida Administrative Code, and must be filed within twenty-one (21) days of publication of this notice. Petitions shall be filed with: Clerk, Division of Finance, Bureau of Funeral and Cemetery Services, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350. In deference to the rights of substantially affected persons, a hearing on these matters will be held at the meeting of the Board of Funeral and Cemetery Services to be held as outlined above. All written comments and requests to address the Board must be received by the Department within seven (7) days prior to the meeting.

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Banking, has received the following application. Comments may be submitted to: 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 13, 2000):

APPLICATION TO MERGE

Constituent Institutions: Apalachicola State Bank, Apalachicola, Florida and Apalachicola State Interim Bank, Apalachicola, Florida

Resulting Institution: Apalachicola State Bank

With the Title: Apalachicola State Bank

Received: December 14, 1999

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF PUBLIC HEARING

2000 ANNUAL ACTION PLAN OF THE STATE OF FLORIDA CONSOLIDATED PLAN 2000-2004

The Department of Community Affairs announces a public hearing to which all interested parties are invited.

PURPOSE: To obtain public comment for the formulation and development of the State of Florida Consolidated Plan 2000-2004 and the Annual Action Plan for 2000.

PLAN SUMMARY: The Florida Consolidated Plan represents a process set forth by the U.S. Department of Housing and Urban Development (HUD). The Plan constitutes the planning and application requirements for the following federal programs administered by the state: Small Cities Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), HOME Investment Partnership (HOME), and Housing Opportunities for Persons With AIDS. The current Florida Consolidated Plan covers a five year period from 2000-2004. The Plan contains specific elements including: an assessment of housing and homeless needs for the ensuing four year period; state housing data; and a discussion for the state's strategies, priority needs and objectives for housing and community development activities. The Plan also contains a one year annual action plan that describes the state's method for distributing funds to carry activities using funds that are expected to be received under formula allocations during the 2000 program year.

ACTION TO BE TAKEN: At this public hearing, the Department as a model for prior planning will provide information on:

- 1) Copies of the 1995-2000 Plan;
- 2) Amount of assistance in the CDBG, HOME, ESG and HOPWA programs that the state expects to receive for 2000;
- 3) Range of activities that may be undertaken with this assistance for 2000;
- 4) Estimate of the amount of assistance that will benefit persons of very low and low income; and

5) Plans to minimize displacement of persons and assistance available to those persons who may be displaced.

The Department will take public comment at the hearing for consideration and use in developing, in consultation with relevant agencies, the Florida Consolidated Plan 2000 - 2004 and the 2000 Annual Action Plan. Hearings on the draft document will also be held prior to the submission of the document to the Department of Housing and Urban Development.

DATE AND TIME: January 13, 2000, 10:00 a.m. – 12:00 Noon

PLACE: Department of Community Affairs, 2555 Shumard Oaks Boulevard, Conference Room 260N, Sadowski Building, Tallahassee, Florida

A copy of the agenda and any related material including a copy of the 1995-1999 Consolidated Plan and the prior year 1999 Annual Action Plan may be obtained by appearing in person at the agency headquarters or by writing or calling: Community Development Block Grant Program, Department of Community Affairs, 2555 Shumard Oaks Boulevard, Tallahassee, Florida 32399-2100, (850)922-1897, Pat Harvey.

Written comments are also encouraged and may be submitted at the hearing or mailed to the address listed above not later than January 31, 2000.

Any person requiring a special accommodation at this hearing because of a disability, physical impairment or English language deficiency should contact the Department of Community Affairs, (850)487-3644, at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8771 (TDD).

