

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: Anti-Drug Abuse Act of 1988
RULE CHAPTER NO.: 9B-61

RULE TITLES: Application and Award Procedures
Forms and Instructions
RULE NOS.: 9B-61.008
9B-61.009

PURPOSE AND EFFECT: The purpose and effect is to change the number of copies to two originals of the completed grant application package to be submitted; to update the application; to correct the mailing address to ensure that grant applications are mailed to the proper authority; and to provide the correct area code for the contact telephone number.

SUBJECT AREA TO BE ADDRESSED: The revision of Chapter 9B-61.008 and 9B-61.009 pertaining to the transmission and submission of grant applications.

SPECIFIC AUTHORITY: 120.53(1), 163.03(3) FS.

LAW IMPLEMENTED: 163.03(3) 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: 8:00 a.m. - 10:00 a.m., January 17, 2000

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Clayton Wilder, Community Program Administrator, Division of Housing and Community Development, Bureau of Community Assistance, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-61.008 Application and Award Procedures.

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

(d) Applicants who submit proposals to the Department for consideration shall submit two three originals and three copies of the completed application package, Subgrant Application for Anti-Drug Abuse Act Funds (Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program), BCA-CJ DCA-NA Form 1, effective 11-19-99 2-7-95, as incorporated herein by this reference.

(e) No change.

Specific Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03(3) FS. History--New 2-6-90, Amended 2-7-95, Formerly 9G-16.008, Amended.

9B-61.009 Forms and Instructions.

Copies of the materials and forms incorporated by reference herein may be obtained by writing or calling: Community Program Administrator Bureau Chief, BCA, Department of Community Affairs, 2555 Shumard Oak Boulevard 2740 Centerview Drive, Tallahassee, Florida 32399-2100. Telephone: 850904/488-8016.

Specific Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03(3) FS. History--New 2-6-90, Amended 2-7-95, Formerly 9G-16.009, Amended.

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Clayton Wilder, Community Program Administrator, Division of Housing and Community Development, Criminal Justice Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; at (850)488-8016 (SUNCOM 278-8016) 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).

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Admissions
RULE NO.: 12A-1.005

PURPOSE AND EFFECT: The following discussion summarizes the purpose for amending this rule:

- 1. Language that merely restates the statute or that is obsolete is deleted, incorrect cross-references to statutes and rules are corrected, and certain provisions are reworded for grammatical and stylistic improvement.
2. Paragraph (4)(c) is amended to provide that ticket convenience and service charges are part of the sales price of an admission.
3. Paragraph (4)(d) is amended to clarify that admissions tax is due by a person initially collecting the tax, unless such person is agent of seller. Clarifies that a person that has custody of taxable proceeds can be held liable for sales tax on such proceeds.
4. Subparagraph (4)(d)2. is added to provide guidance regarding the difference between an advance payment of an admission, which is taxable at the time it is paid, versus a deposit to purchase tickets, which is not taxable.
5. Paragraph (4)(j) is amended to provide that admissions to saltwater fishing tournaments are taxable, while admissions to freshwater fishing tournaments are exempt.
6. Paragraphs (4)(m) and (n) are deleted, since these relate to a tax on the rental of tangible personal property, and not a tax on admissions.
7. Paragraph (4)(p) is added to clarify that charges to attend consumer or trade shows are taxable admissions.

8. Subparagraph (5)(c)3. is added to provide a safe harbor to determine what constitutes a nontaxable purchase of equitable ownership in a private club.

9. Subparagraph (5)(c)4. is added to provide a safe harbor to determine what constitutes a nontaxable capital contribution/ additional paid-in-capital to a private club by an equity member.

10. Sub-subparagraph (5)(d)1.b. is deleted, and subparagraph (5)(c)5. is created to reflect the decision in Department of Revenue v. John's Island Club, 680 So. 2d 475 (Fla. 1st DCA 1996), and to reflect department policy regarding assessments imposed upon members of private clubs to be used for capital expenditures. Safe harbor criteria have been added to provide guidance regarding what constitutes a capital assessment.

11. Subsection (7), dealing with sales of vacation packages, is amended to conform with the changes to s. 212.04(1)(d), F.S., in 1998 by Ch. 98-140, L.O.F.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to discuss the proposed changes to the Department's rule regarding admissions.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.
LAW IMPLEMENTED: 212.02(1), 212.031, 212.04, 212.08(6), (7), 240.533(4)(c), 616.260 FS.

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

TIME AND DATE: 10:00 a.m., January 20, 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: Charles Wallace, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4734

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.005 Admissions.

(1) Every ~~person dealer~~ person is exercising a taxable privilege ~~when such person who~~ sells or receives anything of value by way of admissions except those admissions ~~that which~~ are specifically exempt.

(2) No change.

(3) EXEMPT ADMISSIONS.

(a) through (c) No change.

(d) Admissions to ~~county, state, and regional~~ agricultural fairs are exempt, as provided in ss. 212.08(7)(jj) and 616.260, F.S.

~~(e) Admissions to the National Football League championship game as provided in s. 212.04(2)(a)4., F.S., are exempt.~~

~~(f)1. From July 1, 1987, through June 30, 1994, no tax was levied on admissions to athletic or other events sponsored by governmental entities as described in s. 212.08(6), F.S. Effective July 1, 1994, admissions to such athletic or other events sponsored by governmental entities are taxable.~~

2. For purposes of this paragraph, an "athletic or other event" is defined as follows:

a. An "athletic event" is an important or remarkable occurrence of limited duration engaged in by one or more humans that involves some movement of the human body; gives enjoyment or recreation; requires physical strength, skill, speed, dexterity, or training; and normally includes competition among participants.

I. Example: Greens fees charged by a governmental entity for routine use of its golf course are taxable. However, the charge for the greens fees during participation in a golf tournament sponsored by a governmental entity was exempt from July 1, 1987, through June 30, 1994, since the tournament was an "athletic event". Effective July 1, 1994, the charge made by a governmental entity for greens fees to participate in a golf tournament is taxable.

II. Example: Greens fees charged by a governmental entity for use of its golf course in a golf tournament sponsored by a for profit private organization or business have been and continue to be taxable as admissions.

b. An "other event" is an important or remarkable occurrence of limited duration. The term "other events" does not refer to routine events sponsored by governmental entities.

I. Example: A municipally owned civic center does not normally sponsor events held at the center. It leases the center to other organizations who sponsor the events. On five occasions over the last seven years the center did sponsor live musical presentations which ran for two weeks each. From July 1, 1987, through June 30, 1994, such presentations were considered to be an "other event" and were exempt. Effective July 1, 1994, admissions to such events are taxable.

II. Example: A municipally owned civic center routinely sponsors various types of events held at the civic center. Since the civic center routinely sponsors events, admissions to such events have been and continue to be taxable.

~~(e)3.~~ No change.

a. through d. renumbered 1. through 4. No change.

(g) through (h) renumbered (f) through (g) No change.

~~(h)(4)~~ The charge made by an owner or operator for chartering any boat or vessel, with a crew furnished, solely for the purpose of fishing is exempt. However, see paragraph ~~(4)(m)(4)~~ of this rule for the taxable status of admissions for fishing trips aboard boats and vessels not considered to be charter trips. See also Rule 12A-1.071, F.A.C.

(j) through (k) renumbered (i) through (j) No change.

(4) TAXABLE ADMISSIONS, PARTICIPATION FEES, ETC.

(a) Every person receiving anything of value by way of an admission charge of 10 cents or more to any place of amusement, sport, or recreation, shall collect on each admission the amount of tax provided for by the applicable tax bracket shown in s. 212.12, F.S. All charges of 10 cents or more made at carnivals, fairs, amusement parks, and similar locations for rides on merry-go-rounds, roller coasters, ferris wheels, etc., are admissions and are taxable, except as provided in paragraph ~~(3)(f)(g)~~ of this rule and in ss. 212.08(7)(jj) and 616.260, F.S. For the purpose of collecting this tax, each admission shall be deemed a single sale.

~~(b) It is required that either: Every person operating a place of amusement where a taxable admission is charged must:~~

1. The person collecting the charge for an admission prominently display, at the box office or other place where the admission charge is collected, a sign or other easily read notice disclosing the price of the admission; or

2. The face of each ticket sold reflect the actual sales price of the admission.

~~(c) The tax shall be computed and collected on the basis of the actual price of such admission charged by the seller dealer, which includes any ticket convenience or service charges added by the seller or contracted ticketing agent, vendor, or distribution service.~~

~~(d) Tax is due at the time of the sale of the admission regardless of when the event is held and is to be collected on the full amount charged for the admission whether the sale is a cash sale, credit sale, installment sale, or a sale made on any kind of deferred payment plan. The dealer person initially collecting the tax on the sale of an admission is required to remit the tax directly to the Department in the same manner as sales tax on the sale of tangible personal property, as provided in Rule 12A-1.056, F.A.C. An agent who sells admissions on behalf of a principal may forward the tax funds to the principal to be remitted by the principal to the Department, but in such case both the principal and agent can be held liable for any failure to timely pay such tax funds to the Department. Additionally, any person that at any time has custody of the proceeds of taxable admissions can be held liable for any taxes on such proceeds that are not ultimately remitted to the Department. When tickets or admissions are sold and not used~~

but are returned to the seller, the seller shall credit or refund the sales tax to the purchaser. See Rule 12A-1.014, F.A.C., for the methods the seller is to use to obtain a credit or refund.

2. Advance payments of admissions, including installment payments for the purchase of season tickets or box seats, are subject to sales tax at the time the payment is made. An "advance payment of admission" occurs when the purchaser makes a payment prior to the time of the event that entitles him or her to the right to be admitted to the future event or events. However, a refundable deposit that is paid to reserve the right to purchase season tickets, box seats, or other admissions, that is recorded on the books of the seller as a liability, and that does not entitle the payor to the right to be admitted to the event or events, is not taxable until it is applied toward the actual purchase of the season tickets, box seats, or other admissions.

(e) Operators of traveling shows, exhibitions, amusements, circuses, carnivals, rodeos, and the like shall, upon request of an agent of the Department of Revenue, produce a cash receipt or other acceptable proof of payment to the State of admission taxes due on any or all previous engagements in Florida during their current tour and shall also furnish an itinerary of future engagements in this State during the current year. Any performance in Florida for which the operator claims exemption on admission charges must be supported by proof that such performance was or is sponsored by a not-for-profit organization exempt under paragraph ~~(3)(f)(g)~~ of this rule and that the admissions were sold by the sponsoring organization.

(f) No change.

~~(g) All admissions to carnivals, exhibitions, and fairgrounds are taxable, except as provided in paragraphs (d), (e), and (f), and (g) of subsection (3) of this rule, and in ss. 212.08(7)(jj) and 616.260, F.S.~~ Fairgrounds shall be deemed to mean any area for which a charge is made to view exhibits or entries. The admissions to rides, attractions, shows, and the like, for which a separate charge is made, are taxable, except as provided in paragraph ~~(3)(f)(g)~~ of this rule, and in ss. 212.08(7)(jj) and 616.260, F.S.

(h) Charges made for the privilege of bowling, golfing, swimming, fishing, and for playing billiards, ping pong, tennis, squash, badminton, slot racing, and similar sports are taxable, except as provided in paragraphs ~~(3)(f)(g) and (3)(h)(4)~~ and ~~(4)(i)~~ of this rule. The charge for the privilege of participating in go-cart races or for the use of the equipment is taxable, except as provided in paragraph ~~(3)(f)(g)~~ of this rule.

(i) No change.

(j) Charges made for participation in saltwater fishing tournaments are taxable, except as provided in paragraph ~~(3)(f)(g)~~ of this rule. Entry fees for participation in fresh water fishing tournaments are exempt.

(k) Charges made for the privilege of entering or engaging in any kind of activity for which a taxable admission charge is made to spectators are exempt. When no admission charge is made to spectators, such participation or entrance fees are taxable, except as provided in ~~paragraphs~~ paragraph (3)(f)(g) and (4)(j) of this rule. The purchase of taxable gifts, trophies, and promotional items used by an entity sponsoring an event is subject to tax, notwithstanding that these items may be purchased with receipts from charges for participation or entrance fees, unless such purchases are made by a sponsoring organization issuing a valid consumer's certificate of exemption.

1. through 2. No change.

(l) Charges made for the privilege of using trampolines or for live pony rides are taxable, except as provided in paragraph (3)(f)(g) of this rule.

~~(m) The rental of bowling shoes, skates, golf clubs, bathing suits, and other sports and athletic equipment is taxable.~~

~~(n) The price charged by golf driving ranges for balls and clubs is taxable.~~

~~(m) 1. (o)~~ When the owner of a boat or vessel operated as a "head-boat" or "party boat" supplies the crew, which remains under the control and direction of the owner, and makes a charge measured on an admission or entrance or length of stay aboard the vessel for the privilege of participating in sightseeing, dinner cruises, sport, recreation, or similar activities including fishing, the charge is taxable as an admission.

~~1. Effective July 1, 1991, charges made by foreign registered vessels carrying passengers to international waters are exempt from the tax on admissions.~~

2. Charges ~~Effective July 1, 1992, charges~~ made by foreign registered vessels carrying passengers to international waters where passengers cannot disembark from the vessel at points other than the origination point (cruises to nowhere) are taxable. If the vessel docks, and passengers can disembark, the charge is considered to be for transportation and is exempt from tax.

(p) through (q) renumbered (n) through (o) No change.

(p) Charges to attend consumer trade shows and exhibitions are taxable.

(5) DUES AND INITIATION FEES, EQUITY AND NONEQUITY MEMBERSHIPS, CAPITAL CONTRIBUTIONS AND ASSESSMENTS, REFUNDABLE AND NONREFUNDABLE DEPOSITS, AND USER FEES.

~~(a) 1.~~ Dues paid to any organization, including athletic clubs, health spas, civic, fraternal, and religious clubs, and organizations which provide physical fitness facilities or recreational facilities, such as golf courses, tennis courts, swimming pools, yachting, boating, athletic, exercise, and fitness facilities, are taxable, except as provided in paragraphs (3)(f)(g) and (i)(j) of this rule.

~~2.a. Effective October 1, 1990, admissions, including dues and membership fees, paid to physical fitness facilities, athletic clubs, and health spas which do not offer other recreational facilities for participation sports, such as golf, tennis, swimming, yachting, boating, and similar activities are taxable. If a written contract for the admission to physical fitness facilities was entered into prior to July 7, 1990, the dues and membership fees shall be exempt from tax for the duration of the contract. The renewal of any such contract is fully taxable. For any written contract, or the renewal of any written contract, entered into on or after July 7, 1990, which provides for the admission to a physical fitness facility, the dues and membership fees which represent such admission for any period beginning on or after October 1, 1990, are taxable.~~

~~b. Example: A contract in the amount of \$1,200 (\$100 per month) is entered into beginning August 1, 1990, allowing the customer use of an organization's physical fitness facilities for the 12 month period of August 1, 1990, through July 31, 1991. The dues and membership fees representing admissions for the months of August and September 1990 (\$200) are not taxable. However, dues and membership fees representing admission charges for the months of October 1990 through July 1991 (\$1,000) are subject to sales tax, as well as any applicable discretionary sales surtax.~~

~~(b) Through June 30, 1991, initiation or membership fees are not taxable as charges for admissions when paid exclusively for membership in the organization and when they do not entitle the payor to use the organization's recreational or physical fitness facilities or equipment without subsequent payments, such as dues or user fees.~~

~~(c) Through June 30, 1991, capital contributions or assessments to an organization by its members are not taxable as charges for admissions when they are in the nature of payments by the member of his or her share of capital costs, not charges for admissions to use the organization's recreational or physical fitness facilities or equipment, and when they are clearly shown as capital contributions on the organization's records. Contributions and assessments will be considered taxable when their payment results in a decrease in periodic dues or user fees required of the payor to use the organization's recreational or physical fitness facilities or equipment.~~

~~(b)(d) 1. The~~ Effective July 1, 1991, the following fees paid to private clubs or membership clubs as a condition precedent to, in conjunction with, or for the use of the club's recreational or physical fitness facilities are subject to tax.

1.a. Initiation fees when paid to equity or nonequity private clubs and membership clubs, except see subparagraphs (5)(c)3, 2.c, and 6. d, below.

~~b. Any periodic assessments (additional paid-in capital) required to be paid by members of an equity or non equity club for capital improvements or other operating costs, unless the periodic assessment meets the criteria of a refundable deposit as provided in sub-subparagraph 2.e. below.~~

~~c. through f. renumbered 2. through 5. No change.~~

~~(c)2. The following payments made to private clubs or membership clubs are not "fees" that which are subject to tax on admissions.~~

~~a. through b. renumbered 1. through 2. No change.~~

~~3.e. That portion of an initiation fee or joining fee that is paid to acquire an Purchase of equitable ownership interest in a private club or membership club that is incorporated under Chapter 607 or 617, F.S. Sub-subparagraph a. provides a safe harbor for making the determination whether a member has acquired a nontaxable equitable ownership interest in a club, corporation (stock or certificates of membership in nonprofit clubs organized under the provisions of Chapter 617, F.S., or stock in a for-profit club organized under the provisions of Chapter 607, F.S.):~~

~~a. The portion of an initiation fee or joining fee paid to a private club or membership club will be deemed by the Department to be given in exchange for a nontaxable equitable ownership interest if:~~

~~(I) it is reflected by the issuance of stock, a membership certificate, or a similar instrument evidencing an ownership interest in the club;~~

~~(II) it is paid to secure a right to vote on those corporate decisions subject to determination by owners or members;~~

~~(III) it is paid in exchange for an interest in the club that is transferable, either directly to another party or to the club, for (i) an amount that is equal to or greater than 80 percent of the actual equity contribution of the subsequent member upon the current member's resignation, or (ii) an amount that is equal to or greater than the actual original purchase price of the equity membership by the current member.~~

~~(A) The determination provided in sub-sub-subparagraph (III) is made at the time the membership is purchased, based on the language in the membership agreement, and does not depend on a subsequent event, such as the amount that the current member actually receives if and when he or she finally does resign.~~

~~(B) Failure to meet the 80 percent threshold in (i) under sub-sub-subparagraph (III) will not cause the entire payment to be subject to tax under the safe harbor, but will only cause the percentage below 80 percent to be subject to tax under the safe harbor. For example, if a membership agreement provides for a \$10,000 payment upon joining, and that upon resignation the member will receive 90 percent of the contribution made by the subsequent member who purchases the resigned membership, then the entire \$10,000 payment will be nontaxable if the remainder of the safe harbor criteria are met. If a membership agreement provides for a \$10,000 payment~~

upon joining, and that upon resignation the member will receive 70 percent of the contribution made by the subsequent member who purchases the resigned membership, then 10 percent (the difference between 80 percent and 70 percent) of the payment (\$1,000) will be subject to tax under the safe harbor, and the remaining 90 percent of the payment (\$9,000) will be nontaxable if the remainder of the safe harbor criteria are met.

(IV) it is recorded on the books of the corporation as equity; and

(V) it confers a right to receive a proportionate share of the club's net assets upon dissolution (unless all such net assets are distributable to an organization exempt from federal income taxation).

b. Failure to meet the safe harbor does not create any presumption regarding whether a payment is given in exchange for a nontaxable purchase of equitable ownership. The taxability of a payment that fails to meet the safe harbor will be determined on a case by case basis. For example, assume that a joining fee is paid pursuant to a membership agreement that provides that a resigning member will be paid 70 percent of the contribution by a subsequent member. Although this provision causes the joining fee to fail requirement (III) of the safe harbor, the Department, on a case by case basis, may consider documentary evidence that higher than ordinary administrative, marketing, or selling expenses justify the thirty percent selling commission, so that, notwithstanding the safe harbor, the entire payment should qualify as a nontaxable purchase of equitable ownership.

4. A capital contribution (additional paid-in-capital) by a member who has an equitable ownership interest (equity member) in a private club or membership club that is incorporated under Chapter 607 or Chapter 617, F.S. Sub-subparagraph a. provides a safe harbor for making the determination whether a particular payment represents a nontaxable capital contribution to a club.

a. A payment to a private club or membership club will be deemed by the Department to be a nontaxable capital contribution (additional paid-in-capital) if:

(I) it is made by an equity member who holds an equitable ownership interest in the club that meets the safe harbor provided in sub-subparagraph (5)(c)3.a. of this rule;

(II) it is recorded on the books of the corporation as equity;

(III) it is not paid for the right to use the club's recreational or physical fitness facilities or equipment, and it does not result in a decrease of membership dues or fees; and

b. Failure to meet the safe harbor does not create any presumption regarding whether a payment is a nontaxable capital contribution. The taxability of a payment that fails to meet the safe harbor will be determined on a case by case basis.

5. A capital assessment paid to a club by an equity or nonequity member for his or her share of capital expenditures or capital improvements made by the club. Unlike a capital contribution (additional paid-in-capital), a capital assessment may be imposed upon nonequity members without being subject to tax. Additionally, unlike a capital contribution (additional paid-in-capital), the proceeds from a capital assessment must be used to pay for capital expenditures or capital improvements in order to be nontaxable. A capital assessment does not need to be refundable in order to qualify under this subparagraph.

a. The following criteria are provided as a safe harbor in making the determination whether a particular charge by a club represents a nontaxable capital assessment. A charge made by a private club or membership club will be deemed by the Department to be a nontaxable capital assessment if:

(I) it is a specific demand or request by the club upon its membership, as a whole or as a class (golf, social, or similar class of membership), for a certain sum of money, that is paid proportionally by each member of the class. The assessment may be payable in installments. The assessment may be imposed upon prospective or joining members of a particular class as a condition precedent to their joining the club, as long as it is also imposed upon existing members of that class;

(II) it is separately stated on a billing to each member;

(III) it is not paid to obtain membership in the club or to obtain the right to use the club's recreational or physical fitness facilities or equipment;

(IV) it does not result in a decrease of membership dues or fees;

(V) it is separately accounted for, and is not reflected in an operating revenue account on the club's books and records;

(VI) the proceeds from it must be used to pay for capital expenditures or for capital improvements to the club's facilities, or to pay debt service on financing for such capital expenditures or capital improvements, but they may not be used to pay for repairs of or maintenance to existing capital assets that do not materially add to the value of or appreciably prolong the useful life of the capital asset; and

(VII) the proceeds from it are not used to pay for any operating expenses.

b. Failure to meet the safe harbor does not create any presumption regarding whether a particular charge is a nontaxable capital assessment. The taxability of a charge that fails to meet the safe harbor will be determined on a case by case basis.

c. If any portion of the proceeds from a capital assessment is not used to pay for capital expenditures or for capital improvements to the club's facilities, that portion of the proceeds is taxable when it is used for some other purpose. Proceeds from a capital assessment may be accumulated by a club in a separate fund and held to pay for future capital expenditures or capital improvements without being subject to tax.

d. Nothing contained in sub-subparagraph (5)(c)4. of this rule shall be construed to impose a tax on refundable deposits that are not subject to tax under sub-subparagraph (5)(c)7. of this rule.

d. through f. renumbered 6. through 8. No change.

(d)(e) Dues paid by persons for membership in clubs such as sewing clubs, bowling clubs, square dancing clubs, bridge clubs, and gun clubs, which provide no recreational or physical fitness or other facilities for their members, are exempt. Any charge made by any such club for admission to any event conducted or sponsored by the club is taxable, except as provided in paragraphs (3)(f)(g) and (i)(j) of this rule.

(6) No change.

(7) SALES OF VACATION PACKAGES.

(a) A dealer owes tax on purchases of any taxable components of a vacation package which he or she sells. Such taxable components may include, but are not limited to, admissions, transient rentals, rental cars, and meals.

(b) No tax is due on the sale of a vacation package by a travel agent if the components are not separately itemized and if applicable tax has been paid on the initial purchase of the taxable components. For purposes of this subsection, a "vacation package" means a bundle consisting of two or more components, such as admissions, transient rentals, transportation, or meals. Coupon books, maps, or other incidental items that are provided free of charge as part of a vacation package are not considered "components" for purposes of this subsection.

(c) If a travel agent unless the selling dealer itemizes the taxable components and sells the taxable components for more than was paid for them. If the itemized components are sold for more than the dealer paid for them, he or she must register and collect and remit tax on the itemized taxable components, and may take a credit for taxes previously paid.

(c) through (d) renumbered (d) through (e) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1), 212.031, 212.04, 212.08(6), (7), 240.533(4)(c), 616.260 FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 7-19-72, 12-11-74, 9-28-78, 7-3-79, 12-3-81, 7-20-82, Formerly 12A-1.05, Amended 1-2-89, 12-16-91, 10-17-94, 3-20-96.

PUBLIC SERVICE COMMISSION

DOCKET NO: 991930-TC

RULE TITLES:	RULE NOS.:
Pay Telephone Service	25-24.515
Pay Telephone Rate Caps	25-24.516
Service Requirements for Companies Providing Operator Services	25-24.620
Rate and Billing Requirements	25-24.630

PURPOSE AND EFFECT: The purpose of the proposed amendments is to clarify that pay telephone service providers (PSPs) must route all 0+ local and 0- calls to the provider of local exchange services unless the end user dials an appropriate access code for his carrier of choice; to exempt PSPs from the requirement of routing all 0+ local calls to the local exchange service provider for pay telephone stations located within confinement facilities; to specify that the local coin rate for local calls made from pay telephone stations is a flat rate, which is the local coin flat rate plus applicable operator service charges; to eliminate the set-use fee for 0- calls placed from pay telephones; to require pay telephone stations to comply with the National Electric Code and the National Safety Code; to clarify that all 0+ and 0- rate caps are inclusive of all charges and fees, including any Federal Communications Commission ordered fees; to define and require operator service rate caps for 0+ and 0- local calls made from a pay telephone and made in a call aggregator context to be consistent with pay telephone rate caps; to specify that the charge for routing 0+ or 0- local calls is a market-based flat rate, plus applicable operator surcharges; to specify that operator service providers are permitted to route 0+ and 0- local calls from inmate pay telephone stations; and to specify that the rate caps in Rule 25-24.630(1) do not apply if an end user requests transfer to an operator service provider of choice. The effect of the amendments is to provide clear direction concerning the routing of 0+ local and 0- calls; to provide flexibility concerning calls placed from confinement facilities; and to clarify the rate caps for 0+ and 0-local calls.

SUBJECT AREA TO BE ADDRESSED: Pay telephone and operator service provider service requirements and rate caps.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.01, 364.03, 364.035, 364.063, 364.337, 364.3375, 364.3376, 364.345 FS.

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

TIME AND DATE: 9:30 a.m., Thursday, February 3, 2000

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF RECORDS AND REPORTING, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Division of Communications, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.515 Pay Telephone Service.

(1) through (8) No change.

(9) ~~Except as provided in paragraph (9)(c), e~~Each pay telephone station shall be equipped with a legible sign, card, or plate of reasonable permanence which shall identify the following:

(a) The telephone number and location address of the pay telephone station, name and certificate number of the certificate holder, the party responsible for repairs and refunds, address of responsible party, free phone number of responsible party, clear dialing instructions (including notice of the lack of availability of local or toll services), and the local coin rate.

(b) For those pay telephone stations that will terminate conversation after a minimum elapsed time, notice shall be included on the sign card as well as an audible announcement 30 seconds prior to termination of the phone call.

~~(c) Pay telephone providers have until June 30, 1998, or six months after the effective date of this rule, whichever is later, to comply with the requirements of placing the certificate number on the pay telephone station sign, card, or plate.~~

(10) Each pay telephone station which provides access to any interexchange company shall provide coin free access, except for Feature Group A access, to all locally available interexchange companies. The pay telephone station shall provide such access through the forms of access purchased by locally available long distance carriers such as 10XXX+0, 10XXXX+0, 101XXXX+0, 950, and toll free (e.g., 800, 877, and 888) access.

(11) No change.

(12) All end user dialed 0+ local and all 0- calls shall be routed to a provider of local exchange telecommunications services company that is authorized by the Commission to handle 0-calls. All other calls, including operator service calls, may be routed to the pay telephone provider's carrier of choice, unless the end user dials the appropriate access code for their carrier of choice, i.e., 950, 10XXX, 10XXXX, 101XXXX, and toll free access (e.g., 800, 877, and 888). Except the pay telephone provider may select any certificated carrier as the carrier of choice for 0+ local calls placed from pay telephone stations used predominantly by inmates within a confinement facility.

(13)(a) Each pay telephone station shall allow incoming calls to be received at all times, with the exception of those located at hospitals, schools, and locations specifically exempted by the Commission. There shall be no charge for receiving incoming calls.

(b) A pay telephone provider may petition the Commission for an exemption from the incoming call requirement for a period that shall not exceed two years from the effective date of the Order granting the exemption. Requests for exemption from the requirement that each pay telephone station allow incoming calls shall be accompanied by a completed Form PSC/CMU-2 (02/99), entitled "Request to Block Incoming Calls," which is incorporated into this rule by reference and may be obtained from the Commission's Division of Telecommunications. The form requires an attestation from the owner of the pay telephone, the owner of the pay telephone location, and the chief of the responsible law enforcement agency that the request is sought in order to deter criminal activity facilitated by incoming calls being received at the specified pay telephone. A separate form shall be filed for each telephone number for which an exemption is sought. Exemptions which were granted prior to the two-year limitation will expire two years from the effective date of the amendment, February 1, 1999, establishing the two-year limitation. The provider of the pay telephone may request subsequent two-year exemptions by filing another Form PSC/CMU-2 (02/99). Where incoming calls are not received, central-office based intercept shall be provided at no charge to the end user and a written notice shall be prominently displayed on the instrument directly above or below the telephone number which states: "Incoming calls blocked at request of law enforcement."

(14) through (15) No change.

(16)(a) Where there is a single pay telephone station, a directory shall be maintained at each station. Where there are two or more pay telephone stations located in a group, a directory for the entire local calling area shall be maintained at every other station. However, where telephone pay stations are fully enclosed, a directory shall be maintained at each pay telephone station. For purposes of this rule, the term "directory" shall mean both a current white page directory for

the local calling area and a reasonably current yellow page directory that is appropriate for the calling area of the pay telephone station. ~~Companies must comply with this subsection by June 30, 1999, or six months after the effective date of this rule, whichever is longer.~~

(b) Pay telephone stations that provide local directory assistance at no charge are exempt from the provisions in (16)(a). A notice must appear on the placard if local directory assistance at no charge is being provided.

(17) No change.

(18)(a) Except as provided in paragraphs (18)(~~a~~)(b)-(c), and (e) below, each pay telephone station shall conform to sections 4.28.8.4 and 4.29 of the American National Standards Accessible and Usable Buildings and Facilities, approved December 15, 1992, by the American National Standards Institute, Inc. (ANSI A117.1-1992), which is incorporated by reference into this rule.

(b) Where there are two or more pay telephone stations located in a group, there shall be a minimum of one telephone per group of ten which conforms to the ANSI standards listed in subsection (18)(a). The conforming station must be physically located in the group of pay telephone stations or must be installed within a clear line of sight within 15 feet of the group and the route to the conforming station must be free from wheelchair barriers.

(c) Except for locations on floors above or below entry level in buildings not serviced by a ramp or elevator, pay telephone stations shall be placed in areas accessible to the physically handicapped.

(d) Pay telephone stations located in buildings which are not wheelchair accessible must comply with all ANSI provisions cited in this subsection except that these stations are exempt from complying with ANSI sections 4.29.2 through 4.29.4, 4.29.7, and 4.29.8 until the building is modified to make it wheelchair accessible.

(e) Pay telephones shall not be installed where the required "clear floor or ground space" provided for in ANSI section 4.29.2 is reduced by a vehicle parked in a designated parking space.

~~(f) Each pay telephone provider shall modify its pay telephone station to comply with ANSI section 4.29.5 within six months from the effective date of these rules.~~

(19) Each pay telephone station shall conform to the National Electric Code, 1999 edition, approved by the National Fire Protection Association, Inc., and to the National Safety Code, 1997 edition, approved by the American National Standards Institute, which are incorporated by reference into this rule.

(19) through (21) renumbered (20) through (22) No change.

~~(23)(22)~~ Pay telephone stations used by inmates located in confinement facilities shall be exempt from the requirements of subsections (2), (4), (6), (7), (8), (10), ~~(12)~~, (13), (15), (16),

and ~~(20)(49)~~ of this rule. Such pay telephone stations shall also be exempt from the requirements of subsection (9), except that outgoing local and long distance calls may not be terminated until after a minimum elapsed time of ten minutes. Audible and written disconnect notifications shall apply, and one access line shall not be connected to more than three pay telephone stations.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345 FS. History—New 1-5-87, Amended 4-14-92, 12-21-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99, _____.

25-24.516 Pay Telephone Rate Caps.

(1) Rates charged any end user by a pay telephone provider, providing operator service within the pay telephone premises' equipment, shall not exceed the following:

(a) Local coin calls – the flat rate posted at the pay telephone station.

(b) Extended area service (EAS) coin calls – a rate equivalent to the local coin call rate.

(c) Extended calling scope (ECS) coin calls – a ~~the~~ rate equivalent to the local coin call rate.

(d) 0+ toll non-person-to-person – a maximum rate of \$0.30 per minute, plus a \$1.75 per call charge.

(e) 0+ toll person-to-person – a maximum rate of \$.30 per minute, plus a \$3.25 per call charge.

(f) 0+ local non-person-to-person ~~local~~ – a rate equivalent to the local coin call rate, plus a \$1.75 per call charge.

(g) 0+ local person-to-person ~~local~~ – a rate equivalent to the local coin call rate, plus a \$3.25 per call charge.

(2) A pay telephone provider shall not obtain services from a local exchange carrier, an interexchange carrier, or an operator service provider unless such carrier or provider has obtained a certificate of public convenience and necessity from the Commission.

~~(3) A set use fee of \$.25 shall apply to all completed 0- local calls placed from pay telephones.~~

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.3375(4), (5), 364.3376 FS. History—New 9-5-95, Amended 2-1-99, _____.

25-24.620 Service Requirements for Companies Providing Operator Services.

(1) No change.