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Big Dog Motorcycles, LLC, intends to allow the establishment of Gibraltar Capital and Funding Corp., d/b/a Moto Cyco World, as a dealership for the sale of Vintage Classic, Vintage Sport, Pitbull, ProSport, Husky, Bulldog, and Wolf, 805 W. Broward Blvd., Ft. Lauderdale (Broward County), Florida 33312, on or after December 10, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Gibraltar Capital and Funding Corp., d/b/a Moto Cyco World are: dealer operator: Patrick J. Monesi, 1401 N. E. 9th Ave., #21, Ft. Lauderdale, FL 33304; principal investor(s): Patrick J. Monesi, Gibraltar Capitol and Funding Corp., 1401 N. E. 9th Ave., #21, Ft. Lauderdale, FL 33304.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ms. Lori Brands, Sales Office Manager, Big Dog Motorcycles, LLC, 140 North Ohio, Wichita, Kansas 67214.

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.

A copy of such petition or complaint must also be sent by US Mail to: John G. Petas, Senior Vice President, Motorcycles Division, American Honda Motor Co., Inc., 1919 Torrance Boulevard, Torrance, CA 90501-2746.

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.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has issued an order disposing of the petition for declaratory statement filed by GTE Florida Incorporated on September 17, 1999. The following is a summary of the agency's disposition of the petition: The petition was denied because the petition was in effect seeking an improper unilateral resolution to a contract dispute. In addition, the order at issue in the petition is on appeal in both state and federal court. DOCKET NO. 991414-TP

AGENCY FOR HEALTH CARE ADMINISTRATION

On, December 13, 1999, James T. Howell, Secretary, Department of Health, issued an Order of Emergency SUSPENSION with regard to the license of Mary Louise White, license number LIC #RN 45959-2. Mary Louise White last known address is: 113 Broadarrow Place, Sanford, FL 32773. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 455.621(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 13, 1999, James T. Howell, Secretary, Department of Health, issued an Order of Emergency SUSPENSION with regard to the license of Judy Raines, license number LIC #PN 4177841. Judy Raines last known address is: 1931 S. E. Anece St., Port St. Lucie, FL 34983. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 455.621(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.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, American Honda Motor Co., Inc., intends to allow the establishment of Performance Motorsports, Inc., as a dealership for the sale of Honda Motorcycles, All Terrain Vehicles and Motor Scooter, at 16123 West Colonial Drive, Oakland (Orange County), Florida 34787, on or after February 7, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Performance Motorsports, Inc., are: dealer operator: Wyndell Kern and Ralph Kern, 16123 West Colonial Drive, Oakland, FL 34787; principal investor(s): Wyndell Kern and Ralph Kern, 16123 West Colonial Drive, Oakland, FL 34787.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

The Florida Department of Environmental Protection has determined that the proposed construction project for the Sarasota County water system will not adversely affect the environment. The project consists of construction of a 5-MG ground storage tank and replacing the existing undersized distribution lines in Atlantic and northwest section of Venice Garden service areas with approximately 3.3 miles of pipes ranging in size from four to twelve inches. The total cost of the project is estimated to be \$10,100,000. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: J. N. Ramaswamy, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

DEPARTMENT OF JUVENILE JUSTICE

Notification of Funding Opportunities

The Florida Department of Juvenile Justice (DJJ) announces the following two (2) grant funding opportunities for FY2000-2001.

1. Community Partnership Grants

Amount of available funding: \$3,800,000

Purpose: To encourage the development of partnerships and support the district and county Juvenile Justice plans. Programs to be funded under this grant must focus on one of the following areas: a) the reduction of truancy; b) the reduction of in-school and out-of-school suspensions and expulsions; c) the enhancement of school safety; d) other delinquency early intervention and diversion services. Programs must focus on youth ages 10-17. A written and signed Collaborative Agreement must specify how community entities will cooperate, collaborate, and share information in

the development and implementation of the funded programs. Funds are allocated by county and request amount cannot exceed the county allocation.

Who may apply: Private agencies, governmental agencies and schools and/or school districts.

Application information: Application available December 23, 1999. To obtain a copy of this application, contact your district DJJ office.

Technical Assistance Workshop will be held in each Juvenile Justice district January 10-21, 2000.