(2) In its tariffs for and contracts with billing and collection agents and other companies providing operator services, every company providing operator services shall require the other party to:

(a) Allow end users to access, at no charge, all locally available interexchange companies via all locally available methods of access, such as 10XXX, 10XXXX, 10XXXXX, 950, and toll free access codes, such as 800, 877, and 888; except that Feature Group A (seven-digit local number) access lines are exempt from this requirement;

(b) Allow end users to access the universal telephone number "911", where operable, at no charge to the end user, and where not operable, to allow end users to access the operator of the provider of local exchange telecommunications services at no charge;

(c) Route all end user dialed 0 + local and all 0- calls to the provider of local exchange telecommunications services unless the end user dials the appropriate access code for his carrier of choice, such as 950, 800, 877, 888, 10XXXX, 101XXXX, or 10XXX, or the call is placed from a pay telephone station used by inmates within a confinement facility; and

(d) Route all end user dialed 1 + and 0 + toll calls to the preselected carrier unless the end user dials the appropriate access code for his carrier of choice, such as 950, 800, 877, 888, 10XXXX, 101XXX, or 10XXX; and

(e) Route all end user dialed 0- calls to the operator of the provider of local exchange telecommunications services at no charge to the end user when no additional digits are dialed after five seconds.

(3) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.3376 FS. History—New 9-6-93, Amended 1-16-96, 9-10-97, 2-1-99, _____.

25-24.630 Rate and Billing Requirements.

(1) Rates Services charged and billed to any end user by an operator services provider for ~~an intrastate 0+ or 0- calls~~ made from a pay telephone or in a call aggregator context are inclusive of all charges and fees, including any Federal Communications Commission ordered fees, and shall not exceed a rate of \$.30 per minute plus the applicable charges for the following types of telephone calls:

(a) 0+ and 0- toll non-person-to-person – a maximum rate of \$0.30 per minute, plus a \$1.75 per call charge A person to person call – a charge of \$3.25;

(b) 0+ and 0- toll person to person – a maximum rate of \$0.30 per minute, plus a \$3.25 per call charge A call that is not a person-to-person call – a charge of \$1.75;

(c) 0+ and 0- local non-person-to-person – a rate equivalent to the posted pay telephone local coin rate or posted call aggregator flat rate, as applicable, plus a \$1.75 per call charge; and

(d) 0+ and 0- local person-to-person – a rate equivalent to the posted pay telephone local coin rate or posted call aggregator flat rate, as applicable, plus a \$3.25 per call charge.

(2) If the end user dials 0- and requests transfer to an operator services provider of choice, the rate caps in subsection (1) do not apply. For 0- calls from pay telephone stations completed by the provider of local exchange telecommunications services, a set use fee of \$.25 shall apply and shall be remitted by the local exchange company to the pay telephone service provider.

(3) through (8) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.3376 FS. History--New 9-6-93, Amended 2-1-99, _____.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

RULE CHAPTER TITLE: Bureau of Rehabilitation and Medical
 RULE CHAPTER NO.: 38F-56

RULE TITLE: Electronic Filing Manual
 RULE NO.: 38F-56.001

PURPOSE AND EFFECT: This rule will mandate that workers' compensation medical and rehabilitation data, contained on forms DWC-9, DWC-11, DWC-21, DWC-22, DWC-22a and DWC-90, shall be submitted to the Division of Workers' Compensation on electronic media, and shall be subject to certain minimum criteria before acceptance by the Division. This rule also adopts the Bureau's Electronic Filing Manual.

SUBJECT AREA TO BE ADDRESSED: The electronic submission by insurers of workers' compensation medical and rehabilitation data to the Division of Workers' Compensation.

SPECIFIC AUTHORITY: 440.593 FS.

LAW IMPLEMENTED: 440.13(4)(a),(b), 440.491(3),(5), (7),(8) FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 noon, Wednesday, January 26, 2000

PLACE: Room 301-F, Forrest Building, 2728 Centerview Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul Lincolnhol, (850)488-3431, Extension 318, e-mail: lincolnp@wcpst.fdes.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

ELECTRONIC DATA INTERCHANGE

38F-56.001 Electronic Filing Manual.

Carriers are required to file copies of forms DWC-9, DWC-11, DWC-21, DWC-22, DWC-22a and DWC-90 with the Division of Workers' Compensation, Bureau of Rehabilitation and Medical Services, pursuant to Rules 38F-7.501, 38F-7.602 and 38F-55.001 through 38F-55.015, Florida Administrative Code. In an effort to collect accurate and valid data, the Division requires that carriers submit the above-stated forms on electronic media. The electronic submission of the above-stated forms to the Division by the carrier must be in conformance with the Bureau of Rehabilitation and Medical

Services' Electronic Filing Manual (2000), which is adopted by reference as part of this rule, and shall be subject to certain minimum criteria before acceptance by the Division. Carriers are responsible for the complete accuracy of all of the required information electronically submitted to the Division on Forms DWC-9, DWC-11, DWC-21, DWC-22, DWC-22a and DWC-90.

Specific Authority 440.593 FS. Law Implemented 440.13(4)(a),(b), 440.491(3)(a),(5)(c),(7)(e) FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE CHAPTER TITLE: Brokerage Relationships
 RULE CHAPTER NO.: 61J2-10

PURPOSE AND EFFECT: To discuss necessary rules for the implementation of the recent legislative changes to the Broker Relationship Disclosure Act.

SUBJECT AREA TO BE ADDRESSED: During consideration on a Petition for Declaratory Statement during the December 15, 1999 Commission meeting, it became apparent that rulemaking may be necessary in view of the general applicability of the Declaratory Statement.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.272, 475.278 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: 8:30 a.m., January 19, 2000

PLACE: Office of Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 W. Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Definition of "Mental Health Professional"
 RULE NO.: 64B4-2.006

PURPOSE AND EFFECT: The rule amendment will provide an additional reference when referring to the usage of the term "mental health professional."

SUBJECT AREA TO BE ADDRESSED: Definition of "Mental Health Professional."

SPECIFIC AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005(1)(c),(3)(c),(4)(c), 491.0046(3) FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-2.006 Definition of "Mental Health Professional".

"Mental health professional" as used in Sections 491.005(1)(c), (3)(c), and (4)(c), and 491.0046(3), Florida Statutes, is defined as a psychotherapist licensed under Chapter 491, a psychologist licensed under Chapter 490, a psychiatrist licensed under Chapter 458 or 459 who is certified by the American Board of Psychiatry and Neurology; or an advanced registered nurse practitioner certified under Section 464.012, Florida Statutes, and who is certified by a board approved national certification organization pursuant to Rule 64B9-4.002, F.A.C.

Specific Authority 491.004(5) FS. Law Implemented 491.005(1)(c),(3)(c),(4)(c), 491.0046(3) FS. History--New 2-11-98, Amended _____.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLES:	RULE NOS.:
Examination for Licensure	64B4-3.003
Documentation of Substantially Equivalent Licensing Examination	64B4-3.0051
Examination Review Procedures	64B4-3.007

PURPOSE AND EFFECT: The Board proposes to review Rule 64B4-3.003 to determine if the rule text should be amended to update the requirements for examination for licensure. The Board proposes to promulgate a new rule which will address the documentation of substantially equivalent licensing examinations. The Board proposes to amend Rule 64B4-3.007 to change the examination procedures for applicants who wish to review the answers or the part of the exam that the applicant failed.

SUBJECT AREA TO BE ADDRESSED: Examination for licensure; documentation of substantially equivalent licensing examination and the examination review procedures.

SPECIFIC AUTHORITY: 455.574, 491.004, 491.006 FS.

LAW IMPLEMENTED: 455.574, 491.005, 491.006 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-3.003 Examination for Licensure.

(1) through (4) No change.

(5) PART II – THEORY AND PRACTICE

(a) CLINICAL SOCIAL WORKERS

1. through 2. No change.

(b) MENTAL HEALTH COUNSELORS

1. through 2. No change.

(c) MENTAL HEALTH COUNSELORS

1. Effective January 1, 2001, the national clinical mental health counselor examination will be required for licensure. The national clinical mental health counselor examination shall be an objective multiple choice examination developed by the National Board of Certified Counselors (NBCC). All items shall be weighted equally in scoring the examination. The minimum passing score shall be the recommended cut-off score provided by the national vendor and established according to the Angoff procedure. Candidates' raw scores are converted to a scaled score. The passing score is a scaled score of _____.

2. An applicant for licensure as a mental health counselor is not required to take the theory and practice Part II of 64B4-3.003(5)(b) of the licensure examination if the following conditions are met:

a. The applicant has taken the National Clinical Mental Health Counselor Examination within the last five years; and

b. The applicant earned the national passing score on the National Clinical Mental Health Counselor Examination.

(d)(e) MARRIAGE AND FAMILY THERAPISTS

1. through 2. No change.

(6) No change.

Specific Authority 455.574, 491.004(5) FS. Law Implemented 455.574, 491.005 FS. History--New 3-21-90, Amended 7-31-91, 3-10-92, 6-1-92, 1-27-93, Formerly 21CC-3.003, Amended 3-14-94, 7-20-94, Formerly 61F4-3.003, Amended 12-22-94, 9-18-95, 11-13-96, 6-1-97, Formerly 59P-3.003, Amended 8-8-99.

64B4-3.0051 Documentation of Substantially Equivalent Licensing Examination.

In order for the Board to determine whether an applicant by endorsement has passed a substantially equivalent licensing examination in another state, the endorsement applicant shall provide the Board with documentation which demonstrates that the exam taken in another state is substantially equal in essential and materials elements to the licensure examinations required in Rule 64B4-3.003, F.A.C. Essential and material elements shall include but are not limited to:

- (1) name and publisher of the exam;
- (2) time allotted for taking the exam;
- (3) subject content domains covered by the exam;
- (4) conditions under which the exam was taken;
- (5) grading criteria;
- (6) raw score and scaled passing score;
- (7) exam administration date;
- (8) exam format (multiple choice/essay?); and
- (9) exam security procedures.

Specific Authority 491.004, 491.006 FS. Law Implemented 491.006 FS. History--New _____.

64B4-3.007 Examination Review Procedures.

(1) An applicant is entitled to review the applicant's examination questions, answers, papers, grades and grading key used in ~~Part I -- Laws and Rules of the laws and rules examination (Part 1) for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed.~~ Examination reviews shall be conducted ~~licensure~~ under such terms and conditions as prescribed by the Department of Health in rule 64B-1.013, F.A.C., unless prohibited or limited by rule 64B4-3.006, F.A.C., implementing security procedures.

- (2) No change.

Specific Authority 455.574(2), 491.004(5) FS. Law Implemented 455.574(2) FS. History--New 8-18-93, Formerly 61F4-3.007, Amended 1-7-96, Formerly 59P-3.007, Amended 8-8-99.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Qualifications to Practice Juvenile

RULE NO.: 64B4-7.007

Sex Offender Therapy
PURPOSE AND EFFECT: The rule amendments will update the rule text to further clarify the qualifications needed to practice juvenile sex offender therapy.

SUBJECT AREA TO BE ADDRESSED: Qualifications to practice juvenile sex offender therapy.

SPECIFIC AUTHORITY: 491.004(5), 491.0144 FS.

LAW IMPLEMENTED: 491.0144 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-7.007 Qualifications to Practice Juvenile Sex Offender Therapy.

Effective October 1, 2000, in order for a licensed clinical social worker, marriage and family therapist or mental health counselor to practice, or to hold oneself out as one certified to practice juvenile sex offender therapy the licensee must have:

(1) Completed education and training in the following subject areas: ~~Complete education and training to gain knowledge and competency in each of the following areas:~~

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

Specific Authority 491.004(5), 491.0144 FS. Law Implemented 491.0144 FS. History--New 2-9-99, Amended _____.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Definition of Sexual Misconduct

RULE NO.: 64B4-10.002

PURPOSE AND EFFECT: The Board proposes to amend this rule to clarify the definition of sexual misconduct.

SUBJECT AREA TO BE ADDRESSED: Definition of sexual misconduct.

SPECIFIC AUTHORITY: 491.004(5), 491.0111 FS.

LAW IMPLEMENTED: 491.0111 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-10.002 Definition of Sexual Misconduct.

(1) It is sexual misconduct for a psychotherapist to engage, attempt to engage, or offer to engage a client in sexual behavior, or any behavior, whether verbal or physical, which is intended to be sexually arousing, including kissing; sexual intercourse, either genital or anal; cunnilingus; fellatio; or the touching by either the psychotherapist or the client of the other's breasts, genital areas, buttocks, or thighs, whether clothed or unclothed.

~~(2) It is sexual misconduct for a psychotherapist to engage a client in verbal or physical behavior which is sexually arousing or demeaning unless:~~

~~(a) The psychotherapist meets the requirements to hold oneself out as a sex therapist as specified in Rule 64B4 7.004; and~~

~~(b) such behavior is for the sole purpose of treatment of psycho-sexual disorders or dysfunctions included within the categories of: paraphilia, sexual desire disorders, disorder of sexual arousal, compulsive hyperactive sexual behaviors; and~~

~~(c) the psychotherapist complies with generally accepted professional standards in this State for treatment of clients with these specific disorders or dysfunctions; and~~

~~(d) treatment is provided in accordance with generally accepted professional standards for psychotherapy in this State.~~

~~(2)(3) It is sexual misconduct for a psychotherapist to encourage the client to engage in sexual conduct with a third party unless:~~

(a) through (b) No change.

Specific Authority 491.004(5), 491.0111 FS. Law Implemented 491.0111 FS. History--New 3-4-90, Formerly 21CC-10.002, 61F4-10.002, 59P-10.002, Amended 4-28-98,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Application for Licensure

RULE NO.: 64B8-30.002

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address activation of initial licenses.

SUBJECT AREA TO BE ADDRESSED: Activation of initial licenses.

SPECIFIC AUTHORITY: 458.307, 458.347 FS.

LAW IMPLEMENTED: 458.347 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.002 Application for Licensure.

(1) through (2) No change.

(3) All initial licenses must be activated within 6 months of the date of certification for licensure by the Council on Physician Assistants. If activation of an initial license is not completed within 6 months of the date of certification for licensure, the certification expires and the individual affected must reapply and requalify for certification for licensure based on the laws and rules in effect at the time of the new application.

Specific Authority 458.309, 458.347 FS. Law Implemented 458.347 FS. History--New 4-28-76, Amended 2-14-79, 9-3-85, 10-20-85, Formerly 21M-17.02, Amended 5-13-87, 1-9-92, Formerly 21M-17.002, 61F6-17.002, 59R-30.002, Amended 6-7-98,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B8-44.003

PURPOSE AND EFFECT: To include penalties for sexual misconduct and for failing to report in writing within 30 days of a criminal plea or conviction as authorized by 1999 amendments to Part II of Chapter 455, Florida Statutes, and to specify the penalties for repeat offenses.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 455.627, 458.309, 468.507 FS.

LAW IMPLEMENTED: 455.627, 468.517, 468.518(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of /MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-44.003 Disciplinary Guidelines.
(1) through (3) No change.

(4) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION	RECOMMENDED RANGE OF PENALTY
(a) Violating Practice Act or Board or Department Rules (468.518(1)(a))	(a)(1) From a minimum of six months probation to revocation or denial of licensure, and an administrative fine from \$150.00 to \$1,000.00, depending on the seriousness of the underlying offense and the magnitude of the violation. <u>(a)(2) After the first offense, a minimum of one year's probation to revocation or denial of licensure, and an administrative fine from \$200.00 to \$1,000.00, depending on the seriousness of the underlying offense and the magnitude of the violation.</u>
(b) Inability to practice with skill and safety (468.518(1)(b))	(b) From submission to a mental or physical examination directed towards the problem, one year probation with conditions, possible referral to the PRN to revocation or denial, and an administrative fine from \$100.00 to \$1,000.00.
(c) Attempting to procure a license by fraud or misrepresentation (468.518(1)(c))	(c)(1) From denial or revocation of licensure with ability to reapply upon payment of a fine up to \$1,000.00 to denial of licensure without ability to reapply. <u>(c)(2) For a second offense, denial or permanent revocation of licensure with \$1,000 fine.</u>
(d) Action taken against license by another jurisdiction (468.518(1)(d))	(d)(1) From imposition of discipline comparable to that which would have been imposed if the substantive violation had occurred in Florida to suspension or denial of license until it is unencumbered in the other jurisdiction, and an administrative fine from \$100.00 to \$1,000.00. Impaired practitioners working in this state may be ordered into the PRN. <u>(d)(2) After the first offense, from imposition of discipline comparable to that which would have been imposed if a second or higher substantive violation had occurred in Florida to suspension or denial of license until it is unencumbered in the other jurisdiction, and an administrative fine from \$200.00 to \$1,000.00. Impaired practitioners working in this state may be ordered into the PRN.</u>
(e) Conviction of a crime relating to the practice (458.518(1)(e))	(e)(1) From a one year probation with conditions to revocation or denial of the license and an administrative fine ranging from \$100.00 to \$1,000.00. Any Board ordered probation shall be for no less time than Court ordered sanctions. <u>(e)(2) After the first offense, from a three-year probation with conditions to revocation or denial of the license, and an administrative fine ranging from \$250.00 to \$1,000.00. Any Board ordered probation shall be for no less time than Court ordered sanctions.</u>
(f) Filing a false report or failing to file a report as required (458.518(1)(f))	(f)(1) From a minimum of one year probation with conditions to revocation or denial of the license, and an administrative fine from \$100.00 to \$1,000.00. <u>(f)(2) After the first offense, a minimum of three years probation with conditions to revocation or denial of the license, and an administrative fine from \$250.00 to \$1,000.00.</u>

(g) False, deceptive, or misleading advertising (458.518(1)(g))

(h) Committing fraud in the practice (468.518(1)(h))

(i) Practicing on delinquent, revoked, suspended or inactive license (468.518(1)(i))
(j) Treating ailments by means other than dietetics and nutrition practice (468.518(1)(j))

(k) Failure to maintain acceptable standards of practice (468.518(1)(k))

(l) Kickbacks or split fee arrangements (468.518(1)(l))

(m) Advertising any experimental assessment or treatment (468.518(1)(m))

(n) Failure to keep written medical records (Rule 64B8-44.004) or denial of a license, and an

(o) Sexual misconduct in the practice of the profession (455.567)

(g)(1) From one year probation with conditions to one year suspension followed by at least one year probation with conditions or denial of licensure, and an administrative fine from \$250.00 to \$1,000.00.

(g)(2) For a second offense, two years probation with conditions to two years suspension followed by at least one year probation with conditions or denial of licensure, and an administrative fine from \$350.00 to \$1,000.00.

(g)(3) After the second offense, two to five years suspension followed by two years of probation with conditions to revocation or denial of licensure, and an administrative fine from \$500.00 to \$1,000.00.

(h)(1) From one year probation with conditions to revocation or denial of licensure, and an administrative fine from \$250.00 to \$1,000.00.

(h)(2) After the first offense, from one year suspension followed by probation with conditions to revocation or denial of licensure, and an administrative fine from \$400.00 to \$1,000.00.

(i)(1) From a \$250.00 administrative fine to revocation.

(i)(2) After the first offense, from a \$750.00 administrative fine to revocation.

(j)(1) From one year suspension followed by at least one year probation with conditions or denial to revocation or denial of licensure, and an administrative fine from \$250.00 to \$1,000.00.

(j)(2) For a second offense, two years suspension followed by at least one year probation with conditions to revocation or denial of licensure, and an administrative fine from \$400.00 to \$1,000.00.
(j)(3) For a third offense, revocation or denial of licensure and an administrative fine from \$800.00 to \$1,000.00.

(k)(1) From one year probation with conditions to revocation or denial of a license, and an administrative fine from \$100.00 to \$1,000.00.
(k)(2) After the first offense, a minimum of one year suspension followed by a minimum of one year probation with conditions to revocation or denial of a license, and an administrative fine from \$350.00 to \$1,000.00.

(l)(1) From six months suspension followed by one year probation with conditions to revocation or denial of licensure, and an administrative fine from \$250.00 to \$1,000.00.

(l)(2) After the first offense, from one year suspension followed by two years of probation with conditions to revocation or denial of licensure, and an administrative fine from \$350.00 to \$1,000.00.

(m)(1) From suspension to revocation or denial of licensure, and an administrative fine from \$500.00 to \$1,000.00.

(m)(2) For a second offense, revocation or denial of licensure, and an administrative fine from \$750.00 to \$1,000.00.

(n)(1) From probation with conditions or one year's suspension followed by a minimum of one year probation with conditions to revocation administrative fine from \$100.00 to \$1,000.00.
(n)(2) After the first offense, from one year suspension followed by a minimum of one year probation with conditions to revocation or denial of a license, and an administrative fine from \$400.00 to \$1,000.00.

(o)(1) From probation with conditions to revocation or denial of licensure, and an administrative fine from \$400.00 to \$1,000.00. Evaluations shall be required to determine the need for referral to PRN.

(o)(2) For a second offense, from one year suspension followed by a minimum of one year probation with conditions to revocation or denial of licensure, and an administrative fine from \$800.00 to \$1,000.00. Evaluations shall be required to determine the need for referral to PRN.

(p) Failing to report in writing within 30 days after the licensee has been convicted or found guilty of, or has entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction (455.624(1)(w))

(o)(3) After the second offense, revocation of license and a fine of \$1,000. (p)(1) From a \$100.00 administrative fine to revocation or denial of a license. (p)(2) After the first offense, from a \$250.00 administrative fine to revocation or denial of a license.

(5) through (7) No change.

Specific Authority 455.627, 458.309, 468.507 FS. Law Implemented 455.627, 468.517, 468.518(2) FS. History--New 12-4-90, Formerly 21M-50.003, Amended 6-22-94, Formerly 61F6-50.003, 59R-44.003, Amended 3-16-98, 8-19-99,_____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Application for Certification

RULE NO.: 64B15-6.002

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address activation of initial licenses.

SUBJECT AREA TO BE ADDRESSED: Activation of initial licenses.

SPECIFIC AUTHORITY: 459.005 FS.

LAW IMPLEMENTED: 459.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.002 Application for Certification.

(1) through (2) No change.

(3) All initial licenses must be activated within 6 months of the date of certification for licensure by the Council on Physician Assistants. If activation of an initial license is not completed within 6 months of the date of certification for licensure, the certification expires and the individual affected must reapply and requalify for certification for licensure based on the law and rules in effect at the time of the new application.

Specific Authority 459.005 FS. Law Implemented 459.022 FS. History--New 10-18-77, Formerly 21R-6.02, Amended 10-28-87, 4-21-88, 5-20-91, 3-16-92, Formerly 21R-6.002, 61F9-6.002, 59W-6.002, Amended 6-7-98,_____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries

RULE CHAPTER TITLE: Spotted Seatrout

RULE TITLES:

RULE NOS.:

Size Limits 68B-37.003
Regional Bag Limits; Closed Seasons 68B-37.004
Commercial Season and Daily Harvest Limit 68B-37.005

PURPOSE AND EFFECT: The Fish and Wildlife Conservation Commission is interested in receiving public comment on proposals for statewide spotted seatrout rules that would set a 15-inch minimum to 20-inch maximum size limit and either a five-fish recreational daily bag limit with a February closed season, or a four-fish limit with no closure. Alternatively, regional bag limits and closures may be considered. As part of this rule development effort, the Commission would also like to receive comments on proposals to change the commercial harvest season to occur from May through July each year, and to allow commercial harvesters to retain one spotted seatrout larger than 24 inches in length each day during the open season. The effect of any of these measures will be to safeguard Florida's spotted seatrout resources to maintain a healthy abundance. The Commission encourages all knowledgeable and interested people to attend and participate in these workshops.

SUBJECT AREA TO BE ADDRESSED: Spotted seatrout management.

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

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

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT RULE DEVELOPMENT WORKSHOPS AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME: 6:00 p.m. – 8:00 p.m., each day

DATES AND PLACES:

- January 13, 2000 – Pensacola Junior College, 1000 College Blvd., Building 2, Room #250, Pensacola, Florida
January 18, 2000 – Government Center, Bldg. C, 1st Floor, Supervisor of Elections Canvass Room, 2725 Judge Fran Jamison Way, Viera, Florida
January 19, 2000 – University of South Florida, 4202 East Fowler Avenue, Marshall Center, Room 269, Tampa, Florida
January 21, 2000 – St. Johns County Auditorium, 4020 Lewis Speedway, St. Augustine, Florida
January 26, 2000 – Cedar Key Field Lab Auditorium, 11350 S. W. 153rd Court, Cedar Key, Florida
January 27, 2000 – City of Perry, City Council Meeting Room, 224 South Jefferson Street, Perry, Florida
January 28, 2000 – Gulf Coast Community College, 5230 W. Highway 98, Student Union Bldg., Room 243, Panama City, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this 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: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301, (850)487-0554

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Independent Colleges and Universities

RULE TITLES:	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: The purpose of the proposed rule amendments include: recent amendments to Chapter 246, Florida Statutes, require rule amendments to bring the rules into conformity with those statutory amendments, and to delete any portions of rules that are duplicative of new statutory language; the Board was limited in its resources by not being funded through General Revenue since 1992, but by fees alone, and more fee revenue was needed to perform the Board's duties effectively in the face of rising costs; and some terms used in the rules would benefit from being clarified. The effect is that the rules will more clearly state the updated language and requirements, so that applicants and licensees can understand the standards and procedures regarding licensure of nonpublic colleges.

SUMMARY: Rule 6E-1.003 is being amended to clarify subsection (3), the definition of branch campus operation; and to repeal subsection (11), the definition of authorization to mean permission to operate in Florida, because new legislation has superseded the current definition. Rule 6E-1.0031 is being amended to update statutory references and to include an alternative method of reporting institutional data. Rule 6E-1.0032 is being amended to clarify language, to move existing refund policy language to a more logical part of the subsection and to divide that subsection into more clearly

understandable paragraphs, to make more specific the length of time during which a student may withdraw and receive a refund of tuition and fees, and to clarify that colleges are responsible for representations made by their employees or persons under contractual arrangements with the colleges. Rule 6E-1.0034 is amended to reflect new legislative changes; to provide a three-tiered Base Fee as authorized by law rather than a two-tiered system currently in place; and to raise the Base Fees for the first time in seven years to help cover the expenses of the Board, which is totally fee-supported; to provide guidelines for Florida-based colleges operating through distance learning to report enrollment; and to raise some workload fees to reflect more accurately the administrative costs incurred by the Board in providing certain services. Rule 6E-1.0035 is amended to provide definitions of terms used in new legislation and in the rule, and to bring the rule into conformity with the new legislation. Rule 6E-1.0045 is amended to correct a statutory reference, to repeal a subsection which repeats new legislation, and to renumber subsequent subsections.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The selective changes to the fees assessed by the Board will result in an updated annual income to cover the more costly services provided by the Board, which is supported solely by fees, not General Revenue. It is estimated that these changes will provide an additional \$150,000 annually to cover expenses. For affected colleges, the cost of operating in Florida will go up across the sector, but by a reasonable margin. The average college licensed by the Board will pay \$100 more per year for Base Fee than currently, plus an increase of approximately \$0-\$300 in annual workload fees, depending upon the action requested; fees for site visits, for example, are raised to reflect recent increases in air fares. The average religious college operating under authorization by the board will pay \$100 per year more than previously, consistent with the Base Fees paid by other colleges.

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: 246.041(1)(e),(n), 246.051(1), 246.071, 246.081(2), 246.085(4),(5), 246.093(1), 246.095(2), 246.101(1), 246.111 FS.

LAW IMPLEMENTED: 246.011, 246.021, 246.041, 246.051, 246.061, 246.081(2), 246.084, 246.085, 246.087, 246.093, 246.095, 246.101, 246.111, 246.121 FS.

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

TIME AND DATE: 11:00 a.m., Friday, January 28, 2000

PLACE: DoubleTree Hotel, Cypress and Westshore, Tampa, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra Knight, Deputy Director, State Board of Independent Colleges and Universities, Department of Education, 2586 Seagate Drive, Suite 200, Tallahassee, FL 32301, telephone (850)488-8695

THE FULL TEXT OF THE PROPOSED RULES IS:

6E-1.003 Definition of Terms.

Terms used in these rules are defined in Section 246.021, Florida Statutes. In addition, as used in the rules of this board:

(1) No change.

(2) For authorization under section 246.084, Florida Statutes, "Florida center of an out-of-state college" means any operation in Florida by an out-of-state college or university whose articles of incorporation are not as a Florida domestic corporation, when such operation includes offering one or more courses or educational programs in Florida which carry college credit that may be applied toward a degree, whether the degree itself is awarded in Florida or elsewhere.

(3) For authorization under section 246.084, Florida Statutes, "Florida branch campus of an out-of-state college" means any operation in Florida of an out-of-state college which offers one or more degree programs in Florida and is administratively equal to the main campus, having in Florida its own chief administrative officer, local autonomy, administration, student services, library, faculty, and academic facilities; and which operation may or may not be accredited by an accrediting agency recognized by the United States Department of Education pursuant to section 246.041(2)(g), Florida Statutes. "Branch operation," when referring to a college chartered in Florida, means any location away from the main administrative campus, at which location the college offers courses carrying college credit.

(4) through (10) No change.

(11) In addition to the definition given in s. 246.021(2), Florida Statutes, "authorization" means permission to operate in Florida without offering educational programs. See Rule 6E-1.0035, FAC.

Specific Authority 246.041(1)(e), 246.051(1), 246.071 FS. Law Implemented 246.021, 246.041(1)(g), 246.051(2), 246.084, 246.093 FS. History-Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-1.03, Amended 2-22-89, 11-29-89, 10-19-93, 12-11-96.

6E-1.0031 Licensure Required; Exemptions from Licensure.

(1) Licensure is a prerequisite to operating a college in Florida. The officials of a college proposing to operate in Florida shall comply with the requirements of the Florida Secretary of State as given in Chapter 608 or Chapter 613, Florida Statutes. Foreign and domestic corporations shall comply with the provisions of Section 246.081(2), Florida Statutes. Exceptions to the requirements for licensure are stated in Sections 246.081(1), 246.084 246.083, and 246.085, Florida

Statutes. Colleges required to be licensed by this Board, unless specifically exempt by law, are those which offer degrees above the level of specialized associate degree.

(2) No change.

(3) Nonpublic colleges ~~affiliated with a religious institution as defined in Section 246.021(10), Florida Statutes,~~ which seek authorization ~~from the board to operate~~ pursuant to Section ~~246.084 246.083,~~ Florida Statutes, shall follow the provisions of Section ~~246.084 246.083,~~ Florida Statutes, for initial application and annual review. The board form to be used is Form SBICU 501, Data for Colleges Authorized ~~to Operate~~ under ~~246.084 246.083,~~ F.S., or a copy of the IPEDS (Integrated Postsecondary Education Data System) forms which the institution annually files with the U.S. Department of Education.

(4) through (6) No change.

(7) The following board forms are hereby incorporated by reference and made a part of this rule: SBICU 101-A, Certificate of Exemption under F.S. 246.085(1)(a), effective ~~2000 October 1993;~~ SBICU 101-B, Certificate of Exemption under F.S. 246.085(1)(b), effective ~~2000 October 1993;~~ SBICU 500, Institutional Data, effective ~~2000 October 1993;~~ SBICU 501, Data for Colleges Authorized ~~to Operate~~ under ~~246.084 246.083,~~ F.S., effective ~~2000 October 1993;~~ and SBICU 550, Inventory of Consumer Practices and Disclosures to Students, effective ~~2000 October 1993.~~ Copies of these forms may be obtained without cost by contacting the State Board of Independent Colleges and Universities, Department of Education, Tallahassee, Florida 32399.

Specific Authority 246.041(1)(e),(n), 246.051(1), 246.071, 246.081(2), 246.085(4),(5) FS. Law Implemented 246.011, 246.041(1)(n), 246.081(2), 246.084 246.083, 246.085, 246.087(1), 246.111 FS. History-New 10-13-83, Formerly 6E-1.031, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93.

6E-1.0032 Fair Consumer Practices.

(1) All nonpublic colleges, centers of out-of-state institutions, and branch locations shall separately demonstrate compliance with fair consumer practices. "Fair consumer practices" refers to the honest, accurate and equitable conduct of business and academic relations between colleges and their students or potential students. Information regarding fair consumer practices may be provided in the college's usual publications, such as catalogs and brochures. If ongoing complaints show a pattern of misinformation, lack of disclosure, or discrepancies between printed, electronic, written and verbal information being given to prospective students, the board may require that colleges prepare additional documents, to be individually signed and dated by students, to address the problem. Significant deviations from fair consumer practices shall be grounds for denial or revocation or probation of licensure or certificate of exemption pursuant to Sections 246.095(5) and Section 246.111, Florida Statutes, and Rule 6E-2.0061, FAC.

(2) Colleges shall specifically conform to fair consumer practices in the following areas:

(a) and (b) No change.

(c) Student financial assistance: Accurate information about the availability of financial assistance shall be provided to enrolled and prospective students. Each college or center shall use a clearly and unambiguously worded statement, to be signed and dated by each student applying for and receiving a student loan, to the effect that the student understands that he or she is obligated to repay the loan, and when repayments will begin. This statement shall be accurately translated in writing into the individual student's language if the student is not fluent in English and shall also be verbally explained and emphasized to each student.

(d) Placement assistance: The extent of placement services shall be specifically described. For occupational and professional programs, the college or center shall provide students with accurate and unexaggerated information relating to market and job availability, an information regarding the relationship of programs of study to the state licensure standards for practicing specific occupations and professions in Florida.

(e) No change.

(f) Refund policy:

1. The college or center shall have an equitable prorated refund policy for all students. This policy shall be prominently displayed in the catalog and uniformly administered. Any nonrefundable fees or charges shall be clearly disclosed. The policy shall provide a formula for proration of refunds based upon the length of time the student remains enrolled. The college shall not consider that all or substantially all tuition for an entire program or term is earned when a student has been enrolled for only a minimal percentage of the program or term. The refund policy shall provide for cancellation of any obligation within three working days, pursuant to s. 246.041(1)(n)3.e., Florida Statutes. Refunds shall be made within thirty days of the date that the college determines that the student has withdrawn.

2. A first-time student is a student who has not previously attended at least one class at the institution or received a refund of 100% of tuition and fees (less any permitted administrative fee) under the institution's refund policy for attendance at the institution. A student remains a first-time student until the student either withdraws, drops out, or is expelled from the institution after attending at least one class, or completes the period of enrollment for which he or she has been charged. Refund policies which pertain to first-time students who are receiving Title IV Federal Student Financial Assistance shall be in compliance with federal regulations.

3. A fair and equitable refund policy, for students participating in Title IV Federal Student Financial Assistance Programs, shall contain the following provisions for students who are not first-time students at the institution. ~~A first-time~~

~~student is a student who has not previously attended at least one class at the institution or received a refund of 100% of tuition and fees (less any permitted administrative fee) under the institution's refund policy for attendance at the institution. A student remains a first-time student until the student either withdraws, drops out, or is expelled from the institution after attending at least one class, or completes the period of enrollment for which he or she has been charged. Refund policies which pertain to first-time students who are receiving Title IV Federal Student Financial Assistance shall be in compliance with federal regulations. Institutions which adopt refund policies which are more favorable to the student shall be regarded as being in compliance with these provisions.~~ Tuition and fees shall be refunded in full, less an administrative fee not to exceed 5 percent of the term's tuition, if notice of withdrawal from the college or center is received prior to the second class meeting end of the drop/add period and written documentation is received from the student. Tuition and fees shall also be refunded in full, for the current term, less an administrative fee not to exceed 5 percent of the term's tuition, under the following circumstances:

(i) For institutions that charge on a credit hour basis, credit hours dropped prior to the second class meeting during the drop/add period;

(ii) Courses cancelled by the college or center;

(iii) Involuntary call to active military duty;

(iv) Documented death of the student ~~or member of his or her immediate family (parent, spouse, child, sibling)~~;

~~(v) illness of the student of such severity or duration, as approved by the college and confirmed in writing by a physician, that completion of the period of enrollment for which the student has been charged is precluded;~~

~~(v)(vi)~~ Exceptional circumstances, with approval of the president of the college or center (or designee).

4. A refund of at least 25 percent of the total tuition and fees ~~for which the student is obligated paid~~ shall be made if the student totally withdraws from the college or center and the student's last date of attendance is after the second class meeting and prior to the expiration of 25 percent of the period of enrollment for which the student was charged or obligated. Thereafter, the student is obligated to pay 75 percent of the total tuition and fees.

5. Institutions which adopt refund policies which are more favorable to the student shall be regarded as being in compliance with these provisions.

(g) through (i) No change.

(3) through (4) No change.

(5) A college is responsible for ensuring compliance with this rule by any person or company employed by or contracted by the college to act on its behalf in matters of advertising, recruiting, or otherwise making representations which may be accessed by prospective students in Florida, whether verbally, electronically, or by other means of communication.

Specific Authority 246.041(1)(e), 246.051(1), 246.071, ~~246.095(2), 246.111(2)~~ FS. Law Implemented 246.041(1)(n), 246.085, 246.095, 246.111 FS. History—New 10-19-93, Amended _____.

6E-1.0034 Fees and Expenses.

(1) Base Fee. All nonpublic colleges, universities, and centers of out-of-state institutions derive benefit from the services performed by the board. Such services include but are not limited to administration of the fair consumer practices program and the data collection and dissemination program. Each college holding a certificate of exemption; ~~or a temporary, level I or II provisional, or regular license; or an authorization,~~ with an enrollment of less than 100 ~~students,~~ shall submit annually a base fee of ~~\$500 \$400;~~ each college with enrollment of 100 to 500 students shall submit annually a base fee of \$1,200; and each college with enrollment of ~~501 400~~ or more ~~students~~ shall submit annually a base fee of ~~\$1,500 \$1,200,~~ payable no later than August 15 of each year. Base fees shall be prorated for new institutions. Enrollment shall be determined by the total student headcount in Florida, full-time and part-time, reported by each college in its annual data report; or for a new institution, by its anticipated enrollment in Florida during its first year of operation. A Florida-based college operating through distance learning shall be assessed the Base Fee based upon its total enrollment wherever located.

(2) Workload Fees. The main Florida campus and additional locations of each nonpublic college, and the main Florida center and each branch location under the purview of the licensing, certificate of exemption, and authorization programs of the board receive technical assistance from the board, along with help in developing and implementing institutional articulation agreements and achieving candidacy status with accrediting agencies; and significant amounts of staff and administrative time are spent on evaluating applications, traveling to colleges for onsite visits, assisting colleges which are experiencing problems with financial aid or financial stability, and making reviews. The following workload fees are assessed in addition to the base fee, and must be received prior to board consideration of each action.

Application for Temporary License	\$6,000	\$5,000
Special Review (Changing levels of licensure, adding new degrees or majors, adding new locations, or resubmitting applications).....	\$2,500	2,200
Annual Review of Regular License		
Main Florida Campus	\$2,500	
Each Additional Florida Location.....	\$1,000	
Site Visits		
One day, per person	\$900	\$700
Two days, per person	\$1,000	\$900
Annual Permission to Operate in Florida Without Offering Educational Programs	\$1,000	\$800
Approval to Use "College" or "University,"		
First time or special review.....		\$500
Annual Licensure of Recruiting Agents	\$500	\$325

Evaluation of Additional Accrediting Agencies, Upon Request

of Agency.....	\$1,000	\$500
Review and Collection of Data Pursuant to s. 246.084, F.S.		
Enrollment of less than 100	\$500	
Enrollment of 100-500	\$1,200	
Enrollment of 501 or more.....	\$1,500	

(3) through (5) No change.

(6) All fees, and any fines imposed for probation ~~or other violations~~ pursuant to ~~ss. 246.041(1)(n)7., 246.084(g), 246.101(6), or 246.111(1), Florida Statutes,~~ or Rule 6E-2.0061(2)(c)1. ~~or (e),~~ FAC, shall be paid to the Comptroller of the Department of Education for deposit into the Institutional Assessment Trust Fund as established in s. 246.31, Florida Statutes, and identified as a separate revenue account for the authorized expenses of the Board under the provisions of s. 246.041(1)(j), Florida Statutes. Payment of such fees and fines shall be accompanied by Board Form SBICU 400, Transmittal of Fees, effective ~~2000 October 1993~~. This form is hereby incorporated by reference and made a part of this rule. Copies of the form may be obtained without cost by contacting the State Board of Independent Colleges and Universities, Department of Education, Tallahassee, FL 32399.

Specific Authority 246.041(1)(e), 246.051(1), 246.071, ~~246.093(1), 246.101(1)~~ FS. Law Implemented 246.041(1)(l), (n)7., 246.061, ~~246.084, 246.093,~~ 246.101, 246.111, 246.31 FS. History—New 7-15-91, Amended 12-7-92, 10-19-93, 12-11-96, _____.

6E-1.0035 Permission to Operate.

(1) Definitions. As used in s. 246.093, Florida Statutes, and this rule, these terms are defined:

(a) "Minimal presence in Florida" means a physical location in Florida.

(b) "Regular, continuous, credit-bearing educational program" means an educational program bearing college credit applicable to a degree as defined in s. 246.021(5), Florida Statutes, and Rule 6E-1.003(5)-(8), FAC., which program enrolls students in Florida on a systematic, continuous basis, and which offers educational programs in Florida through classes, seminars, or other methods of delivery on an ongoing basis.

~~(2)(4)~~ For a college to establish a minimal presence operate in Florida as specified defined in s. 246.093, Florida Statutes ~~Rule 6E-1.003(1), FAC.~~, but not to provide a regular, continuous, credit-bearing educational program in Florida which would be subject to licensure, the college shall first receive permission from the board. Permission is contingent upon the college's demonstrating to the board that the following standards are met:

(a) The college is legally authorized to operate by the state or other agency of jurisdiction where the instruction takes place;

(b) The college's financial condition is stable;

(c) The college's operation in Florida is housed in facilities meeting the applicable requirements of Rule 6E-2.004(9), FAC; and

(d) The college provides accurate written and verbal representations and advertisements regarding its academic programs and the scope of its operations in Florida.

~~(3)(2)~~ Application for permission shall be made by executing and filing Form SBICU 600, Application for Permission to Operate in Florida, effective 2000 ~~October 1993~~, which is hereby incorporated by reference and made a part of this rule. Copies of this form may be obtained without cost by contacting the State Board of Independent Colleges and Universities, Department of Education, Tallahassee, Florida 32399. The executed form shall be accompanied by:

(a) A written description of the activities proposed for the Florida operation, prepared by the board of control of the college;

(b) Documentation issued by the state or other agency of jurisdiction where the instruction provided by the college takes place, affirming that the college is legally authorized to operate and to offer all programs to be referred to by the Florida operation;

(c) A current audited financial statement prepared by independent certified public accountants, reflecting the financial condition of the entire college and, when necessary, translated into U.S. dollars;

(d) Information required by Rule 6E-2.004(9), FAC, for the college's physical location in Florida; and

(e) Copies of all publications, including a current catalog describing the academic programs offered at other locations, and all advertisements to be distributed in Florida.

~~(4)(3)~~ If any recruiting of prospective students is to occur through the Florida operation, all personnel meeting the definition of "agent" in Section 246.021(1), Florida Statutes, shall be licensed by the Board pursuant to Section 246.087(2), Florida Statutes, and Rule 6E-2.010, FAC.

~~(5)(4)~~ Permission for operation in Florida may be granted for periods of up to one (1) year, and shall specifically list all permitted locations and authorized activities. The Board may require periodic written reports of the Florida operation during the period of permission.

~~(6)(5)~~ No additional activities shall be implemented by the permitted Florida operation without prior written approval by the Board.

~~(7)(6)~~ A new application and fee shall be submitted by the institution prior to the expiration of an existing Permission to operate, and prior to initiating any new or additional activities in Florida. Continuation of permission of the Florida operation shall be based upon a review by the Board, conducted at least annually, to determine whether the Florida operation continues to meet the standards required in Rule 6E-1.0035, FAC.

~~(8)(7)~~ Written or verbal statements disseminated in or outside Florida regarding the Florida operation shall contain the following disclosure wording: NOTICE: This college has a limited permission to operate in Florida under the provisions of Section 246.093, Florida Statutes, and Rule 6E-1.0035, Florida Administrative Code, but is not licensed to offer regular, continuous, credit-bearing educational programs in the State of Florida. For more information, contact the State Board of Independent Colleges and Universities, Department of Education, Tallahassee, Florida 32399, telephone (850)488-8695.

~~(9)(8)~~ Violation of any requirement of Section 246.093, Florida Statutes or Rule 6E-1.0035, FAC., shall be sufficient grounds for action to revoke, place on probation, or deny the permission to operate in Florida, pursuant to the provisions of Sections 120.57 and 246.111, Florida Statutes, and Rule 6E-2.0061, FAC.

Specific Authority 246.041(1)(e), 246.051(1), 246.071, 246.093(1) FS. Law Implemented 246.011(4), 246.021(1), 246.081(2), 246.087(2), 246.093, 246.101(5)(f) FS. History—New 5-13-87, Amended 11-27-88, 12-10-90, 10-19-93,_____.

6E-1.0045 Minimum Standards for Use of the Term "College" or "University."

Each nonpublic college, as defined in Section 246.021, Florida Statutes, or other entity that proposes to use the term "college" or "university" in its name or other designation as specified by Section 246.121, Florida Statutes, shall file a statement of how it meets or proposes to meet the minimum standards as delineated in this rule.

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

(c) Complete and file Board Form SBICU 100, Application for Approval to Use Name "College" or "University," which is hereby incorporated by reference and made a part of this rule, effective 2000 ~~October 1993~~. The form may be obtained without cost by contacting the State Board of Independent Colleges and Universities, Department of Education, Tallahassee, Florida 32399.

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

(c) Complete and file Board Form SBICU 100, Application for Approval to Use Name "College" or "University," which is hereby incorporated by reference and made a part of this rule, effective 2000 ~~October 1993~~. The form may be obtained without cost by contacting the State Board of Independent Colleges and Universities, Department of Education, Tallahassee, Florida 32399.

(3) No change.

(4)(a) Any institution chartered in Florida, or any out-of-state college, which has been operating since April 1, 1970, which has been using the term "college" or "university" continuously since that date, and which offers degrees as defined in Section 246.021~~(5)(6)~~, Florida Statutes, may continue to do so. Branches and centers of such institutions

may use the term "college" or "university" in their names when indicating the relationship to the parent institution, regardless of the date of establishment of the branch or center.

(b) No change.

(5) through (7) No change.

~~(8) The submission of board Form SBICU 501, Data for Colleges Authorized to Operate Under 246.083, F.S. (see Rule 6E-1.0031(7), FAC), by colleges authorized to operate under Section 246.083, Florida Statutes, shall constitute a request for approval to use the term "college" or "university," and the applicant shall be deemed to be in compliance so long as the term is used in conjunction with a religious modifier or the name of a religious patriarch of the church. The burden of determining compliance shall rest with the board, and the board shall require, where necessary, further evidence and make further investigation as may be necessary in its judgment.~~

~~(8)(9)~~ Board Form SBICU 103, Affidavit in Support of Section 246.121, F.S., is hereby incorporated by reference and made a part of this rule, effective 2000 ~~October 1993~~. Copies of this form may be obtained without cost by contacting the State Board of Independent Colleges and Universities, Department of Education, Tallahassee, Florida 32399. This form shall be filed by institutions wishing to affirm that they meet the requirements for using the term "college" or "university."

Specific Authority 246.041(1)(e), 246.051(1), 246.071, ~~246.121~~ FS. Law Implemented ~~246.083(1)(d)~~, 246.121 FS. History—New 11-24-83, Formerly 6E-1.045, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 12-11-96.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra Knight, Deputy Director, State Board of Independent Colleges and Universities

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: C. Wayne Freeberg, Executive Director, State Board of Independent Colleges and Universities

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 1999

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: The purpose of the proposed rule amendments include: recent amendments to Chapter 246, Florida Statutes, require rule amendments to bring the rules into conformity with those statutory amendments, and to delete any portions of rules that are duplicative of new statutory language; and some terms used in the rules would benefit from being clarified. The effect is that the rules will more clearly state the updated language and requirements, so that applicants and licensees can understand the standards and procedures regarding licensure of nonpublic colleges.

SUMMARY: Rules 6E-2.001 and 6E-2.010 are amended only to update forms incorporated by reference and to add new statutory citations in history notes. Rule 6E-2.002 is amended to simplify language and to allow certain colleges to skip the temporary licensure stage upon demonstrating that the appropriate standards are met. Rule 6E-2.004 is amended to update library standards to incorporate modern practices, electronic library access, and consortia. Rule 6E-2.008 is amended to repeal a subsection which is duplicative of new statutory language. Rule 6E-2.009 is amended to specify that colleges discontinuing their licensed operations in Florida shall notify the Board and take certain steps at least sixty days prior to closing. Most of the above rules also contain updated references to forms and amendments to history notes.

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

TIME AND DATE: 11:00 a.m., Friday, January 28, 2000

PLACE: DoubleTree Hotel, Cypress and Westshore, Tampa, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 FULL TEXT OF THE PROPOSED RULES IS:

6E-2.001 Temporary Licensure of Colleges.

(1) through (16) No change.

(17) Board Form SBICU 201, Application for Temporary College Licensure, effective 2000 ~~October 1993~~, and Board Form SBICU 500-T, Institutional Data for Proposed Colleges, effective 2000 ~~October 1993~~, are hereby incorporated by reference and made a part of this rule. Copies of these forms may be obtained without cost by contacting the State Board of Independent Colleges and Universities, Department of Education, Tallahassee, Florida 32399. See Rule 6E-1.0031(7), FAC, for Board Form SBICU 550.

Specific Authority 246.041(1)(e), 246.051(1), 246.071, 246.087(1), 246.091 FS. Law Implemented 246.051(1), 246.081(2), 246.091(1), 246.101, 246.111, 246.141 FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(1)(a)-(e), Readopted 11-11-75, Amended 5-7-79, 10-13-83, Formerly 6E-2.01, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, _____.

6E-2.002 Other Types of College Licensure.

(1) Level I Provisional License.

(a) through (c) No change.

(d) A Level I provisional license shall be granted for a period up to of three, six, nine, or twelve months. If granted for less than one year, the Level I provisional license may be continued to a total maximum of one year, contingent upon the college's compliance in a timely and comprehensive manner with all terms and conditions placed by the board. In unusual circumstances, if the board finds that unexpected situations have arisen which justify more than one year, the board may grant a special extension. Unusual circumstances may include such situations as a conflict between the requirements of the college's accrediting agency and the board's customary timetable.

(e) through (h) No change.

(i) Notwithstanding paragraphs (a) and (b) of this subsection, an established degree-granting college which demonstrates to the board that it meets the standards for both temporary licensure and Level I provisional licensure, and which pays the application fees for both, may be granted a Level I provisional license without first having a temporary license.

(2) Level II Provisional License.

(a) through (c) No change.

(d) A Level II provisional license shall be granted for a period up to of three, six, nine, or twelve months. If granted for less than one year, the Level I provisional license may be continued to a total maximum of one year, contingent upon the college's compliance in a timely and comprehensive manner with all terms and conditions placed by the board. In unusual circumstances, if the board finds that unexpected situations have arisen which justify more than one year, the board may grant a special extension.

(e) through (i) No change.

(3) through (4) No change.

(5) Board Form SBICU 201R, Review of License Status, effective _____ 2000 October 1993, is hereby incorporated by reference and made a part of this rule. Copies of this form may be obtained without cost by contacting the State Board of Independent Colleges and Universities, Department of Education, Tallahassee, Florida 32399. See Rule 6E-1.0031(7), FAC, for Board Forms SBICU 500 and 550.

Specific Authority 246.041(1)(e), 246.051(1), 246.071, 246.081(2), 246.087(1), 246.091(1) FS. Law Implemented 246.051(1), 246.081(2), 246.087(1), 246.091(1), 246.101, 246.111, 246.141 FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(1)(f)-(i), Readopted 11-11-75, Amended 2-6-78, 5-7-79, 10-13-83, Formerly 6E-2.02, Amended 11-27-88, 11-29-89, 10-19-93, 4-2-96, _____.

6E-2.004 Minimum Standards for Licensure.

Each college applying for a license, moving to a new level of licensure, or submitting an annual review of licensure shall provide to the Board the following specific information, in English. All information and documentation submitted pursuant to the provisions of this and subsequent sections of these standards shall be accompanied by certification signed by the chief administrative officer of the college, affirming that the information and documentation submitted is accurate. Any application or review which is substantially incomplete or unorganized shall be returned to the college with a request to complete, organize, and resubmit the material.

(1) through (7) No change.

(8) Standard 8: Library.

(a) Library resources should be understood to include, but not be limited to, both print and electronic resources. Use of other libraries and/or consortia of libraries through appropriate agreements is recognized as a supplement to a college's library resources. As used in these rules, "library" includes a learning resource center.

~~(b)(a)~~ In an application for a temporary license, the plan submitted to the Board shall include:

1. A schedule for the sequential stages of providing access to collegiate-level library resources locally and through consortial agreements and for the development of the proposed college's own ~~full-service~~ library. The schedule shall clearly show its relationship to the five-year financial plan required.

2. If ~~initial~~ use is to be made of other existing specific libraries and/or a consortium of libraries, the college shall make available documents submit letters from the directors of each such library or consortium, confirming the terms of the agreement and the relevance of the available resources nature and extent of its holdings relevant to the academic level and proposed fields of study to be offered by the applicant college.

3. In the long-term planning, the proposed college shall ~~consider reliance on other libraries to be an interim arrangement, and shall~~ plan to house, supply, and staff its own library, or provide adequate access to library resources, within five years of initial temporary licensure. The financial commitment to do so shall be reflected in the financial plan.

~~(c)(b)~~ For a Level I provisional license:

1. All finalized written agreements with other libraries, as provided above, shall be signed by both parties and shall be made available to filed with the Board.

2. and 3. No changes.

4. Resumes shall be submitted for any professional library staff hired, showing appropriate qualifications appropriate for the position, for the programs offered, and for the college's accrediting agency, if accreditation is held or planned. for holding the respective positions.

5. A policy shall be adopted and submitted to the Board for making available appropriate bibliographic instruction and for encouraging faculty to promote use of library resources.

requiring faculty to encourage library use by making assignments requiring such use, and for providing library orientation for all students.

6. The library shall maintain appropriate records (e.g., circulation statistics, interlibrary loan records, survey responses) for assessment of services and resources and for use in collection development. The library staff shall keep records of library usage. This shall take the form of sign-in sheets or logs indicating the date and time, and the resources requested or consulted, when materials are not formally checked out. The procedures and forms for this record-keeping shall be submitted to the Board. These records shall be kept and used by the college in determining usage patterns, the types of additional resources needed, and other planning functions.

~~(d)~~(e) No change.

(e)~~(d)~~ No change.

(9) through (12) No change.

Specific Authority 246.041(1)(e), 246.051(1), 246.071, 246.081(2), 246.087(1), 246.091(1) FS. Law Implemented 246. 011, 246.041(2)(d), 246.051(1), 246.081(2), 246.087(1), 246.091(1), 246.095, 246.121 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, _____, cf. Forms incorporated in 6E-2.001, FAC.

6E-2.008 Amendments to Applications.

(1) No licensed college shall add new degrees or majors to its program unless it holds a regular license and first receives approval from the Board. Such approval is contingent upon:

(a) A finding by the Board that the licensee meets the standards contained in Rule 6E-2.004, FAC., for each proposed new degree or major;

(b) The licensee's executing and filing Board Form 250, Supplementary Application for Approval of Additional Degrees, ~~or~~ Majors, or Locations, effective 2000 ~~October 1993~~, which is hereby incorporated by reference and made a part of this rule. Form SBICU 250 may be obtained without cost by contacting the State Board of Independent Colleges and Universities, Department of Education, Tallahassee, Florida 32399; and

(c) The licensee's paying the fee required in Rule 6E-1.0034, FAC.

(2) through (3) No change.

~~(4) Change in ownership or control. Any change in ownership or control of a licensed institution shall be reported to the board at least thirty (30) days prior to implementation, along with a written statement of the anticipated effects of such change upon the name, purpose, programs, personnel, administrative organization, finances, or other standards for licensure, and upon its accredited status, if accredited. If the board determines that the anticipated effects of the change are substantive enough that the practical result is to transform the licensed institution into a different college entity, the board shall require a new application for licensure to be submitted, for the same level of licensure currently held by the college.~~

~~While the board and its staff review the new application, the operation of the institution and continued instruction of enrolled students shall not be interrupted by the board solely because of the change of ownership.~~

Specific Authority 246.041(1)(e), 246.051(1), 246.071, 246.091(3) FS. Law Implemented 246.051, 246.087(1), 246.091(2),(3) FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(2)(c), Readopted 11-11-75, Amended 5-7-79, 10-13-83, Formerly 6E-2.08, Amended 5-13-87, 11-29-89, 10-19-93, 4-2-96, _____.

6E-2.009 Colleges Which Discontinue Operation.

At least 60 days prior ~~Prior~~ to discontinuing its operation, a college licensed by the Board shall perform the following duties:

(1) through (6) No change.

Specific Authority 246.041(1)(e), 246.051(1), 246.071, 246.091(5) FS. Law Implemented 246.051, 246.091(5)(4) FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(5), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.09, Amended 11-29-89, 12-10-90, 10-19-93, _____.

6E-2.010 Agents; License Required; Procedures for Licensure.

The following provisions shall apply to persons meeting the statutory definition of "agent" found in Section 246.021(1), Florida Statutes.

(1) No change.

(2) It shall be the responsibility of each college to provide a specific training program for all agents, to familiarize them with the Florida Statutes and rules regarding agents, and with the college's programs, services, costs, terms of payment, financial aid available, refund policy, transferability of credits to other colleges, differences in accreditation and recognition, reasonable employment projections, status of the college regarding licensure and accreditation, and other relevant facts. Each college which employes agents shall complete and file with the Board annually Board Form SBICU 350, Agent Traing Program, effective 2000 ~~October 1993~~, which is hereby incorporated by reference and made a part of this rule. Copies of this form may be obtained without cost by contacting the State Board of Independent Colleges and Universities, Department of Education, Tallahassee, Florida 32399. The training program shall reflect the fair consumer practices outlined in Rules 6E-1.0032 and 6E-2.004, FAC., and Sections 246.041(1)(n) and 246.095, Florida Statutes. The training program shall be updated as necessary to reflect changes in applicable laws, rules, and college policies; and all agents shall be provided with updated training as necessary.

(3) Each agent applying for licensure shall complete and file with the Board Form SBICU 301, Application for Agent's License, effective 2000 ~~October 1993~~, which is hereby incorporated by reference and made a part of this rule. Copies of this form may be obtained without cost by contacting the State Board of Independent Colleges and Universities, Department of Education, Tallahassee, Florida 32399. In

addition to the form and any required documentation submitted to the Board, the applicant shall submit the fee required in Section 246.101, Florida Statutes, and Rule 6E-1.0034, FAC.

(4) through (8) No change.

Specific Authority 246.041(1)(e), 246.051(1), 246.071, 246.087(2) FS. Law Implemented 246.051, 246.081(4), 246.087(2), 246.097(2), 246.095, 246.111 FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(4), Readopted 11-11-75, Amended 2-6-78, Formerly 6E-2.10, 6E-2.11, Amended 5-13-87, 11-27-88, 11-29-89, 12-10-90, 10-19-93, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra Knight, Deputy Director, State Board of Independent Colleges and Universities

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: C. Wayne Freeberg, Executive Director, State Board of Independent Colleges and Universities

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 1999

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES: Payment of Tax; Interest and Penalties 12B-7.009 Penalties and Interest 12B-7.023

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12B-7.009 and 12B-7.023, FAC., is to implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S.

SUMMARY: These proposed amendments impose a "market interest rate" on unpaid tax liabilities, and delete the text regarding the flat interest rate which was previously imposed. The amendments reference 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 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: 211.125(1), 211.33(6), 213.06(1) FS.

LAW IMPLEMENTED: 211.075, 211.076, 211.33, 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 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, (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:

12B-7.009 Payment of Tax; Interest and Penalties.

(1) through (3) No change.

(4)(a) Interest. Any tax not paid by the due date is subject to 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 accrues 12 percent per year from the due date until the date of payment.~~

~~(b) Interest will be computed using the following factors:~~

- ~~1. annual factor — .12~~
- ~~2. monthly factor — .01~~
- ~~3. daily factor — .00033~~

Specific Authority 211.125(1), 213.06(1) FS. Law Implemented 211.075, 211.076, 213.235 FS. History—New 12-28-78, Formerly 12B-7.09, Amended 12-18-94, _____.

12B-7.023 Penalties and Interest.

(1) No change.

(2)(a) Interest. Any tax not paid by the due date is subject to 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 accrues 12 percent per year from the due date until the date of payment.~~

~~(b) Interest will be computed using the following factors:~~

- ~~1. annual factor — .12~~
- ~~2. monthly factor — .01~~
- ~~3. daily factor — .00033~~

Specific Authority 211.33(6), 213.06(1) FS. Law Implemented 211.33, 213.235 FS. History--New 12-18-94, Amended _____.

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 noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 15, 1999 (Vol. 25, No. 41, pp. 4727-4728). The workshop was held on November 3, 1999. No one appeared at the workshop to testify, and no one submitted written comments.

DEPARTMENT OF THE LOTTERY

RULE TITLE: Confidential Information RULE NO.: 53-1.005

SUMMARY: This rule amendment deletes the information in subparagraph 53-1.005(2)(b)10., which classifies information identifying the selling location of top tier winning tickets as confidential. The effect of this deletion will make said information public record. New language is added in subparagraph 53-1.005(2)(b)10., which provides that the information concerning pre-drawing and post-drawing test data for all on-line games shall be confidential.

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: 24.105(2)(a), 24.105(10)(j), 24.105(13)(a) FS.

LAW IMPLEMENTED: 24.105(10)(j), 24.105(13)(a) 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 25, 2000

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-1.005 Confidential Information.

(1) No change.

(2) Confidential Information. The following items are determined to be confidential, and therefore exempt from the provisions of Section 119.07, F.S.:

(a) No change.

(b) On-Line Lottery Tickets. The following information concerning on-line tickets shall be confidential, whether presented or contained in a bid or proposal submitted to the Lottery, negotiation discussions, or in a contract with the Lottery:

1. through 9. No change.

10. ~~All pre-drawing and post-drawing test data for all on-line games; information identifying the selling location of top tier winning tickets (i.e., 5 of 5 matches in NEW FANTASY 5 or 6 of 6 matches in LOTTO) until such tickets have been validated and the prizes claimed.~~

11. No change.

(c) through (k) No change.

Specific Authority 24.105(2)(a), 24.105(10)(j), 24.105(13)(a)(4) FS. Law Implemented 24.105(13)(a)(4) FS. History--New 2-25-93, Amended 8-15-93, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Continuing Education for Board Meetings RULE NO.: 61G8-17.0045

PURPOSE AND EFFECT: The Board proposes to repeal this rule because the rule is no longer necessary.

SUMMARY: Repeal of Rule 61G8-17.0045.

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

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

SPECIFIC AUTHORITY: 470.005 FS.

LAW IMPLEMENTED: 470.006, 470.007, 470.009, 470.011, 470.015, 470.017 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-17.0045 Continuing Education for Board Meetings.

Specific Authority 470.005 FS. Law Implemented 470.006, 470.007, 470.009, 470.011, 470.015, 470.017 FS. History—New 1-8-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 1999

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Physician Office Incident Reporting

RULE NO.: 64B8-9.001

PURPOSE AND EFFECT: The proposed rule is intended to implement the provisions of section 458.351, F.S., with regard to reporting adverse incidents occurring in physicians' offices.

SUMMARY: The proposed rule sets forth the criteria for reporting adverse incidents which occur in physicians' offices.

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: 458.309(1), 458.351(6) FS.

LAW IMPLEMENTED: 458.351 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: 4:00 p.m., or as soon thereafter as can be heard, February 4, 2000

PLACE: Marriott Hotel, 4670 Salisbury Road, Jacksonville, Florida 32256

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.001 Physician Office Incident Reporting.

(1) Definitions.

(a) "Adverse incident" for purposes of reporting to the department, is defined in section 458.351 as an event over which the physician or other licensee could exercise control and which is associated in whole or in part with a medical intervention, rather than the condition for which such intervention occurred, and which results in the following patient injuries:

1. The death of a patient.
2. Brain or spinal damage to a patient.
3. The performance of a surgical procedure on the wrong patient.
4. The performance of a wrong-site surgical procedure; the performance of a wrong surgical procedure; or the surgical repair of damage to a patient resulting from a planned surgical procedure where the damage is not a recognized specific risk as disclosed to the patient and documented through the informed-consent process and if one of the listed procedures in this paragraph results in: death; brain or spinal damage; permanent disfigurement not to include the incision scar; fracture or dislocation of bones or joints; a limitation of neurological, physical or sensory function; or any condition that required transfer of the patient.
5. A procedure to remove unplanned foreign objects remaining from a surgical procedure.
6. Any condition that required the transfer of a patient to a hospital licensed under chapter 395, Florida Statutes, from any facility or any office maintained by a physician for the practice of medicine which is not licensed under chapter 395, Florida Statutes.

(b) "Licensee" for purposes of this rule, includes a physician or physician assistant issued a license, registration, or certificate, for any period of time, pursuant to Chapter 458, Florida Statutes.

(c) "Office maintained by a physician" as that term is used in section 458.351(1) is defined as a business location where the physician delivers medical services regardless of whether other physicians are practicing at the same location or the business is non-physician owned.

(2) Incident Reporting System. An incident reporting system shall be established for each physician office.

(a) Incident Reports. The incident reporting system shall include the prompt, postmarked and sent by certified mail within 15 calendar days after the occurrence of the adverse incident, reporting of incidents to the Department at 2020 Capital Circle, S.E., Bin #C03, Tallahassee, Florida 32399-3253. The report shall be made on the Physician Office Adverse Incident Report. The report must be submitted by every licensee who was involved in the adverse incident. If multiple licensees are involved in the adverse incident, they may meet this requirement by signing off on one report; however, each signee is responsible for the accuracy of the report. This report shall contain the following information:

- 1. The patient's name, locating information, gender, age, diagnosis, date of office visit, and purpose of office visit.
- 2. A clear and concise description of the incident including time, date, and exact location within the office.
- 3. A listing of all persons then known to be involved directly in the incident, including license numbers and locating information, and a description of the person's exact involvement and actions.
- 4. A listing of any witnesses not previously identified in 3.
- 5. The name, license number, locating information, and signature of the physician or licensee submitting the report, along with date and time that the report was completed.

(b) Incident Report Review and Analysis. Evidence of compliance with this paragraph will be considered in mitigation in the event the Board takes disciplinary action.

1. The physician shall be responsible for the regular and systematic reviewing of all incident reports filed by the physician or physician assistant under the physician's supervision, for the purpose of identifying factors that contributed to the adverse incident and identifying trends or patterns as to time, place, or persons. The physician shall implement corrective actions and incident prevention education and training indicated by the review of each adverse incident and upon emergence of any trend or pattern in incident occurrence.

2. Copies of incident reports shall be maintained in the physician office.

(3) Death reports. Notwithstanding the provisions of this rule and Section 458.351, Florida Statutes, an adverse incident which results in death shall be reported immediately to the medical examiner pursuant to Section 406.12, Florida Statutes.

Specific Authority 458.309(1), 458.351(6) FS. Law Implemented 458.351 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 1999

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Requirement for Physician Office Registration; Inspection or Accreditation
RULE NO.: 64B8-9.0091

PURPOSE AND EFFECT: The proposed rule is intended to clarify the requirements for registration and inspection or accreditation of office surgery settings pursuant to section 458.309(3), Florida Statutes.

SUMMARY: The proposed rule requires every physician performing Level II surgical procedures with a planned duration of five minutes or longer or any Level III office surgery to register with the Board. In addition, the proposed rule requires inspection of the office facility if the facility is not accredited by a recognized accrediting agency or an accrediting agency approved by the Board.