Deadline for application submission: March 1, 2000

General Revenue Prevention/Early Intervention Grants

Amount of available funding: \$3,598,280

Purpose: To fund new programs designed to reduce the number of delinquency referrals in communities with high juvenile crime rates. Programs must focus on youth ages 10-17. Youth under the age of 10 must have been referred for a delinquency offense. Additional criteria includes targeting youth that are exposed to four or more of the following risk factor indicators:

1. Youth who are siblings of DJJ youth or that have family that are involved in a criminal justice system
2. Reside in or adjacent to a high crime neighborhood
3. Single parent home
4. Habitual truant
5. School discipline problems
6. Prior delinquency
7. Child dependency or child abuse history
8. Performing below grade level
9. Substance abuse or mental health problems
10. Youth that have been served in CINS/FINS programs

Funds are allocated by circuit/district and request amount cannot exceed the circuit/district allocation.

Who may apply: Private and public agencies.

Application information: Application available December 23, 1999. To obtain a copy of this application, contact your district DJJ office.

Technical Assistance Workshop will be held in each Juvenile Justice district January 10-21, 2000.

Deadline for application submission: March 1, 2000

DJJ Grant Managers

District 1: Counties: Escambia, Santa Rosa, Okaloosa, Walton

Dave Harris, 1419 N. Palafox St., Pensacola 32501, (850)595-8237

District 2: Counties: Holmes, Bay, Gulf, Leon, Washington, Jefferson, Jackson, Taylor, Liberty, Franklin, Wakulla, Calhoun, Madison, Gadsden

Chris Canty/Iris Young, 525 N. MLK Blvd., Tallahassee 32301-1054, (850)487-4251

District 3: Counties: Hamilton, Suwannee, Lafayette, Columbia, Dixie, Gilchrist, Levy, Union, Bradford, Alachua, Putnam

Dutch Holland, 408 W. Univ. Ave., Seagle Bldg., Suite 106, Gainesville, FL 32601, (352)334-0791

District 4: Counties: Baker, Nassau, Duval, St. Johns, Clay

Tom Clark, 2050 Art Museum Dr., Flagler Bldg., Suite 205, Jacksonville, FL 32207, (904)858-6906

District 5: Counties: Pasco, Pinellas

Pat McGhee, 701 94th Ave., N., Suite 130, St. Petersburg, FL 33702-2448, (727)570-5014

District 6: Counties: Hillsborough, Manatee

C. J. Record, 4524 Oak Fair Blvd., Suite 100, Tampa, FL 33610, (813)744-8914

District 7: Counties: Seminole, Brevard, Osceola, Orange

Ella Lewis, 644 Ferguson Dr., Orlando, FL 32805, (407)521-2630

District 8: Counties: Sarasota, Charlotte, Lee, DeSoto, Glades, Collier, Hendry

Mary Ellen Murphy/Carol Helton, 2295 Victoria Ave., Suite 195, Ft. Myers, FL 33901, (941)338-2659

District 9: Counties: Palm Beach

Larry Herndon, 1756 N. Congress Ave., Suite 101, West Palm Beach, FL 33409, (561)616-1560

District 10: Counties: Broward

Ben Crawford, 201 W. Broward Blvd., Suite 208, Ft. Lauderdale, FL 33301, (954)467-4381

District 11: Counties: Dade, Monroe

Marie Boswell, 3510 Biscayne Blvd., Suite 302, Miami, FL 33137, (305)571-5713

District 12: Counties: Flagler, Volusia

Carrie Garnett/Pamela Lyons, 128 Orange Ave., Suite 312, Daytona Beach, FL 32114, (904)226-0288

District 13: Counties: Marion, Lake, Citrus, Hernando, Sumter

Becky Linn, Tealbrook Professional Center, 2300 S. E. 17th St., Suite 201 Ocala, FL 34471, (352)840-5658