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: 458.309(1)(3) FS.

LAW IMPLEMENTED: 458.309(3), 455.681 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: 4:00 p.m., or as soon thereafter as can be heard, February 4, 2000

PLACE: Marriott Hotel, 4670 Salisbury Road, Jacksonville, Florida 32256

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0091 Requirement for Physician Office Registration; Inspection or Accreditation.

(1) Registration.

(a) Every Florida licensed physician who holds an active Florida license and performs level II surgical procedures in Florida with a maximum planned duration of five (5) minutes or longer or any level III office surgery, as fully defined in 64B8-9.009, shall register with the Board of Medicine. It is the physician's responsibility to ensure that every office in which he or she performs levels II or III surgical procedures as

described above is registered, regardless of whether other physicians are practicing in the same office or whether the office is non-physician owned.

(b) In order to register an office for surgical procedures, the physician must provide to the Board of Medicine, his or her name, mailing address, Florida license number, and a list of each office where the covered surgical procedures are going to be performed by the physician. The list shall also include each office name, address, telephone number, and level of surgery being performed at that location by the physician; if more than one physician is practicing at that location, a list of all physicians and levels of surgery being performed must be provided. Additionally, the physician shall submit a statement of compliance with Chapter 64B8-9.009, F.A.C., when registering with the Department.

(c) The physician must immediately notify the Board Office, in writing, of any changes to the registration information.

(d) The registration shall be posted in the office.

(2) Inspection.

(a) Unless the physician has previously provided written notification of current accreditation by a nationally recognized accrediting agency or an accrediting organization approved by the Board the physician shall submit to an annual inspection by the Department. Nationally recognized accrediting agencies are the American Association of Ambulatory Surgery Facilities (AAAASF), Accreditation Association for Ambulatory Health Care (AAAHC) and Joint Commission on Accreditation for Ambulatory Healthcare Organizations (JCAHO).

(b) The initial inspection conducted pursuant to this rule shall be announced at least one week in advance of the arrival of the inspector(s).

(c) The Department shall determine compliance with the requirements of 64B8-9.009, F.A.C.

(d) If the office is determined to be in noncompliance, the physician shall be notified and shall be given a written statement at the time of inspection. Such written notice shall specify the deficiencies. Unless the deficiencies constitute an immediate and imminent danger to the public, the physician shall be given 30 days from the date of inspection to correct any documented deficiencies and notify the Department of corrective action. Upon written notification from the physician that all deficiencies have been corrected, the Department is authorized to reinspect for compliance.

(e) The deficiency notice and subsequent documentation shall be reviewed for consideration of disciplinary action. Documentation of corrective action shall be considered in mitigation of any offense.

(f) Nothing herein shall limit the authority of the Department to investigate a complaint without prior notice.

(3) Accreditation.

(a) The physician shall submit written notification of the current accreditation survey of his or her office(s) from a nationally recognized accrediting agency or an accrediting organization approved by the Board in lieu of undergoing an inspection by the Department.

(b) A physician shall submit, within thirty (30) days of accreditation, a copy of the current accreditation survey of his or her office(s) and shall immediately notify the Board of Medicine of any accreditation changes that occur. For purposes of initial registration, a physician shall submit a copy of the most recent accreditation survey of his or her office(s) in lieu of undergoing an inspection by the Department.

(c) If a provisional or conditional accreditation is received, the physician shall notify the Board of Medicine in writing and shall include a plan of correction.

THIS RULE SHALL TAKE EFFECT 60 days after it is filed for adoption.

Specific Authority 458.309(1),(3) FS. Law Implemented 458.309(3), 455.681 FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 1999

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Approval of Physician Office

RULE NO.:

Accrediting Organizations 64B8-9.0092

PURPOSE AND EFFECT: The proposed rule is intended to set forth the criteria for approval of accrediting organizations by the Board.

SUMMARY: The proposed rule sets forth the criteria for accrediting organizations to be approved by the Board and the manner in which said organizations shall apply for approval as an accrediting organization.

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: 458.309(3) FS.

LAW IMPLEMENTED: 458.309(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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 4:00 p.m., or as soon thereafter as can be heard, February 4, 2000.

PLACE: Marriott Hotel, 4670 Salisbury Road, Jacksonville, Florida 32256

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0092 Approval of Physician Office Accrediting Organizations.

(1) Definitions.

(a) "Accredited" means full accreditation granted by a Board approved accrediting agency or organization. "Accredited" shall also mean provisional accreditation provided that the office is in substantial compliance with the accrediting agency or organization's standards; any deficiencies cited by the accrediting agency or organization do not affect the quality of patient care, and the deficiencies will be corrected within six months of the date on which the office was granted provisional accreditation.

(b) "Approved accrediting agency or organization" means nationally recognized accrediting agencies: American Association of Ambulatory Surgery Facilities (AAAASF), Accreditation Association for Ambulatory Health Care (AAAHC) and Joint Commission on Accreditation for Ambulatory Healthcare Organizations (JCAHO). Approved organizations also include those approved by the Board after submission of an application for approval pursuant to this rule.

(c) "Department" means the Department of Health.

(2) Application. An application for approval as an accrediting organization shall be filed with the Board office at 2020 Capital Circle, S.E., Bin # C03, Tallahassee, Florida 32399-3253, and shall include the following information and documents:

(a) Name and address of applicant;

(b) Date applicant began to operate as an accrediting organization;

(c) Copy of applicant's current accreditation standards;

(d) Description of accreditation process, including composition and qualification of accreditation surveyors; accreditation activities; criteria for determination of compliance; and deficiency follow-up activities.

(e) A list of all physician offices located in Florida that are accredited by the applicant, if any. If there are no accredited Florida physician offices, but there are accredited offices outside Florida, a list of the accredited offices outside of Florida is required.

(f) Copies of all incident reports filed with the state.

(g) Statement of compliance with all requirements as specified in this rule.

(3) Standards. The standards adopted by an accrediting organization for surgical and anesthetic procedures performed in a physician office shall meet or exceed provisions of Chapters 455 and 458 and rules promulgated thereunder. Standards shall require that all health care practitioners be licensed or certified to the extent required by law.

(4) Requirements. In order to be approved by the Board, an accrediting organization must comply with the following requirements.

(a) The accrediting agency must have a mandatory quality assurance program approved by the Board of Medicine.

(b) The accrediting agency must have anesthesia-related accreditation standards and quality assurance processes that are reviewed and approved by the Board of Medicine.

(c) The accrediting agency must have ongoing anesthesia-related accreditation and quality assurance processes involving the active participation of anesthesiologists.

(d) Accreditation periods shall not exceed three years.

(e) The accrediting organization shall obtain authorization from the accredited entity to release accreditation reports and corrective action plans to the Board. The accrediting organization shall provide a copy of any accreditation report to the Board office within 30 days of completion of accrediting activities. The accrediting organization shall provide a copy of any corrective action plans to the Board office within 30 days of receipt from the physician office.

(f) If the accrediting agency or organization finds indications at any time during accreditation activities that conditions in the physician office pose a potential immediate jeopardy to patients, the accrediting agency or organization will immediately report the situation to the Department.

(g) An accrediting agency or organization shall send to the Board any change in its accreditation standards within 30 calendar days after making the change.

(h) An accrediting agency or organization shall comply with confidentiality requirements regarding protection of patient records.

(5) Renewal of Approval of Accrediting Organizations. Every accrediting organization approved by the Board pursuant to this rule is required to renew such approval every 3 years. Each written submission shall be filed with the Board at least three months prior to the third anniversary of the accrediting organization's initial approval and each subsequent renewal of approval by the Board. Upon review of the

submission by the Board, written notice shall be provided to the accrediting organization indicating the Board's acceptance of the certification and the next date by which a renewal submission must be filed or of the Board's decision that any identified changes are not acceptable and on that basis denial of renewal of approval as an accrediting organization.

(6) Any person interested in obtaining a complete list of approved accrediting organizations may contact the Board of Medicine or Department of Health.

Specific Authority 458.309(3) FS Law Implemented 458.309(3) FS History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 1999

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Formulary

RULE NO.: 64B15-6.0038

PURPOSE AND EFFECT: The Board is amending this rule to add additions to the P.A. formulary.

SUMMARY: The Board of Osteopathic Medicine is amending this rule in response to the recommendation of the Formulary Committee to add additions to the P.A. formulary.

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: 458.347, 459.022(4)(e) FS.

LAW IMPLEMENTED: 459.022(4)(e) 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: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.0038 Formulary.

THE APPROVED FORMULARY FOR THE WRITING OF PRESCRIPTIONS BY PHYSICIAN ASSISTANTS APPROVED TO PRESCRIBE MEDICINAL DRUGS UNDER THE PROVISIONS OF SECTIONS 458.347(4)(E) AND 459.022(4)(E), FLORIDA STATUTES:

(1) through (2) No change.

(3) Formulary.

(a) No change.

(b) Subject to the requirements of this subsection, Sections 458.347 and 459.022, F.S., and the rules enacted thereunder, only the following drugs may be delegated by a Supervising Physician to a Physician Assistant to prescribe. Medicinal drugs not specifically included in this formulary are excluded. Excluded medicinal drugs may not be prescribed, regardless of whether they are in a pure form or in combination with a drug included in this formulary.

1. through 31. No change.

32. Amprenavir

32. through 37. renumbered 33. through 38. No change.

39. Atropine/Scopolamine/Hyoscyamine/Phenobarbital

38. through 82. renumbered 40. through 84. No change.

85. Candesartan Cilexetil

~~86.83.~~ Cantharidin

87. Capsaicin

84. through 98. renumbered 88. through 102. No change.

103. Celecoxib

99. through 118. renumbered 104. through 123. No change.

124. Cilostazol

119. through 122. renumbered 125. through 128. No change.

129. Citalopram

123. through 177. renumbered 130. through 184. No change.

185. Dihydroergotamine Mesylate

178. through 194. renumbered 186. through 202. No change.

203. Efavirenz

195. through 226. renumbered 204. through 235. No change.

236. Fenofibrate

227. through 318. renumbered 237. through 328. No change.

- 329. Levalbuterol
319. through 403. renumbered 330. through 414. No change.
- 415. Nicotine
404. through 429. renumbered 416. through 441. No change.
- 442. Orlistat
430. through 469. renumbered 443. through 482. No change.
- 483. Polyethylene Glycol
470. through 516. renumbered 484. through 530. No change.
- 531. Rizatriptan Benzoate
- 532. Rofecoxib
- 533. Rosiglitazone Maleate
517. through 526. renumbered 534. through 543. No change.
- 544. Sildenafil Citrate
527. through 555. renumbered 545. through 573. No change.
- 574. Synthetic Conjugated Estrogens, A
- ~~575.556.~~Tamsulosin HCl
- ~~576.557.~~Tazarotene
- 577. Telmisartan
558. through 568. renumbered 578. through 588. No change.
- 589. Tiagabine
569. through 617. renumbered 590. through 638. No change.

Specific Authority 458.347, 459.022(4)(e) FS. Law Implemented 459.022(4)(e) FS. History—New 3-12-94, Formerly 61F9-6.0038, Amended 11-30-94, 4-17-95, 8-27-95, 11-13-96, Formerly 59W-6.0038, Amended 5-12-98, 3-10-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Formulary Committee
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 1999

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Standards for the Use of Controlled Substances for Treatment of Pain
PURPOSE AND EFFECT: The Board has determined that it is necessary to promulgate a new rule which will address the standards for the use of controlled substances for the treatment of pain.

RULE NO.: 64B15-14.005

SUMMARY: Standards for the use of controlled substances for treatment of pain.

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: 459.005(1) FS.

LAW IMPLEMENTED: 459.015(1)(g),(x) 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: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.005 Standards for the Use of Controlled Substances for Treatment of Pain.

(1) Pain management principles.

(a) The Board of Osteopathic Medicine recognizes that principles of quality medical practice dictate that the people of the State of Florida have access to appropriate and effective pain relief. The appropriate application of up-to-date knowledge and treatment modalities can serve to improve the quality of life for those patients who suffer from pain as well as reduce the morbidity and costs associated with untreated or inappropriately treated pain. The Board encourages osteopathic physicians to view effective pain management as a part of quality medical practice for all patients with pain, acute or chronic, and it is especially important for patients who experience pain as a result of terminal illness. All osteopathic physicians should become knowledgeable about effective methods of pain treatment as well as statutory requirements for prescribing controlled substances.

(b) Inadequate pain control may result from an osteopathic physician's lack of knowledge about pain management or an inadequate understanding of addiction. Fears of investigation or sanction by federal, state, and local regulatory agencies may also result in inappropriate or inadequate treatment of chronic pain patients. Osteopathic physicians should not fear disciplinary action from the Board or other state regulatory or enforcement agencies for prescribing, dispensing, or administering controlled substances including opioid analgesics, for a legitimate medical purpose and that is supported by appropriate documentation establishing a valid medical need and treatment plan. Accordingly, these guidelines have been developed to clarify the Board's position

on pain control, specifically as related to the use of controlled substances, to alleviate physician uncertainty and to encourage better pain management.

(c) The Board recognizes that controlled substances, including opioid analgesics, may be essential in the treatment of acute pain due to trauma or surgery and chronic pain, whether due to cancer or non-cancer origins. Osteopathic physicians are referred to the U.S. Agency for Health Care Policy and Research Clinical Practice Guidelines for a sound approach to the management of acute and cancer-related pain. The medical management of pain including intractable pain should be based on current knowledge and research and includes the use of both pharmacologic and non-pharmacologic modalities. Pain should be assessed and treated promptly, and the quantity and frequency of doses should be adjusted according to the intensity and duration of the pain. Osteopathic physicians should recognize that tolerance and physical dependence are normal consequences of sustained use of opioid analgesics and are not synonymous with addiction.

(d) The Board of Osteopathic Medicine is obligated under the laws of the State of Florida to protect the public health and safety. The Board recognizes that inappropriate prescribing of controlled substances, including opioid analgesics, may lead to drug diversion and abuse by individuals who seek them for other than legitimate medical use. Osteopathic physicians should be diligent in preventing the diversion of drugs for illegitimate purposes.

(e) The Board will consider prescribing, ordering, administering, or dispensing controlled substances for pain to be for a legitimate medical purpose if based on accepted scientific knowledge of the treatment of pain or if based on sound clinical grounds. All such prescribing must be based on clear documentation of unrelieved pain and in compliance with applicable state or federal law.

(f) Each case of prescribing for pain will be evaluated on an individual basis. The Board will not take disciplinary action against an osteopathic physician for failing to adhere strictly to the provisions of these guidelines, if good cause is shown for such deviation. The osteopathic physician's conduct will be evaluated to a great extent by the treatment outcome, taking into account whether the drug used is medically and/or pharmacologically recognized to be appropriate for the diagnosis, the patient's individual needs including any improvement in functioning, and recognizing that some types of pain cannot be completely relieved.

(g) The Board will judge the validity of prescribing based on the osteopathic physician's treatment of the patient and on available documentation, rather than on the quantity and chronicity of prescribing. The goal is to control the patient's pain for its duration while effectively addressing other aspects of the patient's functioning, including physical, psychological, social, and work-related factors. The following guidelines are

not intended to define complete or best practice, but rather to communicate what the Board considers to be within the boundaries of professional practice.

(2) Definitions.

(a) Acute Pain. For the purpose of this rule, "acute pain" is defined as the normal, predicted physiological response to an adverse chemical, thermal, or mechanical stimulus and is associated with surgery, trauma, and acute illness. It is generally time-limited and is responsive to opioid therapy, among other therapies.

(b) Addiction. For the purpose of this rule, "addiction" is defined as a neurobehavioral syndrome with genetic and environmental influences that results in psychological dependence on the use of substances for their psychic effects and is characterized by compulsive use despite harm. Addiction may also be referred to by terms such as "drug dependence" and "psychological dependence." Physical dependence and tolerance are normal physiological consequences of extended opioid therapy for pain and should not be considered addiction.

(c) Analgesic Tolerance. For the purpose of this rule, "analgesic tolerance" is defined as the need to increase the dose of opioid to achieve the same level of analgesia. Analgesic tolerance may or may not be evident during opioid treatment and does not equate with addiction.

(d) Chronic Pain. For the purpose of this rule, "chronic pain" is defined as a pain state which is persistent.

(e) Pain. For the purpose of this rule, "pain" is defined as an unpleasant sensory and emotional experience associated with actual or potential tissue damage or described in terms of such damage.

(f) Physical Dependence. For the purpose of this rule, "physical dependence" on a controlled substance is defined as a physiologic state of neuro-adaptation which is characterized by the emergence of a withdrawal syndrome if drug use is stopped or decreased abruptly, or if an antagonist is administered. Physical dependence is an expected result of opioid use. Physical dependence, by itself, does not equate with addiction.

(g) Pseudoaddiction. For the purpose of this rule, "pseudoaddiction" is defined as a pattern of drug-seeking behavior of pain patients who are receiving inadequate pain management that can be mistaken for addiction.

(h) Substance Abuse. For the purpose of this rule, "substance abuse" is defined as the use of any substances for non-therapeutic purposes or use of medication for purposes other than those for which it is prescribed.

(i) Tolerance. For the purpose of this rule, "tolerance" is defined as a physiologic state resulting from regular use of a drug in which an increased dosage is needed to produce the same effect, or a reduced effect is observed with a constant dose.

(3) Guidelines. The Board has adopted the following guidelines when evaluating the use of controlled substances for pain control:

(a) Evaluation of the Patient. A complete medical history and physical examination must be conducted and documented in the medical record. The medical record should document the nature and intensity of the pain, current and past treatments for pain, underlying or coexisting diseases or conditions, the effect of the pain on physical and psychological function, and history of substance abuse. The medical record also should document the presence of one or more recognized medical indications for the use of a controlled substance.

(b) Treatment Plan. The written treatment plan should state objectives that will be used to determine treatment success, such as pain relief and improved physical and psychosocial function, and should indicate if any further diagnostic evaluations or other treatments are planned. After treatment begins, the osteopathic physician should adjust drug therapy to the individual medical needs of each patient. Other treatment modalities or a rehabilitation program may be necessary depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment.

(c) Informed Consent and Agreement for Treatment. The osteopathic physician should discuss the risks and benefits of the use of controlled substances with the patient, persons designated by the patient, or with the patient's surrogate or guardian if the patient is incompetent. The patient should receive prescriptions from one osteopathic physician and one pharmacy where possible. If the patient is determined to be at high risk for medication abuse or have a history of substance abuse, the osteopathic physician may employ the use of a written agreement between physician and patient outlining patient responsibilities, including, but not limited to:

1. urine/serum medication levels screening when requested;
2. number and frequency of all prescription refills; and
3. reasons for which drug therapy may be discontinued (i.e., violation of agreement).

(d) Periodic Review. At reasonable intervals based on the individual circumstances of the patient, the osteopathic physician should review the course of treatment and any new information about the etiology of the pain. Continuation or modification of therapy should depend on the osteopathic physician's evaluation of progress toward stated treatment objectives such as improvement in patient's pain intensity and improved physical and/or psychosocial function, i.e., ability to work, need of health care resources, activities of daily living, and quality of social life. If treatment goals are not being achieved, despite medication adjustments, the osteopathic physician should reevaluate the appropriateness of continued treatment. The osteopathic physician should monitor patient compliance in medication usage and related treatment plans.

(e) Consultation. The osteopathic physician should be willing to refer the patient as necessary for additional evaluation and treatment in order to achieve treatment objectives. Special attention should be given to those pain patients who are at risk for misusing their medications and those whose living arrangements pose a risk for medication misuse or diversion. The management of pain in patients with a history of substance abuse or with a comorbid psychiatric disorder may require extra care, monitoring, documentation, and consultation with or referral to an expert in the management of such patients.

(f) Medical Records. The osteopathic physician is required to keep accurate and complete records to include, but not be limited to:

1. the medical history and physical examination;
2. diagnostic, therapeutic, and laboratory results;
3. evaluations and consultations;
4. treatment objectives;
5. discussion of risks and benefits;
6. treatments;
7. medications (including date, type, dosage, and quantity prescribed);
8. instructions and agreements; and
9. periodic reviews.

Records must remain current and be maintained in an accessible manner and readily available for review.

(g) Compliance with Controlled Substances Laws and Regulations. To prescribe, dispense, or administer controlled substances, the osteopathic physician must be licensed in the state and comply with applicable federal and state regulations. Osteopathic physicians are referred to the *Physicians Manual: An Informational Outline of the Controlled Substances Act of 1970*, published by the U.S. Drug Enforcement Agency, for specific rules governing controlled substances as well as applicable state regulations.

Specific Authority 459.005(1) FS. Law Implemented 459.015(1)(g),(x) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Osteopathic Medicine
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Board of Osteopathic Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: December 4, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: November 24, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE:

Specific Regulations for Type I Wildlife

Management Areas – South Region

RULE NO.:

68A-15.061

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish specific regulations for the proposed Fisheating Creek Wildlife Management Area (WMA) in Glades County to provide for appropriate public use and effective management of wildlife resources.

SUMMARY: The proposed rule change would establish specific regulations for the proposed Fisheating Creek WMA. Open seasons would be established for archery west of U.S. Highway 27 only (September 15-17 and 22-24); muzzleloading gun west of U.S. Highway 27 only (October 13-15 and 20-22); general gun west of U.S. Highway 27 only (November 3-5 and 24-26); spring turkey west of U.S. Highway 27 only (March 3-6, 9-12, 16-19, 23-26, and March 30-April 2); special-opportunity spring turkey east of U.S. Highway 27 only (March 3-9 and 17-23); general gun hog (December 9-10); and fishing and frogging (throughout the year). All legal game, fish and furbearers would be established as legal to take except that turkeys would not be legal to take during the archery season and only wild hogs would be legal to take during the general gun hog season. The bag limit for antlered deer would be established at one per quota hunt permit, and the bag limit for turkey during the spring turkey and special-opportunity turkey seasons would be established at one gobbler (or bearded turkey) per permit. Camping would be permitted at the Fisheating Creek campground throughout the year and primitive camping would be permitted throughout the area during periods when the area is closed to hunting, and during periods open to hunting, camping would be permitted at designated sites only. Entry into or exit from the area would be permitted only at designated entrances. The use of any vehicle, including but not limited to tracked vehicles, all-terrain vehicles, or motorcycles, would be prohibited. The use of personal watercraft or horses would be prohibited. The use of airboats would be prohibited west of the "head of the bushes." All public use would be prohibited in areas posted as "closed" so as to afford protection to biologically sensitive resources or sites, protection of archeological or cultural resources, or for public safety reasons. Hunters would be required to check in and out at the Palmdale campground check station when entering and exiting the area and check all game taken including checking all harvested deer, wild hog or turkey before such game is dismembered. Public access, other than by foot, bicycle, or boat would be prohibited. Entry into or exit at locations other than via Fisheating Creek at its intersections with C.R. 731, and at U.S. 27 in Palmdale, and at the Mainstreet access at Palmdale, and at S.R. 78 near Lakeport, would be prohibited, except that vehicular access would be

permitted in the Palmdale campground. Hunting with dogs other than bird dogs and retrievers would be prohibited. Only tents, trailers, or self-propelled camping vehicles would be allowed for camping. Fires other than campfires would be prohibited.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$175 for administrative preparation and \$95 for advertising. No other significant economic impacts are expected.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 375.313 FS.

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

TIME AND DATES: 9:00 a.m., each day, February 2-4, 2000

PLACE: Jacksonville, Florida; Specific meeting location will be published in an upcoming Florida Administrative Weekly
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.061 Specific Regulations for Type I Wildlife Management Areas – South Region.

(14) Fisheating Creek Wildlife Management Area

(a) Open season:

1. Archery – September 15-17 and 22-24 west of U.S. Highway 27 only.

2. Muzzleloading gun – October 13-15 and 20-22 west of U.S. Highway 27 only.

3. General gun – November 3-5 and 24-26 west of U.S. Highway 27 only.

4. Spring turkey – March 3-6, 9-12, 16-19, 23-26, and March 30 – April 2 west of U.S. Highway 27 only.

5. Special-opportunity spring turkey – March 3-9, March 17-23 east of U.S. Highway 27 only.

6. General gun hog – December 9-10.

7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish and furbearers except that turkeys may not be taken during the archery season. The bag limit for antlered deer shall be one per quota hunt permit. During the spring turkey and special-opportunity spring turkey seasons, the bag limit for turkey shall be one gobbler (or bearded turkey) per permit. During the general gun hog season, only wild hogs may be taken.

(c) Camping: Permitted at the Fisheating Creek campground throughout the year. Primitive camping is permitted throughout the area during periods closed to hunting, and, during periods open to hunting, at designated campsites only.

(d) General regulations:

1. Entry into or exit from the area at locations other than designated entrances is prohibited.

2. The use of any vehicle, including but not limited to tracked vehicles, all-terrain vehicles, or motorcycles, is prohibited. The use of personal watercraft or horses is prohibited. The use of airboats is prohibited west of the "head of the bushes." All public use shall be prohibited in areas posted as "closed" so as to afford protection to biologically sensitive resources or sites, protection of archeological or cultural resources, or for public safety reasons.

3. Hunters shall check in and out at a check station located at the Palmdale campground when entering and exiting the area and shall check all game taken.

4. Public access, other than by foot, bicycle, or boat, is prohibited. Entry into or exit at locations other than via Fisheating Creek at its intersections with C.R. 731, and at U.S. 27 in Palmdale, and at the Mainstreet access at Palmdale, and at S.R. 78 near Lakeport, is prohibited, except that vehicular access is permitted in the Palmdale campground.

5. Hunting with dogs other than bird dogs and retrievers is prohibited.

6. No deer, wild hog or turkey shall be dismembered until checked at a check station.

7. Only tents, trailers, or self propelled camping vehicles may be used for camping.

8. Fires other than campfires are prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History--New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 10-1-84, 7-1-85, 9-19-85, 5-7-86, 5-10-87, 6-8-87, 10-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 8-7-97, 7-1-98, 10-20-98, 12-28-98, 7-1-99, Formerly 39-15.061, Amended 12-9-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 1999

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE:
General Provisions for Taking, Possession and Sale of Reptiles

RULE NO.:
68A-25.002

PURPOSE AND EFFECT: The purpose of the proposed rule is to prohibit the importation of African turtles of the genus *Geochelone* in order to prevent the introduction of ticks which parasitize these animals, and which are the vectors of Heartwater Disease (*Cowdria ruminatum*), a disease fatal to many ruminants.

SUMMARY: In 1997, it was discovered that some of the turtles being imported from Africa had a type of tick which can carry the disease known as Heartwater. This is a fatal disease that can affect all ruminants, both wild and domestic. During inspections of wholesale and retail reptile dealers/breeders, Fish and Wildlife law enforcement personnel and livestock inspectors from the Department of Agriculture and Consumer Services, found "tropical bont ticks" capable of transmitting Heartwater Disease. Inspectors have found nine reptile dealers' premises infested with *Amblyoma marmoreum* since July 97, with a total of 462 bont ticks collected from 114 imported tortoises in these nine locations. The ticks were found primarily on African tortoises of the genus *Geochelone*. These ticks have also been found in imported shipments of reptiles, mainly tortoises. The spread of these ticks and the potential disease implications have far reaching ramifications for our deer population, as well as the cattle industry.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$200 for administrative preparation and \$270 for advertising.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATES: 9:00 a.m., each day, February 2-4, 2000
PLACE: Specific location of meeting will be published in an upcoming Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles.

(1) through (17) No change.

(18) No person shall import or transport into this state any leopard tortoise (*Geochelone pardalis*) or African spurred tortoise (*Geochelone sulcata*).

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. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 2-14-89, 7-1-89, 7-1-90, 4-14-92, 4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Inspector Kyle W. Hill
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 1999

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 amendment 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.

SUMMARY: Subsection (2) of Rule 68B-39.004, F.A.C., is amended to retain the current 50-fish mullet vessel recreational possession limit for the period September 1-January 31 each year in a new paragraph (a) and to add a paragraph (b) to allow 100 recreationally-harvested mullet to be possessed aboard a vessel during the period February 1 through August 31 each year.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR MEETING TO BE HELD AT 9:00 A.M. EACH DAY, FEBRUARY 2-4, 2000, AT A 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 this 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.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 1999

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 proposed new rule chapter is to impose 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 proposed new rule chapter should be to assure that this ancient animal maintains its place as part of Florida's coastal ecosystem.

SUMMARY: Proposed new Rule 68B-46.001 defines the terms "harvest" and "horseshoe crab" for purposes of the rule chapter. Proposed new Rule 68B-46.002 prohibits the harvest, possession, or sale of any horseshoe crab without a valid saltwater products license; prohibits harvest of any horseshoe crab by any means other than by hand or with a gig; requires

harvest of horseshoe crabs from the water rather than from the beach or shore; and establishes a maximum daily bag limit and a possession limit of 25 horseshoe crabs.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR MEETING TO BE HELD AT 9:00 A.M. EACH DAY, FEBRUARY 2-4, 2000, AT A 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 this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

HORSESHOE CRABS

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 1999

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE NOS.:	RULE TITLES:
12D-16.010	Definition and Scope of the Rules
12D-16.030	Communication of Return Information in Electronic Format
12D-16.040	Taxpayer Information and Identity
12D-16.050	Acknowledgment to Taxpayer
12D-16.060	Uniform Format for All Counties
12D-16.080	Procedures for Transfer
12D-16.090	Due Date; General Provisions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 25, No. 40, October 8, 1999, Florida Administrative Weekly, have been withdrawn for further development based on written comments received as a result of a public hearing held on November 1, 1999.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-602.203	Control of Contraband

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 44, November 5, 1999, issue of the Florida Administrative Weekly: 33-602.203(7)(e) is changed as follows:

(e) If items of contraband are detected in the mail, that are not of any illegal nature, the institution finding the contraband will provide the sender and addressee a receipt for the property in accordance with department rules relating to mail procedures (33-602.401, Routine Mail; 33-602.402, Legal Documents and Legal Mail; and 33-602.403, Privileged Mail).

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.197
RULE TITLE: Medical Foster Care

NOTICE OF CHANGE

Notice is hereby given that the following change has been made in the above cited rule as published in Volume 25, Number 41, Florida Administrative Weekly, October 15, 1999. This change is in response to comments received from the Joint Administrative Procedures Committee.

To clarify the Law Implemented, §409.902, F.S. and paragraph (2) in §409.905(2), F.S. is being added.

The following change was made to the Medical Foster Care Coverage and Limitations Handbook, May 1999, which is being incorporated by the reference in the rule.

On page 2-7 under Initial Plan of Care Components, in the fifth bullet, the phrase "if applicable" is being deleted. The bullet will read, "monitoring equipment and supplies and caregiver instructions."

On page 2-10, under Approval Process, in the last sentence the phrase "and/or" is being changed to "and". The sentence will read, "The area Medicaid office will send the medical foster care provider and the CMS medical foster care staff a Service Authorization Verification letter with the status of the request."

On page 2-15, under Required Reports and Records, in the ninth bullet, the phrase "as appropriate" is being deleted. The bullet will read, "copies of MHAT summaries, including level of care, service to be provided and funding source of service."

Copies of the full text of the Medical Foster Care Coverage and Limitations Handbook, May 1999, may be obtained by contacting Ken Jones, Medicaid Program Development, (850)922-7310.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.260
RULE TITLE: Prescribed Pediatric Rehabilitative Services

NOTICE OF CHANGE

Notice is hereby given that the following change has been made in the above cited rule as published in Vol. 25, No.41, Florida Administrative Weekly, October 15, 1999. This change is in response to comments received from the Joint Administrative Procedures Committee.

To clarify the Law Implemented, §409.902, F.S. is being added and paragraph (2) in §409.905(2), F.S. is not being deleted.

The following change was made to the Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, May 1999, which is being incorporated by the reference in the rule. On page 2-2 under Recommendations for PPEC Services, the third bullet that reads, "the duration of the PPEC services, if applicable" is being deleted, because this information is contained in the patient's prescription for services.

Copies of the full text of the Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, May 1999, may be obtained by contacting Ken Jones, Medicaid Program Development, (850)922-7310.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-20.004
RULE TITLE: Display of Documents

NOTICE OF PUBLIC HEARING

The Board of Cosmetology hereby gives notice of a public hearing on the above-referenced rule to be held on January 23, 2000 at the Embassy Suites Hotel Airport Westshore, 555 N. Westshore Blvd, Tampa, Florida, at 11:00 a.m. The rule was originally published in Vol. 25, No. 40, of the October 8, 1999, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. 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).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: 61G8-14.010
RULE TITLE: Meetings

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 25, No. 37, September 17, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee. The rule shall now read as follows:

61G8-14.010 Meetings.

The following shall be considered to be other business involving the Board:

(1) Board meetings including property noticed telephone conference calls.

(2) Meetings attended by a Board member where the attendance and participation of the Board member at the meeting has been:

(a) requested or approved by the Secretary of the Department of Business and Professional Regulation; and

(b) the Board member's participation at the meeting is related to the Board's authority as set forth in Chapter 470, Florida Statutes.

In addition, the specific authority shall be amended to include Subsection 470.005(1), and the law implemented will be amended to 455.207(4).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: RULE TITLE:
61G8-17.0045 Continuing Education for Board Meetings

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 37, September 17, 1999, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: RULE TITLE:
61G8-21.001 Licensure Procedure; Consequences of Operating Prior to Licensure

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 25, No. 37, September 17, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee. Subsection (1) of the rule shall now read as follows:

(1) The Department shall issue a license to any applicant the Board or its designee certifies as having met the licensure requirements specified in this rule and in Section 470.024, F.S., received a satisfactory rating on an inspection pursuant to Rule 61G8-21.003, F.A.C., and paid the fee specified in Rule 61G8-21.004, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: RULE TITLE:
61G8-22.001 Applicant for Licensure; Consequences of Operating Prior to Licensure

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 25, No. 37, September 17, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee. The rule shall now read as follows:

61G8-22.001 Application for Licensure; Consequences of Operating Prior to Licensure.

(1) Applicants for cinerator facility licensure shall be filed with the Department at least 30 days prior to the date the facility is scheduled to open for business. The Board shall designate a board member or the executive director to review all applications for cinerator facility licensure. The Department shall issue a license to any applicant the designee certifies as having met the licensure requirements specified in this rule and in Section 470.025, F.S., received a satisfactory rating on an inspection pursuant to Rule 61G8-22.002, F.A.C., and paid the fee specified in Rule 61G8-22.003, F.A.C.

(2) If the designee failed to certify an applicant for licensure then his application shall be considered by the Board at the next available board meeting.

(3) No cinerator facility shall be operated or be open for business prior to issuance of a cinerator facility license by the Department for that facility. Violation of this section shall be grounds for denial of licensure.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: RULE TITLE:
61G8-23.004 Direct Disposal Establishments

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 25, No. 37, September 17, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee. Subsection (9) shall now read as follows:

(9) In the event that a licensed establishment changes its licensed business name, the Board office shall be notified within 30 days. Such notification shall include legal documentation of the name change as well as a \$25.00 duplicate license fee and the original license. A duplicate license, reflecting the new business name will be generated, upon receipt of the original license and completion of these requirements. Documentation submitted will remain in the Department's possession.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-1.011
RULE TITLE: License Fees and Examination Fees
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in the Florida Administrative Weekly, Vol. 25, No. 45 on November 12, 1999, in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. The changes are in response to comments received from the Joint Administrative Procedures Committee and the Florida Real Estate Commission.

61J2-1.011 License Fees and Examination Fees.

(3) The biennial license fee for an active licensee shall be:	
Broker	\$80.00 <u>\$90.00</u>
Salesperson	\$70.00 <u>\$80.00</u>
Branch office for Broker	\$70.00 <u>\$80.00</u>

(8) Entity, sponsor, organization and individual equivalent education course offering:

For each application for approval of education offering	\$80.00
For each biennial annual education course offering renewal	\$80.00

Law Implemented 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451, 68.065(2) FS.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.020
RULE TITLE: Post-licensing Education for Active and Inactive Broker and Salesperson Licensees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in the Florida Administrative Weekly, Vol. 25, No. 45 on November 12, 1999, in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. The changes are in response to comments received from the Joint Administrative Procedures Committee and the Florida Real Estate Commission.

61J2-3.020 Post-licensing Education for Active and Inactive Broker and Salesperson Licensees.

(1) All applicants for licensure who pass a broker or salesperson licensure examination must satisfactorily complete a Commission prescribed ~~or approved~~ post-licensing educational course requirement prior to that first renewal following initial licensure. The post-licensing course or courses must be taken at an accredited college, university, community college ~~or and~~ area technical center in this state, or at a real estate school registered, pursuant to s. 475.451, Florida Statutes, or given by a Commission approved sponsor.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-5.015
RULE TITLE: License Status of Officers and Directors
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in the Florida Administrative Weekly, Vol. 25, No. 45 on November 12, 1999, in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. The changes are in response to comments received from the Joint Administrative Procedures Committee and the Florida Real Estate Commission.

61J2-5.015 License Status of Officers and Directors Required.

All officers and directors of a real estate brokerage corporation, domestic or foreign, ~~required to register, and maintain registration,~~ shall be registered. No registration shall be issued to the corporation or licenses to any officer or director, unless the corporation shall cause to register, and biennially renew the license of at least one active officer. A foreign corporation shall biennially present proof that at least one active officer, holding a valid and current active license, or for whom such a license is requested, is authorized to transact brokerage business in the State of Florida, and to bind the corporation with respect to such business.

The remainder of the rules will read as published.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-52.003
 RULE TITLE: Procedure for Approval of Attendance at Continuing Education Courses

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. 48, issue of the Florida Administrative Weekly. The change is to correct an error in the text, which was disclosed by public comment.

The rule shall now read as follows:

64B8-52.003 Procedure for Approval of Attendance at Continuing Education Courses.

(1) through (2) No change.

(3) 2 hours each biennium must be obtained by each licensee in approved offerings on blood-borne diseases including 1 hour on HIV/AIDS education. Approved offerings in HIV/AIDS are those that meet the requirements of Section 455.604(1), F.S. Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 455.604, F.S., are approved by this council.

(4) No change.

(5) Up to 2 hours each biennium may be obtained in the area of risk management by a licensee by attending a Board meeting in which another licensee is being disciplined, or by serving as volunteer expert witness in a disciplinary case.

Specific Authority 478.43(4), 478.50(2),(4)(a),(b) FS. Law Implemented 455.604, 478.50(2),(4)(a),(b) 455.564(6) FS. History--New 6-1-93, Formerly 21M-77.003, 61F6-77.003, Amended 5-11-95, Formerly 59R-52.003, Amended 2-9-98, 2-16-99,_____.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries

RULE CHAPTER NO.: 68B-13
 RULE CHAPTER TITLE: Stone Crabs

NOTICE OF HEARING

The Fish and Wildlife Conservation Commission announces that a final public hearing will be held on proposed new rules and rule amendments to Rule Chapter 68B-13, F.A.C., Stone Crabs. The Notice of Proposed Rulemaking was originally published in the December 3, 1999, issue of the Florida Administrative Weekly, Vol. 25, No. 48. The hearing will be held during the Commission's regular meeting beginning each day at 9:00 a.m., February 2-4, 2000, at a place to be later announced in this publication.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries

RULE CHAPTER NO.: 68B-14
 RULE CHAPTER TITLE: Reef Fish

NOTICE OF HEARING

The Fish and Wildlife Conservation Commission announces that a final public hearing will be held on proposed rule amendments to Rule Chapter 68B-14, FAC., Reef Fish. The Notice of Proposed Rulemaking was originally published in the December 3, 1999, issue of the Florida Administrative Weekly, Vol. 25, No. 48. The hearing will be held during the Commission's regular meeting beginning each day at 9:00 a.m., February 2-4, 2000, at a place to be later announced in this publication.

**Section IV
 Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE:: FLORIDA LOTTO
 RULE NO.: 53ER99-58

SUMMARY OF THE RULE: This emergency rule replaces 53ER99-36, F.A.C. This rule is replacing 53ER99-36, F.A.C., to correct the date herein, from March 27, 1999, to March 28, 1999. Accordingly, the reference to rule number 53ER99-39, F.A.C., is changed to 53ER99-59, F.A.C., and the reference to 53ER99-42, F.A.C, is changed to 53ER99-60, F.A.C. The language in paragraph (11)(d) has also been changed in response to comments received by the Joint Administrative Procedures Committee.

This rule sets forth the provisions that govern the conduct of the on-line game, FLORIDA LOTTO, effective October 24, 1999.

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:

53ER99-58 FLORIDA LOTTO.

(1) Effective October 24, 1999, FLORIDA LOTTO shall be conducted in accordance with the provisions set forth in this emergency rule.

(2) Any FLORIDA LOTTO ticket purchased on or after October 24, 1999, shall be governed by the provisions set forth in this emergency rule.

(3) A FLORIDA LOTTO advance play ticket purchased prior to March 28, 1999, is a valid ticket for all outstanding draws remaining on the ticket after October 23, 1999, and shall be eligible to receive one complimentary FLORIDA LOTTO ticket as set forth in rule 53ER99-59, F.A.C.

(4) A winning FLORIDA LOTTO ticket purchased prior to October 24, 1999, for drawings held prior to October 24, 1999, which is claimed on or after October 24, 1999, shall be governed by the provisions set forth in Chapter 53-28, F.A.C.

(5) Claims made on a FLORIDA LOTTO advance play ticket purchased prior to March 28, 1999, for drawings occurring after October 23, 1999, shall be governed by the provisions set forth in 53ER99-58, F.A.C., or 53ER99-60, F.A.C., as applicable.

(6) How to Play FLORIDA LOTTO.

(a) Players select six numbers from a field of one to fifty-three.

(b) Players can select their numbers by using a play slip or may receive their numbers by using the Quick Pick feature.

(c) There are five panels on a play slip. A player electing to use a play slip must select six numbers from each panel played. Each panel played must contain six number selections. Each panel played will cost one dollar per draw.

(d) Players must use only blue or black ballpoint pen or pencil for making selections.

(e) Play slips must be processed by an on-line retailer in order to obtain a ticket.

(f) Retailers can manually enter numbers selected by a player.

(7) FLORIDA LOTTO Drawings.

(a) FLORIDA LOTTO drawings shall be conducted twice per week, on Wednesday and Saturday.

(b) The drawing machine used for each drawing shall be determined by random selection. An employee of the Lottery's Security Division shall select two cards from a number of cards equivalent to the number of available drawing machines. Each card shall contain one number which shall correspond to the number assigned to one numbered drawing machine. The two cards shall be drawn individually and handed individually to an accountant employed by an independent certified public accounting firm. The machine corresponding to the number contained on the first card drawn shall be designated the primary drawing machine, and the machine corresponding to the number contained on the second card drawn shall be designated the backup drawing machine. The backup drawing machine shall be used only when necessitated by acceptance testing or equipment failure.

(c) The ball set to be used in a drawing shall be determined by random selection. The Security employee shall select two cards from a number of cards equivalent to the number of available ball sets. Each card shall contain one number which shall correspond to the number assigned to one numbered ball set. The two cards shall be drawn individually and handed

individually to an accountant employed by an independent certified public accounting firm. The ball set corresponding to the number contained on the first card drawn shall be designated the primary ball set, and the ball set corresponding to the number contained on the second card drawn shall be designated the backup ball set. The backup ball set shall be used only when there is question as to the reliability of the primary ball. Each set contains fifty-three balls numbered one through fifty-three.

(d) The primary ball set is weighed and the weight is recorded. A primary ball set which does not fall within the manufacturer's weight tolerances shall be rejected and the backup ball set is weighed using the procedures herein.

(e) The primary ball set is placed in the primary drawing machine and six test drawings are conducted, using the following testing criteria. If the same numbered ball is drawn four times in the six test drawings, four additional test drawings are conducted. If the same numbered ball is drawn two times in the four additional test drawings, the primary ball set is rejected. The backup ball set is weighed, and if it falls within the manufacturer's weight tolerance, it is placed in the primary drawing machine and tested using the testing criteria. If both the primary and backup ball set fail the test drawings, the backup drawing machine will be used with the backup ball set and additional tests will be conducted. If the backup ball set fails the additional tests, another ball set will be selected and procedures will be followed as set forth in paragraphs (c), (d), and (e) until a ball set passes all required tests and procedures.

(f) Once a ball set has satisfactorily passed the required testing, the selected drawing machine is loaded by the Draw Manager, who randomly inserts the balls into the loading tubes.

(g) The fifty-three balls in the loading tubes of the FLORIDA LOTTO machine are dropped into the mixing chamber and mixed by the action of an air blower.

(h) Six of the fifty-three balls are drawn by vacuum action into the six display tubes. The numbers shown on the six balls, after certification by the Draw Manager and the accountant employed by the certified public accounting firm, are the official winning numbers for the drawing.

(i) Each drawing is witnessed by an accountant employed by an independent certified public accounting firm who certifies that all drawing procedures have been followed.

(j) Equipment used in each drawing is inspected before and after each drawing and then secured. Ball sets used in each drawing are weighed and recorded before and after each drawing and then secured.

(k) In the event a malfunction in the drawing procedures occurs or the drawing equipment itself malfunctions, the Lottery shall use such substitute procedures as are fair and necessary to perform the drawing. Such substitute procedures shall be determined in consultation with the accountant

referred to in paragraph (i). In using such substitute procedures the Lottery shall strive to maintain the highest level of public confidence and integrity in FLORIDA LOTTO drawings.

(l) The Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.

(8) FLORIDA LOTTO Prize Divisions.

(a) FLORIDA LOTTO is a pari-mutuel game. For each draw, fifty percent of the gross revenue from the sale of lottery tickets in the corresponding FLORIDA LOTTO sales period shall be allocated as the winning pool for the payment of the Jackpot, second prize, third prize and fourth prize.

(b) The Jackpot shall consist of 63.5 percent of the winning pool for the drawing plus any Jackpot money carried forward from the previous draws. The Jackpot shall be divided equally among the number of players matching all six official winning numbers. If there is not a Jackpot winner in a drawing, the Jackpot pool shall be carried over and added to the Jackpot pool of the next FLORIDA LOTTO drawing.

(c) Second Prize shall consist of 12.3 percent of the winning pool for the drawing. The second prize shall be divided equally among the number of players matching five of the six official winning numbers.

(d) Third Prize shall consist of 10 percent of the winning pool for the drawing. The third prize shall be divided equally among the number of players matching four of the six official winning numbers.

(e) Fourth Prize shall consist of 14.2 percent of the winning pool for the drawing. The fourth prize shall be divided equally among the number of players matching three of the six official winning numbers.

(f) Except for the Jackpot prize which will pay the exact amount, the second, third and fourth prizes will be rounded down to the nearest fifty cents (\$.50). All rounding differences in the second, third and fourth prizes will be used to fund future prizes in Lottery games or for special Lottery prize promotions.

(9) Determination of Prize Winners. In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, or E) must match the official winning FLORIDA LOTTO numbers for the draw date for which the ticket was purchased. The prizes are set forth as follows:

(a) Jackpot Prize: Six of six official winning numbers.

(b) Second Prize: Five of six official winning numbers.

(c) Third Prize: Four of six official winning numbers.

(d) Fourth Prize: Three of six official winning numbers.

(10) FLORIDA LOTTO Odds of Winning. The odds of winning the prizes described above are as follows:

(a) Jackpot Prize – 1: 22,957,480.

(b) Second Prize – 1: 81,409.50.

(c) Third Prize – 1: 1,415.82.

(d) Fourth Prize – 1: 70.79.

(e) The overall odds of winning a prize in a FLORIDA LOTTO drawing are 1: 67.36.

(11) FLORIDA LOTTO Rules and Prohibitions.

(a) By purchasing a FLORIDA LOTTO ticket the player agrees to comply with and abide by all rules and regulations of the Lottery.

(b) The play slip is not a valid receipt.

(c) Tickets shall not be sold to minors under the age of eighteen.

(d) FLORIDA LOTTO tickets can be cancelled only through the retailer terminal which sold the ticket and within twenty minutes after printing, except that no FLORIDA LOTTO ticket can be cancelled after game close for that drawing. No FLORIDA LOTTO ticket may be cancelled except through the optical mark reader.

(e) A FLORIDA LOTTO ticket shall not be purchased after game close for that drawing.

(f) It is the responsibility of the player to determine the accuracy of selected panels of numbers on ticket(s). In the event that ticket(s) given to the player by the retailer contain selections which are not consistent with the player's selections, the player should immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel a ticket. A retailer is not required to cancel a ticket which is produced upon request of the player by the "quick pick" method of number selection.

(12) FLORIDA LOTTO Jackpot Pool. Each week the Lottery will announce the estimated deferred payment value of the Jackpot that can be won by a single player, based upon the estimated cash value of the Jackpot pool determined by projected and historical sales figures, interest rates, and funds from rollovers, if any. If the cash available in the Jackpot pool is insufficient to yield at least one million dollars over the designated deferred payment period for each winning ticket, the Lottery will pay the Jackpot winner or winners in cash. In the event the cash available in the Jackpot pool is insufficient to yield the announced estimated Jackpot value, the Lottery may add prize money rendered unclaimable by Section 24.115, F.S., to the Jackpot pool to render it sufficient to yield the announced estimated Jackpot. Use of unclaimable prize money to increase the Jackpot pool for FLORIDA LOTTO shall only occur when the Lottery has determined in writing prior to the drawing that circumstances warrant the use of such funds to positively impact sales. Nothing in this rule shall be construed to prohibit a guaranteed Jackpot.

(13) FLORIDA LOTTO Payment Options.

(a) Players can choose one of two payment options for receiving their portion of the FLORIDA LOTTO Jackpot prize. Payment options are "Cash Option" and "Annual Payment."

(b) Jackpot winners have sixty days after the winning draw date to choose between the two payment options. Once the jackpot winner signs the Winner Claim Form and exercises the winner's chosen option, the election of that option shall be final. Winner Claim Form DOL-173-2, Revised 07/93, and Addendum B, Effective 10/21/98, are incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, Capitol Complex, Tallahassee, Florida 32399-4027. In order to select Cash Option, the winner must claim his or her prize within sixty days after the winning draw date; otherwise, the Annual Payment option will be applied.

(c) Cash Option prizes will be paid in one lump sum cash payment. The jackpot winner who chooses the Cash Option for payment will receive his or her portion of the amount in the jackpot pool that is available immediately for investment.

(d) Annual Payment prizes shall be paid in thirty annual payments. The Annual Payment option shall occur automatically if:

1. The Jackpot winner does not make an election within sixty days after the winning draw date as provided in paragraph (b); and

2. The cash available in the Jackpot pool is sufficient to yield at least a total of one million dollars in thirty annual installments for each winning ticket.

(e) Federal income taxes will be applied and withheld from the prize amount at the time payment is made pursuant to applicable Internal Revenue Code and Regulations.

(f) Any interest or earnings accrued on a Florida Lotto Jackpot prize prior to the prize payment, under either the Cash Option or the Annual Payment Option, shall accrue to the State of Florida and not to the winner.

(14) This emergency rule replaces 53ER99-36, F.A.C.

Specific Authority 24.105(2)(b)2., 24.109(1), 24.115(1), 24.105(10)(a),(b),(c),(d),(e),(f) FS. Law Implemented 24.105(10)(e), 24.117(2), 24.109(1), 24.105(a),(b),(c),(d),(e),(f) FS. History—New
Replaces 53ER99-36, F.A.C.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: December 17, 1999

DEPARTMENT OF THE LOTTERY

RULE TITLE: FLORIDA LOTTO Advance Play Complimentary Ticket

RULE NO.: 53ER99-59

SUMMARY OF THE RULE: This emergency rule replaces 53ER99-39, FAC. This rule is replacing 53ER99-39, FAC., to correct the date herein, from March 27, 1999, to March 28, 1999. Accordingly the rule reference to 53ER99-36, FAC., is changed to 53ER99-58, FAC. This emergency rule sets forth the requirements and procedures for eligible FLORIDA LOTTO advance play players to receive one complimentary FLORIDA LOTTO ticket.

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:

53ER99-59 FLORIDA LOTTO Advance Play Complimentary Ticket.

(1) From October 24, 1999, through July 3, 2000, players who present to the Florida Lottery an original FLORIDA LOTTO advance play ticket or an original advance play trailer ticket (continuation ticket) purchased prior to March 28, 1999, for drawings occurring after October 23, 1999, shall be eligible to receive one complimentary FLORIDA LOTTO ticket.

(2) Players must present an original advance play ticket or original advance play trailer ticket (continuation ticket) to a Lottery District Office or a Lottery Redemption Center. No photocopied tickets will be accepted or eligible. A complete list of Florida Lottery Office addresses may be obtained from the Florida Lottery, Public Information, Capitol Complex, Tallahassee, Florida 32399-4016.

(3) Upon presentation of an advance play ticket to a Lottery Office, the player shall initial the back of the ticket as directed by the Lottery. The ticket will then be verified for eligibility using the criteria set forth in subsection (1), above. The player's initials on the back of the advance play ticket and signature on a FLORIDA LOTTO Advance Play Complimentary Ticket Form shall indicate that the ticket has been presented for one complimentary ticket and is ineligible for additional complimentary tickets. FLORIDA LOTTO Advance Play Complimentary Ticket Form DOL-437, Effective 10/24/99, is incorporated herein by reference and may be obtained at any Lottery District Office or Lottery Redemption Center, or by writing the Florida Lottery, Winner Validation, Capitol Complex, Tallahassee, Florida 32399-4027.

(4) A player with an eligible ticket will receive one complimentary FLORIDA LOTTO ticket for the same number of draws remaining on the original advance play ticket after October 23, 1999. Players may select the numbers for a complimentary ticket by using a FLORIDA LOTTO play slip with the matrix of one to fifty-three, or by using the quick pick method. Players cannot select draw dates on a complimentary ticket. The numbers the player selects by play slip or by quick pick shall be applied to draw dates in sequential order for both Wednesday and Saturday FLORIDA LOTTO drawings, starting with the first available drawing.

(5) The original advance play ticket and the complimentary ticket are valid for the specified FLORIDA LOTTO drawings printed on the tickets and shall be governed by the provisions set forth in emergency rule 53ER99-58, F.A.C.

(6) This emergency rule replaces 53ER99-39, F.A.C.

Specific Authority 24.109(1), 24.105(10)(a),(b) FS. Law Implemented 24.109(1), 24.105(10)(a),(b) FS. History—New 12-17-99, Replaces 53ER99-39.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: December 17, 1999

DEPARTMENT OF THE LOTTERY

RULE TITLE: Payment of Prizes on FLORIDA LOTTO
 RULE NO.: 53ER99-60

Advance Play Tickets
 SUMMARY OF THE RULE: This emergency rules replace 53ER99-42, FAC. This rule is replacing 53ER99-42, FAC., to correct the date herein, from March 27, 1999, to March 28, 1999. Accordingly, the reference to rule 53ER99-36, FAC., is changed to 53ER99-58, FAC.

This emergency rule sets forth the specifics and procedures for players with a winning FLORIDA LOTTO advance play ticket purchased prior to March 28, 1999, for drawings occurring after October 23, 1999, to claim their prize under the prize structure set forth in 53-28.003, FAC., or 53ER99-58, FAC., as applicable.

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:

53ER99-60 Payment of Prizes on FLORIDA LOTTO Advance Play Tickets.

(1) Claims on FLORIDA LOTTO advance play tickets shall be governed by rule 53ER98-16, F.A.C., Procedures For Awarding Prizes, except as provided in this rule. In the event of a conflict between the provisions of the above referenced rule and this rule, this rule shall govern.

(2) Claims on winning FLORIDA LOTTO advance play tickets purchased prior to March 28, 1999, for drawings occurring after October 23, 1999, should be submitted by players to the Lottery by:

(a) Presenting the winning ticket in person to Florida Lottery Headquarters, to a Lottery Redemption Center, or to a Lottery District Office; or

(b) Mailing the winning ticket or trailer ticket (continuation ticket) in the self-mailing envelope attached to a claim form or in an envelope addressed to Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-4027. The envelope must be postmarked on or before the 180th day after the winning drawing.

(3) Claims on winning 5 of 6 FLORIDA LOTTO advance play tickets purchased prior to March 28, 1999, for drawings occurring after October 23, 1999, shall be paid in accordance with rule 53ER99-58, F.A.C.

(4) If a winning 6 of 6, 4 of 6, or 3 of 6 FLORIDA LOTTO advance play ticket purchased prior to March 28, 1999, for drawings occurring after October 23, 1999, has not been presented to or validated by a retailer and no prize has been paid, the Lottery will pay the prize based upon the prize structure set forth in rule 53-28.003, F.A.C.

(5) If a winning 4 of 6 or 3 of 6 FLORIDA LOTTO advance play ticket purchased prior to March 28, 1999, for drawings occurring after October 23, 1999 has been presented to and validated by a retailer, and no prize has been paid, the Lottery will pay the prize based upon the prize structure contained in rule 53-28.003, F.A.C.

(6) Players may call (800)752-9352 for answers to questions or to obtain additional information and instructions for making a claim under this rule.

(7) This emergency rule replaces 53ER99-42, F.A.C.

Specific Authority 24.105(10)(e), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(e), 24.109(1), 24.115(1) FS. History—New 12-17-99, Replaces 53ER99-42.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: December 17, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Emergency Prohibition Against Importation
 RULE NO.: 68AER99-01

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 and deer. This disease is caused by the rickettsial bacterium *Cowdria ruminantium* which is transmitted by the ticks of the genus *Amblyomma*. Animals or wildlife that contact this disease have a mortality rate of between 40-100%. There is no officially recognized treatment or vaccine for the disease other than to control the introduction of the tick vectors. The Department of Agriculture and Consumer Services (DACS) recently notified the Fish and Wildlife Conservation Commission (FWCC) that 15 *Amblyomma sparsum* ticks collected from tortoises in Hillsborough County have tested positive for *Cowdria ruminantium* (Heartwater organism). Also, since 1997, nine reptile facilities in Florida have been found to have ticks capable of carrying Heartwater disease. The ticks primarily infect two African tortoises of the genus *Geochelone*, the African spurred tortoise (*Geochelone sulcata*) and the leopard tortoise (*Geochelone pardalis*).

The Department of Agriculture and Consumer Services (DASC) has also filed an emergency rule to deal with animals imported from countries where Heartwater disease is endemic

and the FWCC emergency rule will parallel DACS efforts to control introduction of this disease though importation of tick-infected wildlife. The DACS rule asserts that “The introduction of the disease into Florida would be disastrous to the state’s beef and cattle industry and the state’s ruminant wildlife.”

Therefore, the Florida Fish and Wildlife Conservation Commission, vested by Article IV, Section 9, Florida Constitution, with the state’s executive and regulatory authority over wildlife, finds that there is an immediate danger to the public welfare if immediate action is not taken to prohibit the importation of the African spurred tortoise (*Geochelone sulcata*) and the leopard tortoise (*Geochelone pardalis*). The Commission also finds that this limited action is the best means to address the emergency and is in the best interests of the citizens of the State of Florida. It is the intent of the Commission to begin regular rulemaking to adopt permanent rules addressing this problem.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The FWCC discussed this action at their regular meeting in Islamorada, Florida on December 9, 1999 and, at that public meeting, made the requisite findings of an emergency and that the rule procedure was fair. Given the need to act immediately to avert an infection of the state’s livestock and infection of other ruminants, this rule is fair.

The entire text of this emergency rule is to be published in the *Florida Administrative Weekly* and distributed to the Joint Administrative Procedures Committee of the Florida Legislature as required by Section 120.54(4), Florida Statutes. Notice of this action of the FWCC is being distributed to about 2,000 persons and organizations, including major state newspapers and electronic media, on the Commission’s mailing list.

The Florida Fish and Wildlife Conservation Commission hereby finds that the procedures used to promulgate this emergency rule are fair under the circumstances.

SUMMARY OF THE RULE: This emergency rule will prohibit the importation into Florida two species of African tortoises, the African spurred tortoise (*Geochelone sulcata*) and the leopard tortoise (*Geochelone pardalis*).

A COPY OF THE EMERGENCY RULE MAY BE OBTAINED BY CONTACTING: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE EMERGENCY RULE IS:

68AER99-01 Emergency Prohibition Against Importation of Certain African Tortoises.
No African spurred tortoise (*Geochelone sulcata*) or leopard tortoise (*Geochelone pardalis*) shall be imported or transported into the state.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 120.54(4) FS. History—New 12-17-99.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: December 17, 1999

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF HEALTH

The Board of Clinical Laboratory Personnel hereby gives notice that it received a petition, which was filed with the Agency Clerk on October 26, 1999, from Joan Kaczmarek, seeking a waiver of Rule 64B3-5.003, FAC. which requires applicants for licensure to document completion of a degree as a Technologist that must be obtained at a regionally accredited college or university or, if foreign education, equated pursuant to Rule 64B3-6.002(6). For the category of histology, applicants for technologist licensure shall have four (4) hours of Board approved HIV/AIDS continuing education, and minimum of 60 semester hours of academic credit, including 16 semester hours of science and have one of the following: (a) successfully completed an accredited clinical laboratory personnel training program in histology; (b) successfully completed a Board approved clinical laboratory personnel training program in histology; (c) two (2) years of pertinent clinical laboratory experience in histology.

A copy of the petition may be received from, and written comments submitted to the Board of Clinical Laboratory Personnel, 2020 Capital Circle, S. E. #C07, Tallahassee, Florida 32399-3257, within 14 days for publication of this notice.

For additional information, contact: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, at the above address or telephone (850)487-2098.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Board of Directors of the **Central West Florida Preservation, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday January 12, 2000, 2:00 p.m.

PLACE: Tampa Union Station, 601 North Nebraska Ave., Tampa, Florida 33602

PURPOSE: General Business Meeting.

A copy of the agenda may be obtained by writing: Tampa Regional Office, 1802 East 9th Avenue, Tampa, Florida 33605.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request special assistance.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a Notice of Public Meeting of the Organic Food Advisory Council Meeting to which all persons are invited:

DATE AND TIME: January 28, 2000, 9:00 a.m.

PLACE: Division of Plant Industry, 3027 Lake Alfred Road, Winter Haven, Florida 33881-1438, Telephone (941)298-7777

PURPOSE: Organic Food Advisory Council Meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: You may contact: Mr. Dale Dubberly, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8, L-29, Tallahassee, Florida 32399-1650, Telephone (850)488-8731.

If special accommodations are needed to attend this meeting because of a disability, please call Dale Dubberly as soon as possible.

DEPARTMENT OF EDUCATION

The **Department of Education** and the **Department of Labor and Employment Security** announces the fourth meeting of the Occupational Access and Opportunity Commission to which all persons are invited and to which all interested individuals are encouraged to attend.

DATES AND TIME: January 6-7, 2000, 9:00 a.m. – 4:30 p.m.

PLACE: Doubletree Hotel Tallahassee, Ballroom/Salons A & B, 101 South Adams Street, Tallahassee, FL 32830

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in these meetings should contact Susan Mason, no later than December 30, 1999, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696, or toll free at 1(800)451-4327.

This agenda is available in alternative formats upon request. Should you not be able to attend, but would like a copy of the minutes, please contact: Susan Mason, (850)487-3431, Ext. 121 or toll free at 1(800)451-4327.

The **Postsecondary Education Planning Commission** announces a telephone conference call in which all interested persons are invited to participate.

DATE AND TIME: Friday, January 7, 2000, 9:00 a.m. – 10:30 a.m.

PLACE: 224 Collins Building, 107 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will discuss and take action on the Bright Futures Scholarship study.

For further information contact: Dr. William B. Proctor, Executive Director, Postsecondary Education Planning Commission, Tallahassee, Florida 32399-0400, (850)488-7894.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, January 15, 2000, 9:00 a.m.

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 North San Marco Avenue, St. Augustine, FL 32084-2799, or by calling (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

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

The Florida **Community College System** announces a conference call of the State Board of Community Colleges Task Force on Education Governance to which all persons are invited.

DATE AND TIME: Monday, January 10, 2000, 2:00 p.m. – 4:00 p.m.

CONFERENCE CALL NO.: (850)921-6623 or Suncom 291-6623

PURPOSE: To discuss the development of recommendations to the State Board of Community Colleges related to the governance of postsecondary education in Florida.

If you need special services to attend the meeting or need additional information write: Division of Community Colleges, 1314 Turlington Building, Tallahassee, Florida 32399-0400.

The **State Board of Community Colleges** announces the following public meetings of the Board to which all persons are invited:

DATE AND TIME: January 14, 2000, 8:00 a.m.

PURPOSE: Regular business meeting of the Board.

COMMITTEE: Foundation for Florida's Community Colleges

DATE AND TIME: January 13, 2000, 10:00 a.m. – 11:00 a.m.

COMMITTEE: EA/EO Advisers

DATE AND TIME: January 13, 2000, 10:00 a.m. – 11:30 a.m.

COMMITTEE: Program, Economic Development, Equity and Policy Committee

DATE AND TIME: January 13, 2000, 12:30 p.m. – 2:45 p.m.

COMMITTEE: Finance Committee

DATE AND TIME: January 13, 2000, 3:00 p.m. – 5:30 p.m.

PLACE: St. Petersburg Junior College, Seminole Campus, 9200 113th Street, North, Seminole, Florida 33772

If you need special services to attend the meeting, please let us know.

A copy of the agenda may be obtained by writing: Division of Community Colleges, 1314 Turlington Building, Tallahassee, Florida 32399-0400.

The **Florida Community Colleges Risk Management Consortium** announces a meeting to which all persons are invited:

DATE AND TIME: Friday, January 14, 2000, 9:00 a.m. – 2:00 p.m.

PLACE: Fairfield Inn Airport, Orlando, Florida

PURPOSE: General Business Meeting.

A copy of the agenda may be obtained by writing: Florida Community Colleges Risk Management Consortium, 5700 S.W. 34th Street, Suite 1205, Gainesville, FL 32608, or by Telephone (352)955-2190, Ext. 2.

DEPARTMENT OF LAW ENFORCEMENT

The Region III and XV Training Advisory Councils of the **Florida Criminal Justice Standards and Training Commission** announce a public meeting to which all interested persons are invited:

DATE AND TIME: February 2, 2000, 9:00 a.m.

PLACE: Pat Thomas Law Enforcement Training Academy, U.S. Highway 90, 14 miles west, Tallahassee, Florida

PURPOSE: This is a regularly scheduled meeting of the Region III and Region XV Training Advisory Councils of the Florida Criminal Justice Standards and Training Commission.

The primary business will be to discuss training issues.

A copy of the agenda for the above meeting may be obtained by writing: Chief Jim Howell, Florida Highway Patrol Training Academy, 2098 Ridgeway Street, Tallahassee, FL 32308.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation** announces public meetings to which all persons are invited:

DATES AND TIME: January 20, 2000; February 17, 2000; March 16, 2000; April 20, 2000; May 18, 2000; June 15, 2000, 8:30 a.m.

PLACE: Fifth Floor, Executive Conference Room, 605 Suwannee Street, Burns Building, Tallahassee, Florida

PURPOSE: Regular Meeting of the Executive Committee

A copy of the agenda may be obtained by writing: Florida Department of Transportation, 605 Suwannee Street, Mail Station 57, Tallahassee, Florida 32399-0450.

The **Department of Transportation Commission** announces a public meeting to which all persons are invited:

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

PLACE: Department of Transportation, Executive Conference Room, Fifth Floor, 605 Suwannee Street, Tallahassee, Florida

PURPOSE: Regular meeting of the Florida Transportation Commission.

Information and a copy of the agenda may be obtained by contacting: Florida Transportation Commission Room, 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

The **Department of Transportation**, District 5 announces a public hearing to which all persons are invited.