District 14: Counties: Polk, Hardee, Highlands

Jim Johnson, 1295 Brice Blvd., Bartow, FL 33830, (941)534-0231

District 15: Counties: Indian River, St. Lucie, Okeechobee, Martin

Paula Friedrich/Tracy Howse, 337 N. 4th St., Suite D, Ft. Pierce FL, 34950, (561)467-3188

2000/2001 GRANT APPLICATION
TECHNICAL ASSISTANCE WORKSHOP SCHEDULE

LOCATION	DATE/TIME	ADDRESS	CONTACT PERSON
Pensacola	Monday, January 10 9:00 a.m. – 12:00 p.m. CST	DJJ, 1419 N. Palafox St.	Dave Harris (850)595-8237
Bartow	Tuesday, January 11 9:00 a.m. – 12:00 p.m.	DJJ, District Administrative Offices, 1295 Brice Blvd.	Jim Johnson (941)534-0231
Tallahassee	Tuesday, January 11 10:00 a.m. – 1:00 p.m. EST	DJJ, Parkway Bldg. Room B, 2003 Apalachee Pkwy.	Chris Canty, Iris Young (850)487-4251
Jacksonville	Wednesday, January 12 9:00 a.m. – 12:00 p.m.	DJJ, 2050 Art Museum Dr.	Tom Clark (904)858-6906
Tampa	Wednesday, January 12 9:00 a.m. – 12:00 p.m.	DJJ, 4524 Oak Fair Blvd.	C. J. Record (813)744-8914
Ocala	Thursday, January 13 9:00 a.m. – 12:00 p.m.	Marion Co. Health Dept. 1801 S. E. 32 Ave., Aud. #1	Becky Linn (352)840-5658
Largo	Thursday, January 13 1:00 p.m. – 4:00 p.m.	Largo Service Ctr. Mary Grizzle Bldg. 11351 Ulmerton Rd., Room 142 B	Pat McGhee (727)570-5014
Fort Myers	Friday, January 14 9:00 a.m. – 12:00 p.m.	The Regional Service Ctr. 2295 Victoria Ave. Room 165 C & D	Mary Ellen Murphy Carol Helton (941)338-2659
Daytona	Tuesday, January 18 9:00 a.m. – 12:00 p.m.	DJJ, 128 Orange Ave.	Carrie Garnett Pamela Lyons (904)226-0288
Fort Pierce	Tuesday, January 18 9:00 a.m. – 12:00 p.m.	Indian River Academy 5900 Teeder Rd., #23/24	Paula Friedrich (561)467-3188
Orlando	Wednesday, January 19 9:00 a.m. – 12:00 p.m.	DJJ, Room A & B 644 Ferguson Dr.	Ella Lewis (407)521-2630
West Palm Beach	Wednesday, January 19 9:00 a.m. – 12:00 p.m.	DJJ, 1756 N Congress Ave.	Larry Herndon (561)616-1560
Gainesville	Friday, January 20 9:00 a.m. – 12:00 p.m.	DJJ, 408 W. Univ. Ave. Seagle Bldg.	Dutch Holland (352)334-0791
Fort Lauderdale	Thursday, January 20 9:00 a.m. – 12:00 p.m.	DJJ, District Administrative Offices, 201 W. Broward Boulevard	Ben Crawford (954)467-4381
Miami	Friday, January 21 9:00 a.m. – 12:00 p.m.	3601 N. W. 167 Ave. Conference Room	Marie Boswell (305)571-5713

FLORIDA HOUSING FINANCE CORPORATION

**HOME INVESTMENT PARTNERSHIPS PROGRAM
(HOME)**

**1999 HOME OWNERSHIP CONSTRUCTION LOAN
PROGRAM**

**NOTICE OF FUNDING AVAILABILITY (NOFA)
YEAR 1999 CYCLE**

The Florida Housing Finance Corporation (FHFC) announces an application cycle for the HOME Home Ownership Construction Loan Program. The 1999 HOME Home Ownership Application cycle will begin on Monday, January 10, 2000, and end at 5:00 p.m., Eastern Standard Time, Friday, March 10, 2000. All applications will be ranked and funded based on competitive scores pursuant to Rule Chapter 67-47, Florida Administrative Code, and subject to the following set-asides:

Up to \$8,547,450 will be made available to eligible home ownership developments that meet threshold and score within the funding range. A minimum of \$1,534,575 of the \$8,547,450 shall be awarded to eligible projects owned, developed or sponsored by Community Housing Development Organizations (CHDOs). In order to apply under the CHDO set-aside, Applicants must have 51 percent ownership interest in the Project held by the General Partner entity.