DATE AND TIME: January 25, 2000, 5:00 p.m. – 7:00 p.m., (Open House) 7:00 p.m. (Public Hearing)

PLACE: Volusia County Fair Grounds, Townsend Livestock Pavilion, 3150 E. New York Avenue, DeLand, Florida 32724

PURPOSE: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of State Project Number 77160-1439, 79110-1403 & 79110-1407, FM Number 242592-1, 242703-1 & 242728-1, Federal Aid Number NH-4-2(174)79 & NH-4-2(183)113, otherwise known as Interstate 4. The limits of the project corridor are from US 17/92 in Seminole County, Florida to I-95, in Volusia County, Florida.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call toll free, 1(888)797-1616. Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Harold Webb, Project Manager, 370 Whooping Loop, Suite 1154, Altamonte Springs, Florida 32701.

The **Florida Seaport Transportation and Economic Development Council Environmental Management Committee** announces a public meeting to which all interested persons are invited.

DATE AND TIME: January 25, 2000, 1:30 p.m. – 4:00 p.m.
PLACE: Sheraton Suites, Cypress Creek Hotel, 555 N. W. 62nd Street, Ft. Lauderdale, FL
PURPOSE: General Business Meeting.

A copy of the agenda may be obtained by contacting: James C. Massie, General Counsel, (850)222-8021.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that 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.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise James C. Massie, (850)222-8021.

The **Florida Seaport Transportation and Economic Development Council** announces a public meeting to which all interested persons are invited.

DATE AND TIME: January 26, 2000, 9:00 a.m. – 11:30 a.m.
PLACE: Sheraton Suites, Cypress Creek Hotel, 555 N. W. 62nd Street, Ft. Lauderdale, FL
PURPOSE: General Business Meeting.

A copy of the agenda may be obtained by contacting: James C. Massie, General Counsel, (850)222-8021.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that 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.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise James C. Massie, (850)222-8021.

The **Commission on the Future of Aeronautics and Space** in Florida announces a meeting to which all persons are invited.

DATE AND TIME: January 18, 2000, 10:00 a.m.
PLACE: Executive Conference Room, 5th Floor, Department of Transportation, 605 Suwannee Street, Tallahassee, Florida

PURPOSE: Official business of the Commission. Including but not limited to presentation of results of tasking from last meeting, discussion of proposed taskings, and discussion of report format and schedule.

A copy of the agenda may be obtained by writing: Thomas E. Duncan, Aviation Policy and Program Development Analyst, Aviation Office, Florida Department of Transportation, M.S. # 46, 605 Suwannee Street, Tallahassee, Florida 32399-0450 or by electronic mail using the following address: thomas.duncan@dot.state.fl.us

The agenda can also be viewed on the Commission's Internet Website: <http://www.dot.state.fl.us/Aviation/Commission.htm>
In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in the meeting should advise Thomas E. Duncan, (850)414-4513.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: January 13, 2000, 9:00 a.m.
PLACE: 2601 Blairstone Road, Building C, Tallahassee, Florida
PURPOSE: Regularly Scheduled Commission Business Meeting.

A copy of the agenda and subsequent addendum, if any, may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450, Attention: Frederick B. Dunphy, Commissioner-Secretary.

If you need an accommodation in order to participate in this process, please notify the Commission in advance.

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 12, 2000, 9:00 a.m.
PLACE: Florida Parole Commission, 2601 Blairstone Road, Building C, Third Floor, Tallahassee, FL
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 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 its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: January 18, 2000, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

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 contacting the Division of Records and Reporting, (850)413-6770, or writing: Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations 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 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 its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: January 18, 2000, Immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

PURPOSE: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the meeting. 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).

This meeting is subject to cancellation without notification.

The Florida **Public Service Commission** announces a service hearing in the following docket, to which all interested persons are invited.

Docket No. 990457-TL – Request for review of proposed numbering plan relief for the 954 area code.

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

PLACE: Broward County Governmental Center, Room 422, 115 S. Andrews Avenue, Ft. Lauderdale, Florida

The hearing will begin as scheduled and will continue until all witnesses have been heard. If no witnesses are present, the hearing may be adjourned. All persons desiring to present testimony are urged to appear at the beginning of the hearing.

PURPOSE: To permit members of the public to give testimony regarding the request. At the hearing, customers may be heard on any and all issues in the case relating to this request for review of proposed numbering plan relief for the 954 area code. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired 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 prehearing to be held in the following docket, to which all interested persons are invited.

DOCKET NO. 991605-TP – Petition by BellSouth Telecommunications, Inc. for arbitration of interconnection agreement with Time Warner Telecom of Florida, L.P., pursuant to Section 252(b) of the Telecommunications Act of 1996.

DATE AND TIME: January 19, 2000, 9:30 a.m.

PLACE: Commission Conference 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).

EXECUTIVE OFFICE OF THE GOVERNOR

The Governor's **Jimmy Ryce Act Enforcement Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: January 13, 2000, 10:00 a.m. – 4:00 p.m.

PLACE: Entry Level Meeting Room, Senate Office Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of recommendations to be considered in the Task Force's final report.

The **Executive Office of the Governor** announces a public meeting of the Florida Geographic Information Board (GIB) to which all persons are invited:

DATE AND TIME: January 28, 2000, 10:00 a.m. or as soon thereafter – 3:00 p.m.

PLACE: Betty Easley Bldg., 4075 Esplanade Way, Room 182, Tallahassee, FL

PURPOSE: A regularly scheduled meeting of the Florida Geographic Information Board.

You may acquire additional information and a copy of the agenda from the GIB's website (<http://als.dms.state.fl.us>) or by contacting Sarah Thomas, (850)414-7798.

REGIONAL PLANNING COUNCILS

The **Withlacoochee Regional Planning Council**, District 5, Local Emergency Planning Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 13, 2000, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is two-fold: To assist owners/operators of stationary chemical sources located in Marion and Sumter Counties that were required to file a Risk Management Plan in meeting their obligations for holding a public meeting. If a facility was required to submit an RMP for a Program 2 or Program 3 process, the facility must announce and hold a public meeting by Feb. 1, 2000, to discuss their RMP, including the OCA sections. Additionally, the meeting will address all Section 302 facilities in Marion and Sumter

Counties. Explanation of the hazards analyses process and copies of individual facility data will be made available. Facility representatives and the public will be introduced to the first responders for their facilities, informed of the LEPC purpose, activities and up-coming training opportunities.

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

DATE AND TIME: Thursday, January 20, 2000, 6:30 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

PLACE: Marion County Emergency Management Office, Marion County Sheriff's Complex, 692 N. W. 30th Avenue, Ocala, FL

COMMITTEE NAME: Training Subcommittee

DATE AND TIME: Monday, January 24, 2000, 10:00 a.m.

COMMITTEE NAME: Local Emergency Planning Committee

DATE AND TIME: Monday, January 24, 2000, 11:00 a.m.

GENERAL SUBJECT MATTER TO BE DISCUSSED: Chairman report, Committee updates and other organizational matters regarding the committees.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact: Charlotte Neupauer, (352)732-1315.

METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Planning Organization** for the **Orlando Urban Area**, announces the following public meeting of its Governing Board to which all persons are invited:

DATE AND TIME: Wednesday, January 12, 2000, 9:30 a.m.

PLACE: Metroplan Orlando Board Room, 315 East Robinson Street, Suite 355, Orlando, FL 32801

PURPOSE: Regularly Scheduled Board Meeting

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order
2. Agenda Review
3. Approval of Minutes
4. Consent Items
5. Action Items
6. Presentations, if any
7. Other Business
8. Chairman's Report
9. Executive Director's Report
10. Legislative Report

A copy of the detailed agenda may be obtained by contacting: Virginia Lewis, Executive Assistant, METROPLAN ORLANDO, 315 East Robinson Street, Suite 355, Orlando, FL 32801, (407)481-5672, Extension 314.

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 METROPLAN ORLANDO, (407)481-5672, at least 48 hours before the meeting.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces a telephone conference of its Fraud Committee to discuss general issues.

DATE AND TIME: Thursday, January 6, 2000, 10:00 a.m.

PLACE: Call (850)487-2613, for instruction on participation

PURPOSE: The purpose of the meeting is to discuss issues of interest to the Fraud Committee.

For further information about this telephone conference contact: Becky Thomas, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, Telephone (850)487-2613, two days prior to the date of the conference call.

In the event time and/or date changes, notice of change will be posted on meeting notice bulletin board at 2574 Seagate Drive, Suite 100, Marathon Building, Tallahassee, Florida 32399-2152. You may call (850)487-2613.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least

five business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact Donna Kornatowski using the Florida Dual Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces two public hearings.

DATE AND TIME: Thursday, January 13, 2000, 9:00 a.m. – 4:00 p.m.

PLACE: Sheraton-Ft. Lauderdale Airport Hotel, 1825 Griffin Road, Dania, Florida

PURPOSE: From 9:00 a.m. – 12:00 p.m., the Fraud and Noncompliance Committee will take public testimony on the elimination of and alternatives to, the workers' compensation exemption process. From 1:00 p.m. – 4:00 p.m., the Premiums and Benefits Committee will take testimony on the Division of Workers' Compensation Employee Assistance Office.

For a copy of the agenda or for further information about this meeting, contact: Julie Douthit, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, Telephone (850)487-2613. If the meeting time and/or place changes, notice will be posted on the meeting bulletin board at that address.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least two business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact Ms. Thomas using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces a meeting to which the public is invited.

DATE AND TIME: Friday, January 14, 2000, 9:00 a.m. – 12:00 p.m.

PLACE: Sheraton-Ft. Lauderdale Airport Hotel, 1825 Griffin Road, Dania, Florida

PURPOSE: The purpose to discuss issues of interest to the Board and Committees.

For a copy of the agenda or for further information about this meeting, contact: Julie Douthit, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, Telephone (850)487-2613.

In the event meeting time and/or place changes, notice of change will be posted on meeting notice bulletin board: 2574 Seagate Drive, Suite 100, Marathon Building, Tallahassee, Florida 32399-2152. You may call (850)487-2613.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least two business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact Ms. Thomas using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: January 11, 2000, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

PURPOSE: Board Meeting. To consider District business and conduct public hearings on regulatory and land acquisition matters.

PURPOSE: Public hearing in accordance with Section 373.139(3)(a), F.S., concerning the proposed purchase of property for the Suwannee Sportsman Acres, 415 acres +/-, Gilchrist County, Florida, with funds from the Water Management Lands Trust Fund, also the Strickland Field Tract, 3,744 acres +/-, Dixie County, with funds from the Water Management Lands Trust Fund, also Schuler/Hixtown Swamp Tract, 160 acres +/-, Jefferson County, with funds from the Water Management Lands Trust Fund, also the Honeycutt Tract, 117 acres +/-, Hamilton County, with funds from the Water Management Lands Trust Fund, also the Jones Tract, 11 acres +/-, Hamilton County, with funds from the Water Management Lands Trust Fund, also Inholdings and Additions parcels, one lot in Hamilton County containing 2 acres +/- and two lots in Columbia County containing 2 acres +/-, with funds from the Water Management Lands Trust Fund

DATE AND TIME: January 11, 2000, following Board Meeting

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

PURPOSE: Board Workshop on Quality Communities.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact: Lisa Cheshire, (850)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following public meetings and hearing to which all persons are invited:

GOVERNING BOARD RETREAT/MEETING

DATE AND TIME: Monday, January 10, 2000, 9:30 a.m.

PLACE: Best Western Inn, 119 Hwy. 17, East, Palatka, FL 32131

PURPOSE: Planning session and discussion and consideration of Governing Board priorities, objectives, and procedures regarding regulatory and non-regulatory District matters.

PERSONNEL COMMITTEE MEETING

DATE AND TIME: Tuesday, January 11, 2000, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion of Personnel Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD MEETING

DATE AND TIME: Tuesday, January 11, 2000, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

PURPOSE: Continuation of January 10 Governing Board Retreat/Meeting and discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE COMMITTEE MEETING

DATE AND TIME: Wednesday, January 12, 2000, 8:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion of Finance Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Wednesday, January 12, 2000, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion and consideration of District business including regulatory and non-regulatory matters.

A copy of the agenda for meetings on January 10, 11, or 12, 2000, may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Governing Board Support Specialist.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, 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 **Southwest Florida Water Management District** announces the following public meetings to which all persons are invited.

GOVERNING/BASIN Boards ANNUAL COORDINATION/ PLANNING WORKSHOP

DATE AND TIME: Wednesday, January 12, 2000, 12:00 Noon, reception to follow

PLACE: University of South Florida, Downtown Center, 1101 Channelside Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Water management issues.

WITHLACOOCHEE RIVER – WYSONG AIRBOAT TOUR AND SITE VISIT

DATE AND TIME: Saturday, January 15, 2000, 9:00 a.m.

PLACE: Carlson’s Landing off Highway 470, Citrus County

GENERAL SUBJECT MATTER TO BE DISCUSSED: Issues related to the Withlacoochee River.

BASIN BOARD EDUCATION COMMITTEE MEETING

DATE AND TIME: Tuesday, January 18, 2000, 9:30 a.m.

PLACE: Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE DISCUSSED: Discussion of Committee Business.

GOVERNING BOARD MEETING, PUBLIC HEARING AND COMMITTEE MEETINGS

DATE AND TIME: Tuesday, January 25, 2000, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Meeting, Public Hearing and Committee Meetings.

GOVERNING BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday’s meeting may be carried over to Wednesday’s meeting. If all business is concluded at Tuesday’s meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, January 26, 2000, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, Florida

GENERAL SUBJECT MATTER TO BE DISCUSSED: Conduct of Meeting and Public Hearing.

A copy of the agenda for the above meetings may be obtained by writing: Southwest Florida Water Management District, 2379 Board Street, Brooksville, Florida 34609-6899.

If a party decides to appeal any decision made with respect to any matter considered at a meeting, that party will need a record of the proceedings and for such purpose that party may

need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida), or (352)796-7211, Extension 4602, Fax (904)754-6874, TDD Only 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

INDUSTRIAL ADVISORY COMMITTEE

DATE AND TIME: Tuesday, January 11, 2000, 10:00 a.m.

PLACE: 170 Century Boulevard, Bartow, Florida

ENVIRONMENTAL ADVISORY COMMITTEE

DATE AND TIME: Wednesday, January 12, 2000, 6:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Building 1, Tampa, Florida

PUBLIC SUPPLY ADVISORY COMMITTEE

DATE AND TIME: Friday, January 21, 2000, 9:30 a.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Building 1, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District’s Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida), or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces an emergency public meeting to which all interested parties are invited:

DATE AND TIME: December 17, 1999, 1:00 p.m.

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

PURPOSE: To address the public health, safety and welfare implications of the United States Army Corps of Engineers’ Interim Structural and Operating Plan for Hydrologic Compliance with the Cape Sable Seaside Sparrow Biological Opinion for the Year 2000.

REASONS FOR EMERGENCY MEETING: The public health, safety and welfare concerns include, but are not limited to, the potential for flooding and its associated impacts.

ACTION TAKEN: Based upon the United States Army Corps of Engineers' representation to expedite the Supplemental Environmental Impact Statement (SEIS) process for the 8.5 Square Mile Area and to convey operational flexibility (e.g. suspension of Test 7 operating criteria) to the District for the South Dade Conveyance System, limit the South Florida Water Management District's implementation/execution of the Interim Structural and Operating Plan for Hydrologic Compliance with the Cape Sable Seaside Sparrow Biological Opinion for the Year 2000 to the following: (a) convey operations responsibility to the Corps of all relevant structures in western habitat area; (b) cooperate with federal government, through technical support and advice, developing optimum operational plan for eastern areas of southern Everglades; and (c) provide technical support and advise to accelerate completion of the SEIS.

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 a public meeting to which all interested parties are invited:

DATES AND TIME: January 10-11, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Crown Plaza Hotel Ballroom, 1601 Belvedere Road, West Palm Beach, Florida

PURPOSE: The Lower East Coast Water Supply Plan Advisory Committee will meet to review and discuss the development of the Lower East Coast Regional Water Supply 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: John Mulliken, Project Manager, (561)682-6649.

The South Florida Water Management District announces a closed door attorney-client meeting as follows:

DATE AND TIME: January 12, 2000, immediately following Governing Board Meeting but not to begin before 2:00 p.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 17-21, 2000, 6:30 p.m. – 9:00 p.m., every day

PLACE: Miami-Dade County Extension Office, 18710 S. W. 288th Street, Homestead, Florida

PURPOSE: Public presentation and comment on 8.5 Square Mile Area Flodd Mitigation Modeling Analysis for the Modified Water Deliveries Project.

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: Dewey Worth, (561)682-2711.

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: Clayton Hutcheson Building Auditorium, Agricultural Services Center, 559 N. Military Trail, West Palm Beach, Florida

PURPOSE: A second SB1672 Pre-Application Conference will be held with applicable state and federal agencies to discuss the permitability and operability of certain projects related to Central and Southern Florida Project Comprehensive Review Study.

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: Neil Larson, Environmental Specialist, (561)682-6292.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 20, 2000, 9:00 a.m. – 12:00 Noon

PLACE: Rough Island Management Unit, Polk County, Florida. Departure point is the strip mall parking lot located southeast of the intersection of Poinciana Blvd., Pleasant Hill Rd. and Southport Ranch Rd. Maps will be supplied upon request.

PURPOSE: A meeting of the Kissimmee Chain of Lakes Land Management Advisory Committee to evaluate South Florida Water Management District land stewardship activities on District-managed lands.

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

PLACE: Gardner-Cobb Management Unit, Osceola County, Florida. Departure will be from the intersection of Canoe Creek Rd. (523) and Cypress Lake Rd. Maps will be supplied upon request.

PURPOSE: A meeting of the Kissimmee Chain of Lakes Land Management Advisory Committee to evaluate South Florida Water Management District land stewardship activities on District-managed lands.

All committee members are welcome to attend the site inspections. However, to arrange proper transportation, prior notification of intent to attend is required. Non-committee member (public) attendance is limited to the first five persons. Attendees are encouraged to bring drinking water. Notification must be made to: Jay Udelhoven, South Florida Water Management District, 7335 Lake Ellenor Drive, Orlando, Florida 32809, 1(800)250-4250, Extension 3823.

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: Jay Udelhoven at 1(800)250-4250, Extension 3823.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The **Florida Commission for the Transportation Disadvantaged** announces a telephone conference of the Commission to which all persons are invited.

DATE AND TIME: Tuesday, January 11, 2000, 11:30 a.m. – completion

PLACE: Conference Call (850)921-6623 or Suncom 291-6623

PURPOSE: To take a position on proposed legislation regarding Commission membership and other areas.

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.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited:

SHINE (Serving Health Insurance Needs of Elders) Planning Session and a Steering Committee Meeting.

DATES AND TIMES: Tuesday, January 11, 2000, 9:00 a.m.; Wednesday, January 12, 2000, 9:00 a.m.

PLACE: DoubleTree Orlando Resort & Conference Center, 3011 Maingate Lane, Kissimmee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning session will be to plan activities for the next six months, and the Steering Committee Meeting will be to discuss Elder Insurance Benefits.

A copy of the agenda may be obtained by contacting: Shelia Kilpatrick, (850)414-2060.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the District 9, Managed Care Ombudsman Committee to which all interested parties are invited.

DATE AND TIME: Thursday, January 13, 2000, 1:00 p.m. – 4:00 p.m.

PLACE: AHCA Building, 1710 East Tiffany Drive, West Palm Beach, FL 33407, (561)881-5080

PURPOSE: Regular monthly meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the department, (850)922-6476, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Attention: Shaundra Buggs, Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox, Building 1, Room 307, Tallahassee, FL 32308.

The **Agency for Health Care Administration** announces a meeting of the District 10, Managed Care Ombudsman Committee to which all interested parties are invited.

DATE AND TIME: Wednesday, January 12, 2000, 9:30 a.m. – 12:00 p.m.

PLACE: AHCA Building, Room 195, 1400 West Commercial Boulevard, Fort Lauderdale, FL 33309, (954)202-3200

PURPOSE: Regular monthly meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the department, (850)922-6476, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Attention: Shaundra Buggs, Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox, Building 1, Room 307, Tallahassee, FL 32308.

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Thursday, January 13, 2000, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox #3, Conference Room C, Tallahassee, FL 32308, (850)921-8871

PURPOSE: To study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Connie Cobia, (850)921-8871, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Connie Cobia, Administration and Information Services, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Room 1117, Tallahassee, FL 32308-5403.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees which all persons are invited:

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

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

PURPOSE: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty eight (48) hours before the meeting by contacting Dennis Barton, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public Telephone Conference call which all persons are invited:

DATE AND TIME: Thursday, January 20, 2000, 2:00 p.m.
 CONFERENCE CALL NUMBER: 1(800)659-8292
 PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301
 PURPOSE: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.
 A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty eight (48) hours before the meeting by contacting Dennis Barton, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting to conduct an orientation for Board Members which all persons are invited:

DATE AND TIME: Friday, January 21, 2000, 10:00 a.m.
 PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301
 PURPOSE: To conduct a Board Member orientation on Chapter 120, 471, 455 and other pertinent statutes as well as Chapter 61G15, Rules of the Board of Engineers.
 A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty eight (48) hours before the meeting by contacting Dennis Barton, (850)521-0500.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official telephone conference call regarding change of ownership applications.

DATES AND TIMES: January 19, 2000, 10:00 a.m.

MEET ME TELEPHONE NUMBER: (850)488-5776 or Suncom 278-5776

PURPOSE: General Business Meeting of the Board regarding Change of Ownership Applications and other business as directed by the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Stacey Merchant, (850)921-7868.

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 Stacey Merchant, (850)921-7868. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Board of Pilot Commissioners** announces a Conference Call meeting to discuss deputy advancements to which all persons are invited.

DATE AND TIME: January 18, 2000, 11:00 a.m., Eastern Standard Time
 ACCESS PHONE #: (850)921-5320, Suncom 291-5320
 PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399-0773
 PURPOSE: Deputy Advancements.

A copy of the agenda may be obtained by writing: Board of Pilot Commissioners, 1940 North Monroe Street, Suite 60, Tallahassee, FL 32399-0773.

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

Persons requiring special accommodations due to disability or physical impairment should contact Juanita Chastain, Board of Pilot Commissioners, (850)487-7991, at least five working days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees which all persons are invited:

DATE AND TIME: Tuesday, January 11, 2000, 10:00 a.m.

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

PURPOSE: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty eight (48) hours before the meeting by contacting Dennis Barton, (850)521-0500.

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: January 18, 2000, 2:30 p.m.

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL 32399, (850)487-1820

PURPOSE: Rules Committee meeting.

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 **Board of Accountancy** announces the following public meeting of the Board to which all person are invited:

DATE AND TIME: Friday, January 28, 2000, 8:30 a.m.

PLACE: Hilton Airport Hotel, 2225 North Lois Avenue, Tampa Florida

PURPOSE: Enforcement proceedings including consideration of investigating officers reports and other general business. This is a public meeting.

A copy of the agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, 2610 N. W. 43 Street, Suite 1-A, Gainesville, Florida 32606.

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

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Martha Willis, (352)955-2165. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Florida Real Estate Appraisal Board** announces a meeting of its Probable Cause Panel.

DATE AND TIME: Monday, January 10, 2000, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801

PURPOSE: Official business of the Appraisal Board Probable Cause Panel. Probable cause is not open to the public.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board 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 Appraisal Board** announces a workshop to which everyone is invited.

DATE AND TIME: Monday, January 31, 2000, 1:30 p.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Public Meeting Room, 400 W. Robinson St., Room 301, North Tower, Orlando, Florida, (407)245-0800

PURPOSE: Workshop session to discuss and review ways of handling recommended orders in disciplinary cases and the handling of mortgage fraud cases the Florida Administrative Code, Chapter 61J1 for possible changes.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five

calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Appraisal Board, P. O. Box 1900, Orlando, Florida 32802-1900.

The Florida **Real Estate Appraisal Board** announces a meeting to which everyone is invited.

DATE AND TIME: Tuesday, February 1, 2000, 9:00 a.m.

PLACE: Department of Business & Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801, (407)245-0800

PURPOSE: Official business of the Appraisal Board. Including but not limited to: Rule/statute amendments, and Disciplinary actions.

Any person who decides to appeal a decision made by the Board with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Appraisal Board, P. O. Box 1900, Orlando, Florida 32802-1900.

DEPARTMENT OF ENVIRONMENTAL REGULATION

The **Department of Environmental Protection** announces a public meeting to which all persons are invited:

DATE AND TIME: January 12, 2000, 7:00 p.m. – 9:00 p.m.

PLACE: Gainesville Regional Utilities Administration Building, Multi-purpose Room, 301 Southeast 4th Avenue, Gainesville, Florida

PURPOSE: To accept public comments and provide status of Department's Intent to Issue an Air Construction Permit to construct a combined cycle combustion turbine-electrical generator at the: Gainesville Regional Utilities, J. R. Kelly Generating Station, 605 Southeast 3rd Street, Gainesville, Alachua County, Florida.

The permitting action is subject to the Department's rules for the Prevention of Significant Deterioration of Air Quality and Best Available Control Technology (BACT).

A copy of the agenda and the Department's proposed permit and supporting documents can be obtained by contacting: Ms. Teresa Heron, Department of Environmental Protection, 2600 Blair Stone Road, MS 5505, Tallahassee, Florida 32399, Telephone (850)921-9529, or by phoning the Bureau of Air Regulation's New Source Review Section, (850)921-9533.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

DEPARTMENT OF JUVENILE JUSTICE

The **Department of Juvenile Justice** announces a meeting of The Juvenile Justice Standards and Training Commission to which any interested parties are invited.

DATES AND TIMES: January 12, 2000, 1:00 p.m. – 4:30 p.m.; January 13, 2000, 9:00 a.m. – 4:30 p.m.

PLACE: Radisson Hotel, 415 North Monroe Street, Tallahassee, Florida 32301, Telephone (850)224 6000

PURPOSE: Regular meeting to discuss issues related to staff training for Juvenile justice programs, as well as future plans for the juvenile Justice training system.

A copy of the agenda may be obtained after December 31, 1999 by contacting: Peggy Sanders, Florida Department of Juvenile Justice, Office of Staff Development, 2737 Centerview Drive, Suite 114, Tallahassee, Florida 32399-3100, Telephone (850)488-8825.

The **Juvenile Justice Accountability Board** announces a meeting of it's Juvenile Justice Education Policy Task Force which is open to the public.

DATES AND TIME: January 12, 2000, 2:00 p.m.– 6:00 p.m.; January 13, 2000, 8:30 a.m. – 4:00 p.m. or adjournment, whichever is earlier

PLACE: Webster Building, Second Floor, Conference Room, 2671 Executive Center Circle, West, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Includes vocational programming for youth committed to the Department of Juvenile Justice, implementation of Task Force's recommendations in HB 349, school district accountability and funding, and the programmatic, fiscal and governance issues associated with the creation of a separate school district.

For more information, contact: Marianna Tutwiler, Juvenile Justice Accountability Board Office, (850)921-5274.

The **Juvenile Justice Accountability Board** announces a meeting which is open to the public.

DATES AND TIMES: January 13, 2000, 4:00 p.m. – 5:30 p.m.; January 14, 2000, 9:00 a.m. – 1:00 p.m. or adjournment, whichever is earlier

PLACE: Webster Building, Second Floor, Conference Room, 2671 Executive Center Circle, West, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Includes progress reports on the following projects in the 1999-2000 work plan: Outcome Evaluation Study; Prevention Outcomes Study; Annual Report and Fact Book; Education Policy Study, and the Juvenile Transfers to Adult Court Study. Status reports will be received on the following matters pertaining to the Department of Juvenile Justice: Internal Agency Reorganization, including changes impacting the JJAB; LBR for FY 2000-2001; substantive legislative agenda; other program policy or operational initiatives.

For more information, contact: Juvenile Justice Accountability Board Office, (850)922-4377.

DEPARTMENT OF HEALTH

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

DATES AND TIMES: February 17-18, 2000, Board of Dentistry Workshop, 9:00 a.m.

PLACE: Bureau of Testing, 1940 North Monroe Street, Tallahassee, FL 32399-3256, (850)488-6016.

PURPOSE: To develop a task list for dental hygiene in preparation for the task analysis survey.

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

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

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

The Florida **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, January 14, 2000, 11:00 a.m.

PLACE: The Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)878-6502

PURPOSE: To conduct general business of the Council.

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

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

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

The Florida **Board of Medicine**, Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, January 15, 2000, 8:00 a.m., or soon thereafter

PLACE: The Hilton Garden Inn, 7300 Augusta National Drive, Orlando, Florida 32822, (407)240-3725

PURPOSE: To conduct general business of the Committee.

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

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

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

NOTICE OF CHANGE – The Florida **Board of Medicine**, Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, January 15, 2000, 8:00 a.m., or soon thereafter.

PLACE: The Holiday Inn Select, 5750 T. G. Lee Boulevard, Orlando, Florida 32822, (407)851-6400

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

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

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

The **Department of Health, Board of Nursing Home Administrators** announces an Application Review Committee meeting to which all interested persons are invited.

DATE AND TIME: February 10, 2000, 3:00 p.m.
PLACE: The Clarion Hotel, 2101 Dixie Clipper Road, Jacksonville, Florida 32218, (904)741-1997
PURPOSE: Review exam applications for the April 13, 2000, NHA exam.

A copy of the agenda and any probable cause materials which are open to the public may be obtained by writing: Board of Nursing Home Administrators, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)488-7549, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

The **Department of Health, Board of Nursing Home Administrators** announces a General Board Meeting to which all interested persons are invited.

DATE AND TIME: February 11, 2000, 9:00 a.m.

PLACE: The Clarion Hotel, 2101 Dixie Clipper Road, Jacksonville, Florida 32218, (904)741-1997

PURPOSE: Approve applications, conduct disciplinary proceedings, and general business of the Board.

A copy of the agenda may be obtained by contacting: Board of Nursing Home Administrators, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-0777, Telephone (850)488-7549.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)488-7549, 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).

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

The **Department of Health** and the Dietetics and Nutrition Practice Council, under the **Board of Medicine** announces a conference call to which all persons are invited.

DATE AND TIME: January 7, 2000, 8:30 a.m. or soon thereafter

NUMBER: Nonsuncom (850)921-5400, Suncom 291-5400
PURPOSE: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Dietetics and Nutrition Practice Council, 2020 Capital Circle, S. E., BIN #C05 Tallahassee, Florida 32399-3255, or by calling the council 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 council office, (850)487-2098. 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 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 to be based.

The **Department of Health** and the **Board of Physical Therapy Practice** announces a conference call to which all persons are invited.

DATE AND TIME: January 13, 2000, 8:30 a.m. or soon thereafter

NUMBER: Nonsuncom (850)921-2591, Suncom 291-2591

PURPOSE: Education Committee Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 2020 Capital Circle, N. 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**, Bureau of Emergency Medical Services invites the public to attend the "Transformation of EMS" meeting.

DATE AND TIMES: January 10, 2000, 10:00 a.m. – 5:00 p.m.

PLACE: Sheriff's Office/Public Safety Complex, 150 Bush Blvd., Sanford, Florida

PURPOSE: To undertake an assessment of alternative methods to current licensing, permitting, staffing, ambulance driver requirements, education and regulation of personnel. In addition, component work groups will develop legislative directives and an implementation plan, which will be incorporated into the EMS State Plan.

A copy of the agenda may be obtained by writing: Department of Health, Bureau of Emergency Medical Services, 2020 Capital Circle, Southeast, Bin #C18, Tallahassee, FL 32399-1738, by E-mail: patsy_paschal@doh.state.fl.us, or by calling Patsy Paschal, (850)245-4440, Extension 2772.

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 48 hours 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).

P. O. X00699

The **Miami-Dade County Health Department** announces a meeting of the Tobacco-Free Miami-Dade Community Partnership.

DATE AND TIME: Wednesday, January 12, 2000, 12:00 p.m. – 2:00 p.m.

PLACE: American Cancer Society's Winn-Dixie Hope Lodge Center

PURPOSE: Monthly meeting.

A copy of the agenda can be obtained by contacting: Christine Kelly, (305)377-5010, Ext. 118.

If special accommodations are needed to attend this meeting because of a disability, please contact Christine Kelly as soon as possible.

The **Correctional Medical Authority** announces a meeting to be held at Tallahassee, Florida, to which all persons are invited:

DATE AND TIME: January 14, 2000, 8:30 a.m. – 12:30 p.m.

PLACE: Department of Health, Conference Room 207, E. Charlton Prather, M.D. Building. 2585 Merchants Row Boulevard, Capital Circle Office Complex, Tallahassee, Florida 32399, (850)245-4044

PURPOSE: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Linda A. Keen, Executive Director, Correctional Medical Authority, 4025 Esplanade Way, Tallahassee, Florida 32399 or calling (850)245-4044.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Family Preservation and Support Coalition Executive Committee, sponsored by the District 12, **Department of Children and Family Services** announces the following public meeting to which all persons are invited.

DATE AND TIME: January 5, 2000, 9:00 a.m.

PLACE: Domestic Abuse Council, 211 N. Ridgewood Avenue, Daytona Beach, Florida

PURPOSE: Regular Business Meeting.

A copy of the agenda may be obtained by writing: Family Preservation and Support, Department of Children and Family Services, 210 North Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn.: Lynn Kennedy.

If you need special accommodations (i.e., assistive listening devices, sign language interpreter, etc.) please notify Lynn Kennedy, (904)226-7826, at least 48 hours in advance of the meeting. (Hearing impaired please use Florida Relay 1(800)955-8771).

The Family Preservation and Support Coalition's Communities In Action Coalition, sponsored by the District 12, **Department of Children and Family Services** announces the following public meeting to which all persons are invited.

DATE AND TIME: January 6, 2000, 6:30 p.m.

PLACE: Strong Tower Mission, 135 East Paulding Street, Pierson, Florida

PURPOSE: Regular Business Meeting.

A copy of the agenda may be obtained by writing: Family Preservation and Support, Department of Children and Family Services, 210 North Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn.: Lynn Kennedy.

If you need special accommodations (i.e., assistive listening devices, sign language interpreter, etc.) please notify Lynn Kennedy, (904)226-7826, at least 48 hours in advance of the meeting. (Hearing impaired please use Florida Relay 1(800)955-8771.)

The Family Preservation and Support Coalition Child Abuse and Neglect Prevention Committee, sponsored by the District 12, **Department of Children and Family Services** announces the following public meeting to which all persons are invited.

DATE AND TIME: January 10, 2000, 3:00 p.m.

PLACE: Children's Advocacy Center, 344 South Beach Street, Daytona Beach, Florida

PURPOSE: Regular Business Meeting.

A copy of the agenda may be obtained by writing: Family Preservation and Support, Department of Children and Family Services, 210 North Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn.: Lynn Kennedy.

If you need special accommodations (i.e., assistive listening devices, sign language interpreter, etc.) please notify Lynn Kennedy, (904)226-7826, at least 48 hours in advance of the meeting. (Hearing impaired please use Florida Relay 1(800)955-8771.)

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

The Level of Care Review Committee announces a public meeting to which you are invited to attend:

DATES AND TIME: January 5, 2000; January 12, 2000; January 19, 2000; January 26, 2000; February 2, 2000; February 9, 2000; February 16, 2000; February 23, 2000, 2:30 p.m.

PLACE: Department of Children and Family Services, District Office, 201 W. Broward Blvd., Suite 104-A, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of ADM client cases.

The HHSB Officers/Executive Committee announces a public meeting to which you are invited to attend:

DATES AND TIME: January 5, 2000; January 12, 2000; January 19, 2000; January 26, 2000; February 2, 2000; February 9, 2000; February 16, 2000; February 23, 2000, 3:00 p.m.

PLACE: Department of Children and Family Services, District Office, 201 W. Broward Blvd., Room 408, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to the Department of Children and Family Services.

The HHSB Public Health Committee announces a public meeting to which you are invited to attend:

DATES AND TIME: January 11, 2000; February 8, 2000, 4:00 p.m.

PLACE: Department of Children and Family Services, District Office, 201 W. Broward Blvd., Suite 510, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating Public Health.

The HHSB Alcohol, Drug Abuse and Mental Health Standing Committee announces a public meeting which you are invited to attend:

DATES AND TIME: January 10, 2000; February 14, 2000, 3:00 p.m.

PLACE: United Way, 1300 S. Andrews Avenue, Conference Room, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues/Committees relating to ADM clients and programs.

The Family Care Council announces a public meeting which you are invited to attend:

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

PLACE: Department of Children and Family Services, 201 W. Broward Blvd., Room 104-B, Ft. Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to clients who are Developmentally Disabled.

The Executive Committee for the Promoting Safe and Stable Families Program announces a public meeting which you are invited to attend:

DATE AND TIME: January 26, 2000, 3:00 p.m.

PLACE: Department of Children and Family Services, District Office, 201 W. Broward Blvd., Room 104-B, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to promoting safe and stable families.

The Health and Human Services Board announces a public meeting which you are invited to attend:

DATES AND TIME: January 24, 2000, February 28, 2000, 4:00 p.m.

PLACE: Department of Children and Family Services, District Office, 201 W. Broward Blvd., Room 408, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to the Department of Children and Family Services.

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

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

The **Department of Children and Family Services** announces the following public meetings of the District 6, Health and Human Services Board to which all persons are invited:

Committee: Advocacy and Legislative Affairs

DATE AND TIME: Monday, January 3, 2000, 1:30 p.m.

PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King, Jr., Blvd., Room 542, Tampa, FL

PURPOSE: To discuss advocacy and legislative issues.

Committee: Manatee Planning Group

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

PLACE: Bradenton Service Center, Small Conference Room, 303 13th Ave., E., Bradenton, FL

PURPOSE: To discuss the human service delivery system within Manatee County.

Committee: Children's Subcommittee

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

PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King, Jr., Blvd., Auditorium, Tampa, FL

PURPOSE: To discuss child protection, mental health and substance abuse services.

Committee: Health Subcommittee

DATE AND TIME: Monday, January 10, 2000, 1:30 p.m.

PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King, Jr., Blvd., Room 542, Tampa, FL

PURPOSE: To discuss current health issues.

Meeting: Hillsborough Legislative Delegation's Forum on Human Services

DATE AND TIME: Tuesday, January 11, 2000, 6:00 p.m.

PLACE: Hillsborough County Commission Board Room, 601 E. Kennedy Blvd., Tampa, FL

PURPOSE: To discuss human services issues.

Committee: Family Care Council

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

PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King, Jr., Blvd., Room 166, Tampa, FL

PURPOSE: To review supports and services for individuals with developmental disabilities and their families.

Committee: Adult Services Subcommittee

DATE AND TIME: Wednesday, January 12, 2000, 10:00 a.m.

PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King, Jr., Blvd., Room 421A, Tampa, FL

PURPOSE: Discuss Adult Service issues.

Committee: Developmental Services

DATE AND TIME: Friday, January 14, 2000, 1:00 p.m.

PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King, Jr., Blvd., Room 542, Tampa, FL

PURPOSE: Discuss services for the developmentally disabled.

Committee: Substance Abuse Subcommittee.

DATE AND TIME: Thursday, January 20, 2000, 10:00 a.m.

PLACE: 4000 W. Dr. Martin Luther King, Jr., Blvd., Tampa, FL

PURPOSE: Discuss substance abuse service issues.

Committee: Executive

DATE AND TIME: Wednesday, January 26, 2000, 12:00 p.m.

PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King, Jr., Blvd., Auditorium, Tampa, FL

PURPOSE: General Business and planning activities.

Committee: Full Health and Human Services Board

DATE AND TIME: Wednesday, January 26, 2000, 1:00 p.m.

PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King, Jr., Blvd., Auditorium, Tampa, FL

PURPOSE: General business.

Call Donna Sinudom, (813)871-7454, for copies of the agenda, additional information and meeting confirmations. Users of text telephones (TTYs), please call this number through the Florida Relay Service at 1(800)955-8771.

The Florida **Department of Children and Family Services** announces conference calls of the District 8, Health and Human Services Board will be held as follows:

DATES AND TIME: January 3, 2000; February 7, 2000; March 6, 2000; April 3, 2000; May 1, 2000; June 5, 2000, 5:00 p.m.

PLACE: Suncom 277-9552 or Nonsuncom (850)487-9552

PURPOSE: Review agenda for up-coming meeting.

The agenda may be obtained by contacting: Department of Children and Family Services, Mission Support and Planning, 2295 Victoria Avenue, Fort Myers, Florida 33901, in writing or by Telephone (941)338-1435, one week prior to the conference call.

The Florida **Department of Children and Family Services** announces meetings of the District 8, Health and Human Services Board Subcommittees to which all interested parties are invited.

Developmental Services and Gulf Coast Center

DATE AND TIME: No Meeting
Children's Services

DATE AND TIME: No Meeting
Economic Self-Sufficiency

DATE AND TIME: January 10, 2000, 12:00 p.m.
PLACE: Regional Service Center, Room 233, 2295 Victoria Avenue, Fort Myers, FL

G. Pierce Wood, Adult Mental Health and Substance Abuse Services, Children's Substance Abuse Services

DATE AND TIME: January 10, 2000, 11:30 a.m.
PLACE: Regional Service Center, Room 140, 2295 Victoria Avenue, Fort Myers, FL

PURPOSE: Monthly committee meetings.
A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Planning and Evaluation, 2295 Victoria Avenue, Fort Myers, Florida 33901, in writing or by Telephone (941)338-1435, one week prior to meeting.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings should contact the Consumer Relations Unit at (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, Health and Human Services Board will meet on the following dates:

DATES AND TIME: January 10, 2000; March 13, 2000; May 8, 2000, 1:00 p.m.

PLACE: Regional Service Center, 2295 Victoria Avenue, Fort Myers, Florida

DATES AND TIME: February 14, 2000; April 10, 2000; June 12, 2000, 1:00 p.m.

PLACE: SouthTrust Bank, 401 Taylor Street, Punta Gorda, Florida

PURPOSE: Regular board meeting.
A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Mission Support and Planning, 2295 Victoria Avenue, Fort Myers, Florida 33901 one week prior to meeting.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings 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).

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a Workshop for planning purposes to which all interested parties are invited. No official action will be taken on any item.

DATES AND TIME: Thursday, January 13, 2000, Friday, January 14, 2000, times to be announced in the next edition of the Florida Administrative Weekly

PLACE: World Golf Village Resort Hotel, 500 South Legacy Trail, St. Augustine, Florida 32092, (904)940-8000

A copy of the agenda may be obtained on the Internet: www.floridahousing.org or by contacting: Mary Floyd, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Telephone (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Mary Floyd, Board Liaison, at the Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

You are hereby notified that the **Advisory Council on Environmental Education** will meet on:

DATE AND TIME: Tuesday, January 11, 2000, 10:00 a.m. – completion of business

PLACE: Second Floor, Conference Room, Farris Bryant Building, 620 South Meridian Street, Tallahassee, FL

PURPOSE: Selection of Grant proposals for funding.

If an accommodation is needed for a disability in order to participate in this activity, please notify staff, (850)487-0123, at least seven (7) days prior to the activity. If you are hearing or speech impaired, please contact staff by using the Florida Relay Service at 1(800)955-8771 (TDD).

The Florida **Fish and Wildlife Conservation Commission** (FWC) announces a meeting of the Management Advisory Group for the Three Lakes Wildlife Management Area, located south of St. Cloud in Osceola County.

DATE AND TIME: Wednesday, January 26, 2000, 9:00 a.m.

PLACE: Osceola County Central Library, 2nd Floor, Meeting Room, 211 East Dakin Avenue, Kissimmee, Florida 34741

PURPOSE: To convene a meeting of stakeholders to provide priority considerations to FWC for future management of the Three Lakes Wildlife Management Area. The input received will be used to prepare an update of the five-year Conceptual Management Plan for the wildlife management area.

The Florida **Fish and Wildlife Conservation Commission** announces a public hearing for the Three Lakes Wildlife Management Area located south of St. Cloud in Osceola County.

DATE AND TIME: Thursday, February 10, 2000, 7:00 p.m.

PLACE: Osceola County Central Library, 2nd Floor, Meeting Room, 211 East Dakin Avenue, Kissimmee, Florida 34741

PURPOSE: To receive public comments regarding considerations for updating the five-year Conceptual Management Plan (CMP) for the Three Lakes WMA.

Participants in this hearing should understand that the purpose for this hearing does not include the opportunity to discuss public use regulations and/or hunting regulations for Three Lakes WMA. There is a separate public process for this purpose. This hearing is designed exclusively for discussion of the draft management plan.

A copy of the Three Lakes WMA Management Prospectus is available upon request from: Keith Singleton, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, Telephone (850)487-1474.

CENTRAL FLORIDA RESEARCH PARK

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: January 12, 2000, 8:00 a.m.

PLACE: Administration Building, University of Central Florida, 4000 Central Florida Building, Orlando, Florida

PURPOSE: General Business Meeting.

HEALTHY KIDS AND KIDCARE

The **Florida Healthy Kids Corporation** announces the Board of Directors meeting to which all persons are invited to attend.

DATE AND TIME: January 14, 2000, 9:00 a.m. – 1:00 p.m.

PLACE: The Dadeland Marriott, 9090 Dadeland Blvd., Miami, Florida.

PURPOSE: Meeting of the Board of Directors.

Further details and an agenda for the meeting may be obtained by contacting: Amber Floyd, Florida Healthy Kids Corporation, (850)224-KIDS (5437), Extension 6122.

FLORIDA CONFLICT RESOLUTION CONSORTIUM

The **Florida Conflict Resolution Consortium** announces a meeting of its Advisory Council to which all interested parties are invited.

DATE AND TIME: Thursday, January 20, 2000, 9:00 a.m. – 3:00 p.m.

PLACE: Turnbull Conference Center, Florida State University, 555 West Pensacola Street, Room 244, Tallahassee, Florida 32306

PURPOSE: This meeting will be a strategic planning session.

FLORIDA PORTS CONFERENCE

The **Florida Ports Conference** announces a public meeting to which all interested persons are invited.

DATE AND TIME: January 26, 2000, 11:45 a.m. – 1:30 p.m.

PLACE: Sheraton Suites, Cypress Creek Hotel, 555 N. W. 62nd Street, Ft. Lauderdale, FL

PURPOSE: General Business Meeting.

A copy of the agenda may be obtained by contacting: James C. Massie, General Counsel, (850)222-8021.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that 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.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise James C. Massie, (850)222-8021.

FLORIDA PORTS FINANCING COMMISSION

The **Florida Ports Financing Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: January 26, 2000, 2:00 p.m. – 4:30 p.m.

PLACE: Sheraton Suites, Cypress Creek Hotel, 555 N. W. 62nd Street, Ft. Lauderdale, FL

PURPOSE: General Business Meeting.

A copy of the agenda may be obtained by contacting: James C. Massie, General Counsel, (850)222-8021.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that 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.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise: James C. Massie, (850)222-8021.

FLORIDA HEALTHCARE PURCHASING COOPERATIVE

The **Florida Healthcare Purchasing Cooperative** announces a meeting of the FHPC Board of Directors by TELEPHONE CONFERENCE. The meeting will be in two parts: Part I and Part II. Part II will be closed to the public but will be recorded by a Court Reporter for later use.

PART I

DATE AND TIME: Thursday, January 27, 2000, 9:00 a.m.

PURPOSE: To discuss financial reports and general business of the Cooperative.

PART II

DATE AND TIME: Thursday, January 27, 2000, 10:00 a.m.

PURPOSE: To focus on litigation and mediation strategies for the Cooperative.

Additional information and a complete agenda may be obtained by contacting Irene Stone, (904)471-2400.

FLORIDA TOURISM INDUSTRY MARKETING CORPORATION

The Florida Tourism Industry Marketing Corporation, dba VISIT FLORIDA announces a public meeting of the Multi-Cultural Subcommittee as follows:

Meeting: Multi-Cultural Subcommittee

DATE AND TIME: January 18, 2000, 1:00 p.m. – 4:00 p.m.

PLACE: Fairfield Inn, Orlando International Airport, 7100 Augusta National Drive, Orlando, FL 32822, (407)888-2666

PURPOSE: The Subcommittee will discuss staff recommendations for the FY 2000-2001 Marketing Plan.

For further information contact: Sandy Stevens, CMP, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, or at (850)488-5607, Ext. 364.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF HEALTH

The Board of Nursing hereby gives notice that it has received a Petition for Declaratory Statement filed by Lois Newman, RN. The Petitioner seeks the Board’s interpretation of the application of Section 464.003(3)(a), F.S., to the circumstances outlined in the petition. Specifically, the Petitioner asks if a registered nurse in the department of dermatology at Mayo Clinic Jacksonville may, under physician supervision, administer local analgesic/anesthetic medication.

The Board will consider this petition at 6:30 p.m., February 9, 2000, at its meeting at the Sandestin Beach Resort, 9300 Highway 98 West, Destin, Florida 32541. Copies of the petition may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207.

**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

NOTICE TO CONSTRUCTION MANAGERS

Florida State University announces that construction management services will be required for the project listed below:

Project No.: BR-210

Project and Location: Oglesby Student Union Renovations, Florida State University, Tallahassee, Florida

The project involves general and specific renovations to one floor of the Activities Building and also to the multipurpose facilities in the Davis Building known as the University Ballrooms on the second floor.

The estimated construction cost is \$1,934,000.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of

\$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained through our Website: www.vpfa.fsu.edu/fpc or by contacting Lynetta Mills, Facilities Planning & Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 Telephone, (850)644-8351 Facsimile.

For further information on the project, contact John Schanbacher, Project Manager, at the address and phone listed above.

Five bound copies of the required proposal data shall be submitted. Submittals must be received in the FSU Facilities Planning & Construction Office by 2:00 p.m., Local Time, on January 28, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of Central Florida announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-456

Project and Location: Multi-Lingual Multi-Cultural Center, University of Central Florida, Orlando, Florida 32816

The design and construction of a Multi-Lingual Multi-Cultural Center that contains approximately 5,610 sq. ft. for classrooms, 1,184 sq. ft. for teaching labs, 200 sq. ft. for library/study and 3,876 sq. ft. for offices. One of the goals for this project is to develop a physical link to the Barbara Ying International Student Center. The Multi-Lingual Multi-Cultural Center will be located on the University of Central Florida campus, adjacent to the Barbara Ying International Student Center.

The construction cost will be approximately \$2,173,553. This facility will be in the planning phase in the year 2000. The selected firm will provide design, construction documents and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$250,000, and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration must submit a letter of application.

The letter of application should have attached:

1. The most recent version of the Board of Regents "Professional Qualifications Supplement" dated 9/99, completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to

practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

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

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Mr. Peter Newman, Director of Facilities Planning, University of Central Florida, Telephone (407)823-2166, Fax (407)823-5141, Email: pnewman@mail.ucf.edu, Website: www.fp.ucf.edu.

Submittals must be received in the Physical Plant Building, University of Central Florida, Office of Facilities Planning, 4000 Central Florida Boulevard, P. O. Box 163020, Orlando, FL 32816-3020, by 5:00 p.m., Local Time, Monday, January 31, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

ADVERTISEMENT FOR BIDS

Sealed bids will be received by the Duval County Public Schools, Division of Facilities Services, Room 546, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207 for:

PROJECT TITLE: Replace Restroom Fixtures, Partitions and Piping/Replace Domestic Water Pipes at Darnell Cookman Middle School, #145

BID NUMBER: M-85090 and M-85100

SCOPE OF WORK: Project #M-85090: Provide new Domestic Water Piping fixtures, trim and accessories within buildings. All walls, ceilings and floors shall be patched and painted that are effected by this work.

Project #M-85100: Provide new Domestic Water Piping serving all buildings on this site. Provide new Back-flow Preventer Assembly. Provide new Toilet Partitions in several restrooms.

BIDS: Bids will be received until 2:00 p.m., Tuesday, February 8, 2000 and immediately thereafter publicly opened, read aloud and recorded in the Conference Room, 5th Floor Facilities, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207.

All general contractors or prime bidders that are interested in bidding are required to attend a mandatory pre-bid conference to be held on January 28, 2000, 9:00 a.m., Local Time, Darnell Cookman Middle School, #145, 1701 Davis Street, Jacksonville, Florida 32209-6598. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed contractors and registered corporations, if applicable, as required by the laws of the State of Florida.

Contract documents for bidding may be obtained at the office of M. V. Cummings Engineers, Inc., 6501 Arlington Expressway, Suite 211-B, Jacksonville, Florida 32211. A refundable deposit of one hundred dollars per set is required.

Contract documents for bidding may be examined at: Division of Purchasing Services, Duval County Public Schools; F. W. Dodge McGraw Hill Plan Room; Construction Bulletin; Construction Market Data, Inc.; Business Service Center

MBE PARTICIPATION: A minimum of 5 percent overall Minority Business Enterprise participation required.

ADVERTISEMENT FOR BIDS:

Sealed bids will be received by the Duval County Public Schools, Division of Facilities Services, Room 546, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207 for:

PROJECT TITLE: Replace Domestic Water Lines and Partitions, Highlands Elementary School, No. #99

BID NUMBER: M-85110

SCOPE OF WORK: Replace all Domestic Water Piping, all toilet partitions, partition doors, hardware and toilet paper dispensers. Replace all plumbing fixtures and trim. Upgrade existing gang restrooms to meet ADA requirements.

BIDS: Bids will be received until 2:00 p.m., Tuesday, February 1, 2000 and immediately thereafter publicly opened, read aloud and recorded in the Conference Room, 5th Floor Facilities, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207.

All general contractors or prime bidders that are interested in bidding are required to attend a mandatory pre-bid conference to be held on January 21, 2000, 9:00 a.m., Local Time, Highlands Elementary School, #99, 1000 dePaul Drive, Jacksonville, Florida 32218-4698. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed contractors and registered corporations, if applicable, as required by the laws of the State of Florida.

Contract documents for bidding may be obtained at the office of M. V. Cummings Engineers, Inc., 6501 Arlington Expressway, Suite 211-B, Jacksonville, Florida 32211. A refundable deposit of fifty dollars per set is required.

Contract documents for bidding may be examined at: Division of Purchasing Services, Duval County Public Schools; F. W. Dodge McGraw Hill Plan Room; Construction Bulletin; Construction Market Data, Inc.; Business Service Center
MBE PARTICIPATION: A minimum of 5 percent overall Minority Business Enterprise participation required.

ADVERTISEMENT FOR BIDS:

Sealed bids will be received by the Duval County Public Schools, Division of Facilities Services, Room 546, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207 for:

PROJECT TITLE: Additions, Remodeling and Site Improvements at Ortega Elementary School, #16.

BID NUMBER: C-90180

SCOPE OF WORK: Provide new Domestic Water piping for Buildings 2, 3, 4 and 6. A portion of Domestic Water Piping System in building #1 shall be replaced. Two new grease traps shall be installed in the kitchen area. Four counter-tops and back-splashes shall be replaced in buildings #3 and #4.

BIDS: Bids will be received until 2:00 p.m., Tuesday, January 25, 2000 and immediately thereafter publicly opened, read aloud and recorded in the Conference Room, 5th Floor Facilities, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207.

All general contractors or prime bidders that are interested in bidding are required to attend a mandatory pre-bid conference to be held on January 14, 2000, 9:00 a.m., Local Time, Ortega Elementary School, #16, 4010 Baltic Avenue, Jacksonville, Florida 32210-4300. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed contractors and registered corporations, if applicable, as required by the laws of the State of Florida.

Contract documents for bidding may be obtained at the office of M. V. Cummings Engineers, Inc., 6501 Arlington Expressway, Suite 211-B, Jacksonville, Florida 32211. A refundable deposit of fifty dollars per set is required.

Contract documents for bidding may be examined at: Division of Purchasing Services, Duval County Public Schools; F. W. Dodge McGraw Hill Plan Room; Construction Bulletin; Construction Market Data, Inc.; Business Service Center
MBE PARTICIPATION: THIS IS A 100 PERCENT SET-ASIDE FOR A MINORITY BUSINESS ENTERPRISE.

Notice to Bidders
 The School District of Lee County, Florida
 Purchasing Department

QUOTATION REQUEST FOR:

Food Products for Lee County Schools

(List and partial specifications: Sweet potatoes, canned; Pimentos; Catsup, Exacta Mate; Mayonnaise, Exacta Mate; Sauerkraut, canned; Topping, Whipped, non-dairy)

Bid No: 5829 Bid Opening Date: January 18, 2000

Request a bid package by:

Phone (941)479-4250, Fax (941)337-8200, In Person or Mail: 3308 Canal Street, Fort Myers, Florida 33916-6594

Requests must be received by January 7, 2000, 2:00 p.m. Only vendors who respond to this letter will receive the complete bid package.

By: Linda Owen, Senior Buyer

REGIONAL TRANSPORTATION AUTHORITIES

TRI-COUNTY COMMUTER RAIL AUTHORITY

INVITATION TO BID NO. 99-828

HOLLYWOOD STATION IMPROVEMENTS

Tri-County Commuter Rail Authority (Tri-Rail), an agency of the state of Florida, operates a seventy-two (72) mile commuter railroad with nineteen (19) stations in Miami-Dade, Broward, and Palm Beach Counties.

THE PURPOSE of this Invitation to Bid (ITB) is to enter into an Agreement to provide all supervision, project coordination, scheduling, construction management, labor, equipment, tools, supplies, insurance, permanent materials, temporary materials, vehicles, storage sheds and incidentals (including acquisition of all agency permits and inspections) required for **HOLLYWOOD STATION IMPROVEMENTS**, located on the FDOT Rail Corridor, west of Interstate-95, and north of Hollywood Blvd., in Hollywood, Florida (Broward County).

The extent of the Project will include, as a minimum, the following construction trades and/or disciplines: Supervision, Scheduling, Permitting, Safety Coordination, Security, Maintenance of Traffic, Site Clearing, Earthwork, Concrete Work, Metal Fabrication, Platform Construction, Paving, Grading, Drainage, Plumbing, Electrical Work, Landscape Irrigation and Landscape Plant Installation.

A **REQUEST FOR DOCUMENTS** should be directed to: Mr. Tom Siciliano, Tri-Rail, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064, (954)788-7912. The cost of the solicitation documents is \$150.00, non-refundable. Checks or money orders, made in favor of Tri-Rail should be forwarded to Tom Siciliano at the address above. Solicitation documents will be available on or about January 3, 2000.

A **PRE-BID CONFERENCE** will be held in the Tri-Rail Board Room at the address above on Tuesday, January 11, 2000, 10:00 a.m. The purpose of the meeting will be for Tri-Rail to

respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is highly recommended.

REQUESTS FOR CLARIFICATION regarding specifications or bid documents must be submitted to Tri-Rail no less than ten calendar (10) days before the bid opening date.

RECEIPT OF SEALED BIDS: All Bids must be received in a sealed envelope no later than 4:00 p.m., January 28, 2000, at the address above. All envelopes must bear the Tri-Rail provided label that clearly indicates the BIDDER'S NAME, ITB NUMBER & TITLE, AND BID OPENING DATE.

Tri-Rail reserves the right to postpone, to accept, or reject any and all Bids in whole or in part. All Bidders must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All Bids must remain in effect for one hundred eighty (180) days from the date of Bid Opening.

BID SECURITY in the amount of five percent (5%) of the Bid must accompany each Bid in accordance with the Instruction to Bidders and General Terms and Conditions.

TERM: The job completion date for the Agreement shall be August 31, 2000.

ESTIMATED BUDGET: \$1,000,000

FUNDING: This project is funded in part by a grant from the Federal Transit Administration. Any resultant Agreement shall be subject to all federal rules and regulations. Davis-Bacon wage rates and other federal provisions shall apply.

DBE PARTICIPATION: The Disadvantaged Business Enterprise participation goal for this solicitation is twelve percent (12%).

DEPARTMENT OF MANAGEMENT SERVICES

**PUBLIC ANNOUNCEMENT FOR
CONSTRUCTION MANAGEMENT SERVICES**

PROJECT NUMBER: AG-98008010

PROJECT NAME: Pompano State Farmers Market, Administrative Building Phase I and Miscellaneous Repairs

PROJECT LOCATION: Pompano Beach, Florida

The Department of Management Services, Building Construction, requests qualifications from construction management firms to provide construction management services for this project. The construction budget for this project is up to \$6,500,000.00. Construction start date is June 2000.

Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit five (5) copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.

Response Due Date: February 2, 2000

Applications are to be sent to: Larry Roemer, State of Florida, Division of Management Services, 4508 Oak Fair Blvd., Suite 200, Tampa, Florida 33610.

Date and Location of Shortlist: February 4, 2000, 4508 Oak Fair Blvd., Suite 200, Tampa, Florida 33610.

Date and Location for Interviews: February 16, 2000, Pompano Beach Farmers Market, 1255 W. Atlantic Blvd., Pompano Beach, Florida 33060.

Any changes to the above dates will be published on our Website: <http://fcn.state.fl.us/dms/dbc/oppor1.html>

Any protest on the selection must be made within 72 hours of posting this notice. If no protest is received within 72 hours, contract award and negotiation will proceed with the selection firm. The selection results will be published in the Florida Administrative Weekly.

**NOTICE TO PROFESSIONAL CONSULTANTS
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
SERVICES FOR ARCHITECTURE – ENGINEERING**

The Division of Building Construction announces that professional services are required for the project(s) listed below.

PROJECT NUMBER: JB-99029000

PROJECT NAME: Supreme Court Office Space Study

PROJECT LOCATION: Tallahassee, Florida

SERVICES TO BE PROVIDED: Selected Architect's Responsibilities

- Review existing space utilization and personnel
- Evaluate the efficiency of the Court utilization of existing space
- Review the Court's projected space needs and forecast its needs for the next 15 years
- Interview designated units to more thoroughly understand the Courts needs

- Study the option of adding a wing onto the existing property
- Explore the purchase of property downtown for the Courts growth and building or renovating space as required
- Study the option of using State property on Madison Street (or elsewhere downtown) for growth
- Review (with DMS) the possibility of using existing State-owned office space downtown
- Recommended what units should be placed in the new facility
- Provide solution(s) to the Court's parking needs
- Review the Court's security and recommended enhancements
- Provide the Court a comprehensive written report with cost estimates within a pre-determined time frame suitable to the Courts' requirements.

SAMAS CODE: 22-10-1-000015-22010000-00-082039-00
 CLIENT AGENCY: Judicial Branch-Florida Supreme Court
 CLIENT AGENCY REPRESENTATIVE: Marshall Wilson Barnes

DMS PROJECT DIRECTOR: Harold V. Branch

PHONE NO: (850)487-9923

RESPONSE DUE DATE: January 25, 2000, 5:00 p.m., Local Time

Applications are to be sent to: Department of Management Services, Division of Building Construction, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, Attn.: Mr. Harold Branch

DATE AND LOCATION OF SHORTLIST: February 1, 2000; Florida Supreme Court, Tallahassee

DATE AND LOCATION FOR INTERVIEWS: February 1, 2000; Florida Supreme Court, Tallahassee

Any changes to the above dates will be published on our Website: <http://fcn.state.fl.us/dms/dbc/oppor1.html>

INSTRUCTIONS

Firms interested in being considered for this project must submit eight (8) copies of their application with a table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112.
3. A copy of the firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

Please include one stamped, self-addressed envelope for notice of selection results. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Selections will be made in accordance with Chapter 287.055, Florida Statutes.

Applicants are advised that plans and specifications for A/E projects may be reused. An appropriate contractual agreement will be made with the selected firm should this be necessary. Any protests of the selection must be made within 72 hours of posting the selection results. If no protest is received within 72 hours, negotiation and contract award will proceed with the selected firm. The selected firm will be notified and announcement of selected firms will be published in the Florida Administrative Weekly.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection, Office of Greenways and Trails, will accept proposals for land acquisition funding under the Florida Greenways and Trails Program between January 1, 2000-March 1, 2000. Applicants must submit an original and twenty-four (24) first-generation copies of the application and supporting documentation to the Office of Greenways and Trails (OGT) at the address listed below by 5:00 p.m., March 1, 2000. Faxes will not be accepted. The Florida Greenways and Trails Program receives approximately \$4.5 million dollars annually funded through the sale of bonds authorized under the Florida Forever Act. For an application or copy of the draft rules containing detailed program requirements, call or write the Office of Greenways and Trails or visit the OGT website.

Department of Environmental Protection, Office of Greenways and Trails, Douglas Building, Room 853, 200 Commonwealth Boulevard, MS 795, Tallahassee, FL 32399-3000, (850)488-3701, Website: www.dep.state.fl.us/gwt

DEPARTMENT OF HEALTH

IMPORTANT NOTICE OF CHANGES TO THE INVITATION TO NEGOTIATE (ITN) FOR ABSTINENCE ONLY EDUCATION TEEN PREGNANCY PREVENTION SERVICES, ITN NUMBER 99024

The Florida Department of Health, Division of Family and Community Health, has released Addendum 3, to the Invitation to Negotiate for Abstinence Only Education Teen Pregnancy Prevention Services, ITN Number 99024. Addendum 3 to the ITN reflects IMPORTANT CHANGES. Specifically, Letters of Intent to Submit a Proposal are no longer required for any Category. Also FOR CATEGORY I ONLY – SATURATION/

INTENSIVE COMMUNITY MODEL, the "Proposal Due Date" has been extended to January 31, 2000. Other date changes for Category I ONLY have been extended to correspond to the new proposal due date. DATES/ DEADLINES FOR SUBMISSION OF PROPOSALS IN CATEGORIES II, III AND IV REMAIN THE SAME. To receive a copy of the Addendum or if you have any questions, please contact: Annette Phelps, or Elaine Cauthen, (850)245-4466.

WAGES STATE BOARD

STATEMENT OF RFP

The WAGES State Board is requesting proposals from qualified General Business Purposes Organizations in the State of Florida for their local area replication of the successful Workforce 2020 program carried on in Orlando in the past year. The program is to create jobs for TANF recipients through respondent's local area Employer and Community awareness campaign of the benefits of hiring WAGES clients. Respondents will be a not-for-profit General Purpose Business Organization Florida corporation chartered at least two years prior to the date of this RFP. Contracts will be issued for one year and may be considered for a one year renewal. Proponents will develop and effect a program in cooperation with their local WAGES coalition that achieves the WAGES mission of placing TANF recipients in jobs that can lead to self sufficiency.

Proponents will be required to attend a pre-proposal conference on January 18, 2000 as outlined in the RFP. Responses will be graded on a point systems outlined in the RFP and are due by 3:00 p.m., January 28, 2000. Contract(s) will be awarded on February 18, 2000.

Questions should be addressed to: Ted Wilhite, WAGES State Board, 102 West Whiting Street, Suite 502, Tampa, Florida 33602.

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

DIVISION OF SECURITIES AND INVESTOR PROTECTION

IN RE:

HERBERT FEINMAN d/b/a FEINMAN

AND COMPANY,

Norman E. Lewis

Respondents.

Administrative Proceeding

No. 2892-S-12/99

NOTICE OF INTENT TO ENTER A FINAL ORDER GRANTING RECOVERY FROM THE SECURITIES GUARANTY FUND AND NOTICE OF RIGHTS

The State of Florida Department of Banking and Finance, Division of Securities and Investor Protection (the "Department"), being authorized and directed to administer and to accept and pay claims against the Securities Guaranty Fund (the "Fund"), codified in Sections 517.131 and 517.141, Florida Statutes, does hereby give Notice of its intention to enter a Final Order granting the application of Norma E. Lewis ("Lewis" and "Claimant") for payment from the Fund for violations of the Florida Securities and Investor Protection Act by Respondent Herbert Feinman d/b/a Feinman and Company. The Securities Guaranty Fund is disbursed as provided in Section 517.141, Florida Statutes, to a person who is adjudged by a court of competent jurisdiction to have suffered monetary damages as a result of a dealer, investment advisor, or associated person having violated Sections 517.07 or 517.301, Florida Statutes.