Once the CHDO set-aside has been met, Applications for proposed Developments located in Eligible Localities, that satisfy threshold score, will receive priority funding up to the amount of funds available. Upon meeting the CHDO set-aside and funding Applications located in Eligible Localities,

Applicants that satisfy threshold score and have previously received financing through FHFC's Predevelopment Loan Program (PLP), shall receive priority. Any remaining funds will be made available to Applications for proposed Developments, which satisfy threshold score regardless of location. After the selection of Applicants is made pursuant to Rule 67-47.100, Florida Administrative Code, any remaining funds will be made available for eligible activities as authorized by FHFC's Board of Directors.

An original and two copies of the application must be submitted by the closing deadline as indicated above. A non-refundable Application Fee of \$250 for Non-Profit Applicants and \$350 for For-Profit Applicants must accompany the application. The 1999 HOME Home Ownership Application Package for the HOME Construction Loan Program 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, Attention: Melanie Jordan – 99HHOAP Application Request. All applications to the HOME Construction Loan Program must be submitted to the above address in accordance with the provisions of all applicable Florida Statutes, Rule Chapter 67-47, Florida Administrative Code, Federal Regulations 24 CFR Part 92 (1996), and the 1999 HOME Home Ownership Application Package.

The Florida Housing Finance Corporation has been designated the administrator of the HOME Investments Partnership Program (HOME) by the Department of Housing and Urban Development (HUD). This program administers and distributes the allocation of funds from HUD for the purpose of expanding the supply of decent, safe and affordable housing for low and very low income Floridians.

As of December 10, 1999, Florida Housing Finance has reallocated remaining 1998 funds in the amount of \$1,498,267 from the rental development activities to the Single Family Mortgage Revenue Bond Program for purchase assistance, an eligible activity under the HOME Homeownership Program in accordance with Rule 67-47, Florida Administrative Code. This funding is in addition to HOME funds previously provided to the Single Family Mortgage Revenue Bond Program.

Please address any written comments regarding this reallocation of funding to Joyce Martinez, HOME Rental Administrator, or Robin Grantham, HOME Single Family Manager, no later than January 7, 2000, at Florida Housing Finance Corporation,

Attention: HOME Program, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301, Telephone (850)488-4197, Fax (850)921-6060.

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Request for Written Comments on Biological Status

The Florida Fish and Wildlife Conservation Commission has been petitioned to remove the common snook (*Centropomus undecimalis*) from the State of Florida Species of Special Concern list. The Commission hereby requests written comments on the biological status of the common snook pursuant to 68A-27.0012, Florida Administrative Code. Written comments should be send to: Dr. Brad Gruver, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600. Written comments will be accepted until 5:00 p.m., February 7, 2000.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN December 7, 1999
and December 13, 1999**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF EDUCATION
State Board of Education

6A-14.030	12/10/99	12/30/99	25/42	
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DEPARTMENT OF REVENUE
Division of Ad Valorem Tax

12D-7.0143	12/10/99	12/30/99	25/40	25/46
12D-7.015	12/10/99	12/30/99	25/40	
12D-7.0155	12/10/99	12/30/99	25/40	
12D-7.017	12/10/99	12/30/99	25/40	
12D-7.018	12/10/99	12/30/99	25/40	
12D-8.005	12/10/99	12/30/99	25/40	25/46
12D-13.002	12/10/99	12/30/99	25/40	
12D-13.009	12/10/99	12/30/99	25/40	
12D-13.064	12/10/99	12/30/99	25/40	

FLORIDA PAROLE COMMISSION

23-15.050	12/13/99	1/2/00	25/39	
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COMMISSION ON ETHICS

34-7.010	12/8/99	12/28/99	25/40	
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DEPARTMENT OF MANAGEMENT SERVICES
Division of Purchasing

60A-1.001	12/13/99	1/2/00	25/40	
60A-1.002	12/13/99	1/2/00	25/40	
60A-1.006	12/13/99	1/2/00	25/40	
60A-1.007	12/13/99	1/2/00	25/40	
60A-1.008	12/13/99	1/2/00	25/40	25/46
60A-1.009	12/13/99	1/2/00	25/40	
60A-1.010	12/13/99	1/2/00	25/40	
60A-1.013	12/13/99	1/2/00	25/40	
60A-1.015	12/13/99	1/2/00	25/40	
60A-1.016	12/13/99	1/2/00	25/40	
60A-1.018	12/13/99	1/2/00	25/40	

Division of Retirement

60S-2.004	12/10/99	12/30/99	25/45	
60S-2.006	12/10/99	12/30/99	25/45	
60S-3.011	12/10/99	12/30/99	25/45	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

61G10-11.004	12/13/99	1/2/00	24/24	25/10
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
61G10-11.007	12/13/99	1/2/00	24/24	
61G10-11.009	12/13/99	1/2/00	24/24	
61G10-11.010	12/13/99	1/2/00	24/24	

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-602.200	12/10/99	12/30/99	25/37	25/46
62-602.250	12/10/99	12/30/99	25/37	
62-602.300	12/10/99	12/30/99	25/37	25/46
62-602.350	12/10/99	12/30/99	25/37	
62-602.400	12/10/99	12/30/99	25/37	25/46
62-602.450	12/10/99	12/30/99	25/37	
62-602.500	12/10/99	12/30/99	25/37	
62-602.530	12/10/99	12/30/99	25/37	
62-602.550	12/10/99	12/30/99	25/37	25/46
62-602.560	12/10/99	12/30/99	25/37	
62-602.570	12/10/99	12/30/99	25/37	
62-602.580	12/10/99	12/30/99	25/37	
62-602.600	12/10/99	12/30/99	25/37	25/46
62-602.650	12/10/99	12/30/99	25/37	
62-602.660	12/10/99	12/30/99	25/46	25/46
62-602.700	12/10/99	12/30/99	25/37	25/46
62-602.710	12/10/99	12/30/99	25/37	25/46
62-602.720	12/10/99	12/30/99	25/37	
62-602.750	12/10/99	12/30/99	25/37	
62-602.800	12/10/99	12/30/99	25/37	
62-602.850	12/10/99	12/30/99	25/37	25/46
62-602.870	12/10/99	12/30/99	25/37	
62-602.900	12/10/99	12/30/99	25/37	

DEPARTMENT OF HEALTH
Board of Clinical Social Work

64B4-3.0035	12/8/99	12/28/99	25/32	25/45
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Board of Medicine

64B8-8.001	12/8/99	12/28/99	25/43	
64B8-30.008	12/8/99	12/28/99	25/43	

FLORIDA HOUSING FINANCE CORPORATION

67-32.002	12/13/99	1/2/00	25/35	25/45
67-32.003	12/13/99	1/2/00	25/35	
67-32.004	12/13/99	1/2/00	25/35	25/45
67-32.005	12/13/99	1/2/00	25/35	
67-32.006	12/13/99	1/2/00	25/35	
67-32.007	12/13/99	1/2/00	25/35	
67-32.008	12/13/99	1/2/00	25/35	
67-32.010	12/13/99	1/2/00	25/35	25/45
67-32.011	12/13/99	1/2/00	25/35	25/45

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries

68B-14.0038	12/10/99	12/30/99	25/44	
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