STATEMENT OF FACTS

1. Under the provisions of the Florida Securities and Investor Protection Act (the "Act"), the Department is charged with the responsibility and duty of administering the fund, which includes the duty to approve or deny applications for payment from the Fund, as set forth in Section 517.141(3)(a), Florida Statutes.

2. At all times material hereto, Herbert Feinman d/b/a Feinman and Company, ("Feinman") was registered pursuant to Chapter 517, Florida Statutes (CRD No. 205702).

3. In December, 1999, the Department received a letter from Richard C. Stoddard, Attorney for the Claimant. The letter provided notice to the Department that Claimant was making a claim against the Securities Guaranty Fund for acts committed by Feinman. Also, the letter provided:

a. A copy of a Complaint filed in the Circuit Court in and for Duval County, Florida, case number 99-00795 CA;

b. A copy of an Amended Affidavit of Claim stating that Norma E. Lewis had \$454,310.65 on deposit with Feinman which was due and owing to the Claimant;

c. A copy of an Amended Summary Final Judgement finding Feinman to have violated Section 517.07, Florida Statutes, and Section 517.301, Florida Statutes and Ordering Feinman to pay \$454,310.65 to Lewis;

c. A copy of a Writ of Execution commanding the Sheriff of Duval County to Levy on the property of Feinman;

d. A copy of the receipt for the Writ of Execution; and

e. A copy of an affidavit from a private investigator stating that he was unable to locate any assets upon which a levy can be made sufficient to satisfy the judgement against Feinman.

CONCLUSIONS OF LAW

4. The requirements for perfecting a claim to the Fund are found in Sections 517.131 and 517.141, Florida Statutes.

5. Based upon the foregoing Statement of Facts, the Department concludes that the Claimant has satisfied the requirements in Section 517.131, Florida Statutes, in that:

a. Claimant has been adjudged by the Circuit Court in and for Duval County, Florida, to have suffered monetary damages in the amount of \$454,310.65;

b. The Amended Final Summary Judgement Found violations of Section 517.07, Florida Statutes and Section 517.301, Florida Statutes;

c. Claimant has attempted to collect from the judgement debtor, but she has not recovered any amount from the Respondent, or any other source in satisfaction of these damages;

d. At all times material hereto, Respondent was licensed under Chapter 517, Florida Statutes; and

e. The act for which Claimant seeks recovery occurred after January 1, 1979.

6. Claimant is limited to recovering the amount equal to the unsatisfied portion of her judgment or \$10,000, whichever is less, as set forth in Section 517.141(1), Florida Statutes.

7. The total claims may not exceed \$100,000, and all claims will be prorated based upon the ratio that the person's claim bears to the total claims filed, as set forth in Section 517.141(2), Florida Statutes.

8. Section 517.141(3), Florida Statutes, provides that no payment from the Fund shall be made until 2 years after the first claim has been determined by the Department to be eligible for payment from the Fund. This subsection further provides that any additional claims or potential claims filed with or approved by the Department during the two year period shall also be considered by the Department and provision made for further prorations concerning such additional claims, if any, two years hence.

9. It is the conclusion of the Department that no payment shall be made in connection with the Claimant's claim until two years from the date of this first Final Order regarding Respondent Feinman.

PROPOSED FINAL ORDER

Upon due consideration of the factual statement set forth above and the law applicable thereto, NOTICE is hereby given that the Department intends to and will issue a Final Order substantially as follows, subject only to the Notice of Rights attached hereto and made a part hereof:

1. The Department hereby grants Lewis' claim;

2. No payment from the Fund shall be made until two years from the date of entry of this first Final Order regarding Feinman;

3. Upon expiration of such period, provided that no further claims are duly received or approved by final order by the Department alleging violations of the Act by Feinman, and subject to further proration and limitation as may be required by section 517.141(3) and (4), Florida Statutes, the Department shall pay Norma E. Lewis the amount of up to \$10,000.00 from the Fund;

4. Lewis shall assign any right, title, and interest in the debt to the extent of and prior to any payment by the Department from the Fund.

NOTICE OF RIGHTS

Notice is hereby given that Respondent may request a hearing on the Notice of Intent to enter a Final Order Granting Recovery from the Securities Guaranty Fund to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. Requests for such a hearing must comply with the provisions of Florida Administrative Code 28-106.201 and must be filed with: Clerk, Office of the Comptroller, Department of Banking and Finance, Legal Section, 101 East Gaines Street, The Fletcher Building, Room 526, Tallahassee, Florida 32399-0350, within twenty-one (21) days after Respondent receives a copy of this Notice of Intent to enter a Final Order Granting Recovery from the Securities Guaranty

Fund and Notice of Rights, otherwise Respondent shall be deemed to have waived all rights to such hearing. Should Respondent request such a hearing, he is further advised that at such hearing he will have the right to offer testimony, either written or oral; to call and cross-examine witnesses; and to have subpoena and subpoenas duces tecum issued on his behalf.

/s/ _____

Thomas Cibula, Assistant General Counsel, Office of the Comptroller, 101 East Gaines Street, The Fletcher Building, Suite 526, Tallahassee, Florida 32399-0350, (850)410-9896

DIVISION OF SECURITIES AND INVESTOR PROTECTION

IN RE:

A. T. BROD & CO., INC.,

William Lowery and Judith Lowery

Administrative Proceeding No. 2887-S-11/99

Respondents.

_____ /

NOTICE OF INTENT TO ENTER A FINAL ORDER DENYING RECOVERY FROM THE SECURITIES GUARANTY FUND AND NOTICE OF RIGHTS

The State of Florida Department of Banking and Finance, Division of Securities and Investor Protection (the "Department"), being authorized and directed to administer and to accept and pay claims against the Securities Guaranty Fund (the "Fund"), codified in Sections 517.131 and 517.141, Florida Statutes, does hereby give Notice of its intention to enter a Final Order denying the application of William Lowery and Judith Lowery ("Lowerys" and "Claimants") for payment from the Fund for violations of the Florida Securities and Investor Protection Act by Respondent A. T. Brod & Company, Inc.

The Securities Guaranty Fund is disbursed as provided in Section 517.141, Florida Statutes, to a person who is adjudged by a court of competent jurisdiction to have suffered monetary damages as a result of a dealer, investment advisor, or associated person having violated Sections 517.07 or 517.301, Florida Statutes.

STATEMENT OF FACTS

1. Under the provisions of the Florida Securities and Investor Protection Act (the "Act"), the Department is charged with the responsibility and duty of administering the fund, which includes the duty to approve or deny applications for payment from the Fund, as set forth in Section 517.141(3)(a), Florida Statutes.

2. Respondent A. T. Brod & Company, Inc., ("Brod") was not registered pursuant to Chapter 517, Florida Statutes, at any time material hereto.

3. Claimants have acknowledged that Brod was not so registered on page 4 of 94 of their Statement of Claim filed in NASD Arbitration Proceeding No. 95-00679.

4. On or about November 1, 1999, the Department received a letter from Kalju Nekvasil, Attorney for the Claimant. The letter provided notice to the Department that Claimant was making a claim against the Securities Guaranty Fund for acts committed by Brod. Also, the letter provided:

a. A copy of NASD Arbitration Award No. 95-00679 dated June 9, 1998, finding Respondents violated Section 517.301, Florida Statutes, and awarding Claimant \$145,636.68 as compensatory damages;

b. A copy of the Amended Final Judgement and Order Confirming Arbitration Award Against A. T. Brod & Co., Inc. from the Circuit Court of the Sixth Judicial Circuit in and for Pinellas County, Florida, Case No 98-5307-CI-20; and

c. A copy of the Receipt from the Pinellas County Sheriff's Office indicating the docketing of the Writ of Execution.

d. A copy of the Affidavit of Stephanie McDowell, an employee of Claimant's attorney, stating that she has been unable to find any assets or tangible property owned by Brod.

5. On or about December 2, 1999, the Department received a letter from Kalju Nekvasil, Attorney for the Claimant. The letter provided a copy of the Statement of Claim filed in NASD Arbitration Proceeding No. 95-00679.

CONCLUSIONS OF LAW

6. The requirements for perfecting a claim to the Fund are found in Sections 517.131 and 517.141, Florida Statutes.

7. Based upon the foregoing Statement of Facts, the Department concludes that the Claimants have satisfied only the following requirements in Section 517.131, Florida Statutes, in that:

a. The Claimants have been adjudged by the Circuit Court for the Sixth Judicial Circuit in and for Pinellas County, Florida, to have suffered monetary damages in the amount of \$145,636.68;

b. Respondent's actions in regards to Claimants' money were a violation of Section 517.301, Florida Statutes;

c. Claimant has attempted to collect from the judgement debtors, but they have not recovered any amount from the Respondents, or any other source in satisfaction of these damages;

e. The act for which Claimant seeks recovery occurred after January 1, 1979.

7. Based upon the foregoing Statement of Facts, the Department concludes that the Claimants have not satisfied Section 517.131(2), Florida Statutes, which requires that the Claimants' monetary damages result from acts committed by a licensed dealer, investment advisor, or associated person.

8. Based on the Foregoing Statement of Facts, the Department concludes as a matter of law that Claimants are ineligible to receive any payment from the Securities Guarantee Fund because Brod was not licensed by the Department at the time of Brod's fraudulent conduct.

PROPOSED FINAL ORDER

Upon due consideration of the factual statement set forth above and the law applicable thereto, NOTICE is hereby given that the Department intends to and will issue a Final Order Denying Recovery from the Securities Guarantee Fund.

NOTICE OF RIGHTS

Notice is hereby given that the Claimants may request a hearing on the Notice of Intent to enter a Final Order Denying Recovery from the Securities Guaranty Fund to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. Requests for such a hearing must comply with the provisions of Florida Administrative Code 28-106.201, and must be filed with: Clerk, Office of the Comptroller, Department of Banking and Finance, Legal Section, 101 East Gaines Street, The Fletcher Building, Room 526, Tallahassee, Florida 32399-0350, within twenty-one (21) days after Claimants receive a copy of this Notice of Intent to enter a Final Order Granting Recovery from the Securities Guaranty Fund and Notice of Rights, otherwise Claimants shall be deemed to have waived all rights to such hearing. Should Claimants request such a hearing, they are further advised that at such hearing they will have the right to offer testimony, either written or oral; to call and cross-examine witnesses; and to have subpoena and subpoenas duces tecum issued on their behalf.

/s/ _____

Thomas Cibula, Assistant General Counsel, Office of the Comptroller, 101 East Gaines Street, The Fletcher Building, Suite 526, Tallahassee, Florida 32399-0350, (850)410-9896

AMENDED 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 January 12, 2000 in Tallahassee, 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 the original 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.

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, Excelsior-Henderson Motorcycle Manufacturing Company, intends to allow the establishment of Sky Powersports, as a dealership for the sale of Excelsior-Henderson motorcycles, at 1100 US Hwy 27, N, Lake Wales (Polk County), Florida 33853, on or after December 3, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Sky Powersports are: dealer operator: Charles R. Northey, Sr., 1100 US Hwy 27, N, Lake Wales, FL 33853; principal investor(s): Charles R. Northey, Sr., 1100 US Hwy 27 N, Lake Wales, FL 33853.

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. Karen Boril, Dealer Administration Manager, Excelsior-Henderson Motorcycle Manufacturing Company, 805 Hanlon Drive, Belle Plaine, Minnesota 56011.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Aprilia USA, intends to allow the establishment of Lightning Moto Sport, Inc., as a dealership for the sale of Aprilia line, at 1974 S.W. Biltmore Street, Suite 210, Port St. Lucie (St. Lucie County), Florida 34984, on or after December 13, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Lightning Moto Sport, Inc. are: dealer operator: Warren Todd Ross, 2356 S.E. Burton Street, Port St. Lucie, FL 34952; principal investor(s): Warren Todd Ross, 2356 S.E. Burton Street, Port St. Lucie, FL 34952.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ms. Kathryn Hutton, Legal Coordinator, Aprilia USA, Inc., 110 Londonderry Court, Suite 130, Woodstock, GA 30188.

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 by the Florida Public Service Commission of its intent to initiate proceedings for a possible deletion of a portion of Hunter Creek Utilities, LLC's (Hunter Creek or utility) territory, in Charlotte County, as authorized in Certificates Nos. 611-W and 527-S, pursuant to Section 367.045(6), Florida Statutes. This section provides that the Commission shall give 30 days' notice before it initiates a

revocation, suspension, deletion or amendment of a certificate of authorization, and in accordance with Rule 25-30.030, Florida Administrative Code. By Order No. PSC-99-2380-PCO-WS, issued December 6, 1999, in Docket No. 980731-WS, these proceedings are being initiated due to Hunter Creek's failure to comply with Order No. PSC-99-0756-FOF-WS, which required the utility to comply with the Florida Department of Environmental Protection's water quality standards by September 30, 1999. The legal description of the portion of unserved territory proposed to be deleted is attached hereto.

A copy of the Order can be obtained from the Division of Records and Reporting.

For additional information, please contact Stephanie Crossman, Division of Legal Services, at the above address or telephone (850)413-6179.

HUNTER CREEK UTILITIES, INC. TERRITORY PROPOSED TO BE DELETED

Township 40, South, Range 23, East.

Section 12

The East 1/2 of the N. W. 1/4 of the S. W. 1/4 of Section 12, Township 40, South, Range 23, East.

AND

The S. W. 1/4 of the N. W. 1/4 of Section 12, Township 40 South, Range 23 East lying South of Lee Branch Creek.

Township 40, South, Range 23, East.

Section 11

All the East 1/2 of the S. E. 1/4 of the N. E. 1/4 lying South of Lee Branch Creek and East of Hunter Creek in Section 11, Township 40, South, Range 23, East.

AND

All of the North 500 feet of the N. E. 1/4 of the N. E. 1/4 of the S. E. 1/4 of Section 11, Township 40, South, Range 23 East lying East and North of Hunter Creek.

WATER MANAGEMENT DISTRICTS

Notice of Approval of Priority Water Bodies and Schedule for Establishment of Minimum Flows and Levels

The Suwannee River Water Management District hereby publishes its approved priority list and schedule for minimum flows and levels pursuant to 373.042(2), F.S.

The Department of Environmental Protection has approved the lower Suwannee River and the river estuary's freshwater needs as the priority watercourse for minimum flows and levels.

The completion of on-going technical studies will be followed by the initiation of rule making in the year 2003.

2000 Minimum Flows and Levels Priority List and Schedule for Establishment Pursuant to Section 373.042(2), F.S.

Region	Priority Water Bodies	Year Established
Lower East Coast	Surface Water:	
	Lake Okeechobee	2000
	Everglades Natural Park and Water Conservation Areas	2000
	Biscayne Bay	2004
	Florida Bay	2003
	Loxahatchee River and Estuary	2001
Lower West Coast	Ground Waters:	
	Biscayne Aquifer	2000
Upper East Coast	Surface Waters:	
	St. Lucie River and Estuary	2001
Kissimmee Basin	Surface Waters:	
	Kissimmee River	2004
	Lake Kissimmee	2004
	Lake Tohopekaliga	2006
	East Lake Tohopekaliga	2006
	Alligator Lake	2006
	Lake Jackson	2006
	Lake Rosalie	2006
	Cypress Lake	2006
	Lake Hatchineha	2006
	Lake Pierce	2006
	Lake Marian	2006
	Fish Lake	2006
Ground Water:		
Floridan Aquifer	2004	

This list is published pursuant to Section 373.042(2), Florida Statutes. "Establishment" of a minimum flow or level, as provided in this list, is the publication of the notice of intended rule adoption in the Florida Administrative Weekly pursuant to Section 120.54(3)(a), Florida Statutes. SFWMD will voluntarily conduct independent scientific peer review of minimum flows and levels criteria for all water bodies on the above list, pursuant to Section 373.042(4), Florida Statutes.

PUBLICATION OF APPROVED PRIORITY LIST AND SCHEDULE FOR THE ESTABLISHMENT OF MINIMUM FLOWS AND LEVELS

The District, pursuant to Section 373.042(2), Florida Statutes, hereby publishes its approved Priority List and Schedule for the Establishment of Minimum Flows and Levels. The following surface watercourses, aquifers and surface waters within the District were approved by the Governing Board on October 26, 1999 and subsequently by the Florida Department of Environmental Protection on December 14, 1999. The Priority List and Schedule and related information will be updated annually.

The Priority List is based on the importance of waters to the state or region, the existence of or potential for significant harm to the water resources or ecology of the state or region and includes those waters which are experiencing or may reasonably be expected to experience adverse impacts. It is the District's intention to voluntarily undertake independent scientific peer review for all waterbodies on the Priority List.

1999 MFL PRIORITY LIST AND SCHEDULE

2000 ⁽¹⁾

- Hillsborough County Lakes (Calm, Hobbs, Starvation, Church/Echo, Crenshaw, Cypress, Fairy, Halfmoon, Helen, Ellen, Barbara, Round, Raleigh and Rogers)
- Pasco County Lake (Big Fish)

2001 ⁽¹⁾

- Southern Water Use Caution Area (SWUCA) (Floridan Aquifer)
- Upper Peace River
- Tampa Bypass Canal
- Sulphur Springs
- Alafia River (includes Lithia and Buckhorn springs) ⁽²⁾
- Pasco County Lakes (Bird, Moon, Linda and Pasadena)
- Hernando County Lakes (Hunters, Lindsey, Mountain, Neff, Spring and Weeki Wachee Prairie)
- Polk County Lakes (Eagle, McLeod, Wales, Clinch and Crooked)
- Highlands County Lakes (Lotela, Letta, Placid and Jackson)

2002-2005 ⁽¹⁾

- Intermediate Aquifer (SWUCA) (where deemed technically feasible) ⁽³⁾
- Little Manatee River System ⁽⁴⁾
- Upper Hillsborough River System
- Weeki Wachee River System
- Manatee River System
- Braden River System
- Middle Peace River System
- Lower Peace River Estuary System (includes Shell, Horse and Joshua creeks)

- Citrus County Lakes (Tsala Apopka and Marion)
- Sumter County Lakes (Panasofkee, Big Gant, Deaton, Miona and Okahumpka)
- Hillsborough County Lakes (Strawberry, Reinheimer, Wimauma, Platt, Mound, Allen, Harvey, Charles, Jackson, Garden, Taylor, Saddleback and Dan)
- Pasco County Lakes (Padgett, Parker aka Ann, Green, Bell, Clear and Hancock)

2006-2010 ⁽⁵⁾

- Lower Withlacoochee River System (Lake Rousseau / Rainbow Springs)
- Middle Withlacoochee River System
- Upper Withlacoochee River System (Green Swamp)
- Highlands / Polk Surficial Aquifer
- Anclote River System
- Brooker Creek
- Pithlachascotee River System
- Myakkahatchee Creek (Big Slough)

2011-2015 ⁽⁵⁾

- Myakka River System
- Crystal River System
- Homosassa River System
- Chassahowitzka River System

(1) Wetlands and lakes may be added at the discretion of the District based on data availability, need and staff time. In the event access to a lake is denied by a property owner(s), the lake will be deleted from the list.

(2) The District intends to expedite the analyses necessary to set this minimum flow.

(3) The Sarasota County Intermediate Aquifer will be given priority during this timeframe.

(4) A "River System" refers to the unique, watershed-based aspect of flowing watercourses and may include analysis of springs, tributaries, lakes, wetlands and aquifers, as appropriate.

(5) Lakes during this period will be selected at a later date based on policy decisions related to priority areas.

It is the District's intention to voluntarily undertake independent scientific peer review for all waterbodies on the Priority List and Schedule.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on December 14, 1999, concerning certificate of need decisions. A brief description of these projects are listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will

determine substantial interest of person. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 28-5.111 and 28-5.207, FAC. In deference to rights of substantially affected person, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON#	INITIAL	DECISION,	PROJECT,	CTY,
	APPLICANT, PARTY REQUEST HEARING (PRH)			
9215	Denial, transfer 30 community nursing home beds from Florida Convalescent Centers, Inc., Columbia County, Lake City Nursing Homes, Inc., (PRH) same as applicant.			

CERTIFICATE OF NEED

DECISIONS ON BATCHED APPLICATIONS

The Agency for Health Care Administration made the Following Decision on Certificate of Need applications for the hospital review cycle with an application due date of September 15, 1999:

County:	Escambia	Service District:	1
CON #:	9219	Decision Date:	12/17/1999
Decision:	A		
Facility/Project:	Baptist Hospital		
Applicant:	Baptist Hospital, Inc.		
Project Description:	Establish a 10 bed Level II NICU through the conversion of 10 acute care beds		
Approved Cost:	\$1,534,500		

County:	Walton	Service District:	1
CON #:	9220	Decision Date:	12/17/1999
Decision:	A		
Facility/Project:	Sacred Heart Hospital of Pensacola		
Applicant:	Sacred Heart Hospital of Pensacola		
Project Description:	Construct a new 60 bed acute care hospital		
Approved Cost:	\$39,793,088		

County:	Bay	Service District:	2
CON #:	9221	Decision Date:	12/17/1999
Decision:	A		
Facility/Project:	HealthSouth Emerald Coast Rehabilitation Hospital		
Applicant:	Lakeshore System Services of Florida, Inc.		
Project Description:	Add up to five comprehensive medical rehabilitation beds		
Approved Cost:	\$255,535		

County:	Citrus	Service District:	3
CON #:	9222	Decision Date:	12/17/1999
Decision:	D		
Facility/Project:	Citrus Memorial Hospital		
Applicant:	Citrus Memorial Health Foundation, Inc.		
Project Description:	Establish an adult open heart surgery program		
Approved Cost:	\$0		

County:	Citrus	Service District:	3
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CON #: 9223 Decision Date: 12/17/1999 Decision: D
 Facility/Project: Seven Rivers Community Hospital
 Applicant: Tenet HealthSystem Hospitals, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$0
 County: Hernando Service District: 3
 CON #: 9224 Decision Date: 12/17/1999 Decision: D
 Facility/Project: Oak Hill Hospital
 Applicant: HCA Health Services of Florida, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$0
 County: Hernando Service District: 3
 CON #: 9225 Decision Date: 12/17/1999 Decision: D
 Facility/Project: Brooksville Regional Hospital
 Applicant: Hernando HMA, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$0
 County: Hernando Service District: 3
 CON #: 9226 Decision Date: 12/17/1999 Decision: D
 Facility/Project: HealthSouth Corporation
 Applicant: HealthSouth Corporation
 Project Description: Construct a new freestanding rehabilitation hospital with 60 comprehensive medical rehabilitation beds
 Approved Cost: \$0
 County: Hernando Service District: 3
 CON #: 9227 Decision Date: 12/17/1999 Decision: D
 Facility/Project: Spring Hill Regional Hospital
 Applicant: Hernando HMA, Inc.
 Project Description: Establish up to a 10 bed Level II NICU
 Approved Cost: \$0
 County: Marion Service District: 3
 CON #: 9228 Decision Date: 12/17/1999 Decision: A
 Facility/Project: Marion Community Hospital
 Applicant: Marion Community Hospital, Inc.
 Project Description: Construct a 70 bed acute care hospital through delicensure of 70 acute care beds at Ocala Reg. Med. Ctr. and/or a CON modification
 Approved Cost: \$39,956,628
 County: Marion Service District: 3
 CON #: 9229 Decision Date: 12/17/1999 Decision: D
 Facility/Project: Munroe Regional Medical Center
 Applicant: Munroe Regional Health System, Inc.
 Project Description: Add 23 acute care beds
 Approved Cost: \$0
 County: Lake Service District: 3
 CON #: 9230 Decision Date: 12/17/1999 Decision: A

Facility/Project: Florida Hospital-Waterman
 Applicant: Florida Hospital-Waterman, Inc.
 Project Description: Replace and relocate the existing facility
 Approved Cost: \$138,302,688
 County: Duval Service District: 4
 CON #: 9231 Decision Date: 12/17/1999 Decision: A
 Facility/Project: St. Luke's Hospital
 Applicant: St. Luke's Hospital Association
 Project Description: Establish an adult heart transplantation program
 Approved Cost: \$857,600
 County: Duval Service District: 4
 CON #: 9232 Decision Date: 12/17/1999 Decision: D
 Facility/Project: St. Luke's Hospital
 Applicant: St. Luke's Hospital Association
 Project Description: Establish an adult kidney transplantation program
 Approved Cost: \$0
 County: Duval Service District: 4
 CON #: 9233 Decision Date: 12/17/1999 Decision: A
 Facility/Project: St. Luke's Hospital
 Applicant: St. Luke's Hospital Association
 Project Description: Establish an adult lung transplantation program
 Approved Cost: \$299,350
 County: Clay Service District: 4
 CON #: 9234 Decision Date: 12/17/1999 Decision: A
 Facility/Project: Orange Park Medical Center
 Applicant: Orange Park Medical Center, Inc.
 Project Description: To convert 16 hospital-based skilled nursing beds to 16 acute care beds
 Approved Cost: \$78,080
 County: Duval Service District: 4
 CON #: 9235 Decision Date: 12/17/1999 Decision: A
 Facility/Project: Beaches Medical Center
 Applicant: Baptist Medical Center of the Beaches, Inc.
 Project Description: Add eight acute care beds to Beaches Medical Center through the transfer of eight acute care beds from Baptist Medical Center
 Approved Cost: \$4,586,590
 County: Volusia Service District: 4
 CON #: 9236 Decision Date: 12/17/1999 Decision: A
 Facility/Project: Memorial Health Systems, Inc.
 Applicant: Memorial Health Systems, Inc.
 Project Description: Construct a 75 bed acute care hospital
 Approved Cost: \$62,433,276
 County: Volusia Service District: 4
 CON #: 9237 Decision Date: 12/17/1999 Decision: A
 Facility/Project: Halifax Medical Center – Port Orange
 Applicant: Halifax Hospital Medical Center

Project Description: Establish an 80 bed acute care hospital in Port Orange through the transfer of 80 acute care beds from the main campus in Daytona Beach
 Approved Cost: \$32,455,760
 County: Volusia Service District: 4
 CON #: 9238 Decision Date: 12/17/1999 Decision: A
 Facility/Project: HC America, Inc.
 Applicant: HC America, Inc.
 Project Description: Establish a Medicare certified home health agency
 Approved Cost: \$65,900
 County: Hillsborough Service District: 6
 CON #: 9239 Decision Date: 12/17/1999 Decision: A
 Facility/Project: Brandon Regional Hospital
 Applicant: Galencare, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$4,281,184
 County: Hillsborough Service District: 6
 CON #: 9240 Decision Date: 12/17/1999 Decision: A
 Facility/Project: Visiting Nurse Association of Florida, Inc.
 Applicant: Visiting Nurse Association of Florida, Inc.
 Project Description: Establish a Medicare certified home health agency
 Approved Cost: \$45,399
 County: Manatee Service District: 6
 CON #: 9241 Decision Date: 12/17/1999 Decision: A
 Facility/Project: Manatee Memorial Hospital, L.P.
 Applicant: Manatee Memorial Hospital, L.P.
 Project Description: Establish a 120 bed acute care hospital through relocation of 120 acute care beds at Manatee Memorial Hospital
 Approved Cost: \$40,595,928
 County: Orange Service District: 7
 CON #: 9242 Decision Date: 12/17/1999 Decision: A
 Facility/Project: Orlando Regional Medical Center
 Applicant: Orlando Regional Healthcare System, Inc.
 Project Description: To convert 29 skilled nursing beds to 29 acute care beds
 Approved Cost: \$311,290
 County: Collier Service District: 8
 CON #: 9243 Decision Date: 12/17/1999 Decision: A
 Facility/Project: North Collier Hospital
 Applicant: Naples Community Hospital, Inc.
 Project Description: Add 9 Level II NICU beds
 Approved Cost: \$301,264
 County: Lee Service District: 8
 CON #: 9244 Decision Date: 12/17/1999 Decision: D
 Facility/Project: Hope Hospice and Palliative Care
 Applicant: H.O.P.E. of Lee County, Inc.

Project Description: Construct 24 bed freestanding inpatient hospice facility
 Approved Cost: \$0
 County: Sarasota Service District: 8
 CON #: 9245 Decision Date: 12/17/1999 Decision: A
 Facility/Project: Englewood Community Hospital
 Applicant: Englewood Community Hospital, Inc.
 Project Description: Convert 10 hospital-based skilled nursing beds to 10 acute care beds
 Approved Cost: \$65,900
 County: Indian River Service District: 9
 CON #: 9246 Decision Date: 12/17/1999 Decision: D
 Facility/Project: Indian River Memorial Hospital
 Applicant: Indian River Memorial Hospital, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$0
 County: Palm Beach Service District: 9
 CON #: 9247 Decision Date: 12/17/1999 Decision: D
 Facility/Project: Good Samaritan Hospital
 Applicant: Good Samaritan Hospital, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$0
 County: Palm Beach Service District: 9
 CON #: 9248 Decision Date: 12/17/1999 Decision: D
 Facility/Project: Boca Raton Community Hospital
 Applicant: Boca Raton Community Hospital, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$0
 County: Martin Service District: 9
 CON #: 9249 Decision Date: 12/17/1999 Decision: D
 Facility/Project: Martin Memorial Medical Center
 Applicant: Martin Memorial Medical Center, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$0
 County: Palm Beach Service District: 9
 CON #: 9250 Decision Date: 12/17/1999 Decision: D
 Facility/Project: Bethesda Memorial Hospital
 Applicant: Bethesda Healthcare System, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$0
 County: Martin Service District: 9
 CON #: 9251 Decision Date: 12/17/1999 Decision: A
 Facility/Project: SandyPines Hospital
 Applicant: Sebastian Hospital, Inc.

Project Description: Add four intensive residential treatment beds

Approved Cost: \$267,500

County: Palm Beach Service District: 9

CON #: 9252 Decision Date: 12/17/1999 Decision: D

Facility/Project: St. Mary's Hospital

Applicant: St. Mary's Hospital, Inc.

Project Description: Add 9 Level II NICU beds through conversion of 9 acute care beds

Approved Cost: \$0

County: Palm Beach Service District: 9

CON #: 9253 Decision Date: 12/17/1999 Decision: D

Facility/Project: Wellington Regional Medical Center

Applicant: Wellington Regional Medical Center, Inc.

Project Description: Establish a 10 bed Level II NICU through conversion of 16 substance abuse beds and a partial request for 7 Level II NICU beds.

Approved Cost: \$0

County: Palm Beach Service District: 9

CON #: 9255 Decision Date: 12/17/1999 Decision: A

Facility/Project: St. Mary's Hospital

Applicant: St. Mary's Hospital, Inc.

Project Description: Add eight Level III NICU beds through conversion of eight acute care beds

Approved Cost: \$115,818

County: Palm Beach Service District: 9

CON #: 9256 Decision Date: 12/17/1999 Decision: A

Facility/Project: West Boca Medical Center

Applicant: Tenet HealthSystem Hospitals, Inc.

Project Description: Add four Level III NICU beds through the conversion of four acute care beds

Approved Cost: \$499,380

County: Okeechobee Service District: 9

CON #: 9257 Decision Date: 12/17/1999 Decision: A

Facility/Project: Columbia Raulerson Hospital

Applicant: Okeechobee Hospital, Inc.

Project Description: To convert up to 12 hospital-based skilled nursing beds to up to 12 acute care beds

Approved Cost: \$55,750

County: Palm Beach Service District: 9

CON #: 9258 Decision Date: 12/17/1999 Decision: D

Facility/Project: JFK Medical Center

Applicant: Columbia/JFK Medical Center

Project Description: Add 20 acute care beds through conversion and/or delicensure of 20 HBSN beds

Approved Cost: \$0

County: Broward Service District: 10

CON #: 9260 Decision Date: 12/17/1999 Decision: A

Facility/Project: Oasis Home Care, Inc.

Applicant: Oasis Home Care, Inc.

Project Description: Establish a Medicare certified home health agency

Approved Cost: \$65,900

County: Broward Service District: 10

CON #: 9262 Decision Date: 12/17/1999 Decision: A

Facility/Project: HealthSouth Sunrise Rehabilitation Hospital

Applicant: HealthSouth of Fort Lauderdale L. P.

Project Description: Add 10 comprehensive medical rehabilitation beds

Approved Cost: \$1,883,490

County: Broward Service District: 10

CON #: 9263 Decision Date: 12/17/1999 Decision: A

Facility/Project: Memorial Hospital West

Applicant: South Broward Hospital District

Project Description: Add 36 acute care beds

Approved Cost: \$9,391,300

County: Dade Service District: 11

CON #: 9266 Decision Date: 12/17/1999 Decision: D

Facility/Project: HealthSouth Rehabilitation Hospital-Miami

Applicant: HealthSouth Rehabilitation Hospital

Project Description: Add 15 comprehensive medical rehabilitation beds

Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

AHCA Purchase Order Number S5900H00396

CERTIFICATE OF NEED

DECISIONS ON EXPEDITED APPLICATIONS

The Agency for Health Care Administration made the Following decisions on Certificate of Need applications for expedited review:

County: Martin Service District: 9

CON #: 9269 Decision Date: 12/13/1999 Decision: A

Facility/Project: Water's Edge Extended Care

Applicant: Sandhill Cover Properties, Inc.

Project Description: Add 7 sheltered nursing home beds at Water's Edge Extended Care

Approved Cost: \$650,218

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

AHCA Purchase Order Number S5900H0396.

CERTIFICATE OF NEED
EXEMPTIONS

The Agency For health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Orange District: 7
ID #: 9900484 Issue Date: 11/29/1999
Facility/Project: Winter Park Memorial Hospital
Applicant: Winter Park Healthcare Group, Ltd.
Project Description: Add a MRI to the Imaging Department, replacing the MRI Center
Proposed Project Cost: \$2,750,000 Equipment Cost:
County: Brevard District: 7
ID #: 9900489 Issue Date: 12/2/1999
Facility/Project: Wuesthoff Memorial Hospital
Applicant: Wuesthoff Memorial Hospital, Inc.
Project Description: Develop a playroom in the pediatrics unit
Proposed Project Cost: \$5,000 Equipment Cost:
AHCA Purchase Order Number S5900H00396.

NOTICE OF BATCHED APPLICATION RECEIPT
AND NOTICE OF TENTATIVE PUBLIC HEARING

The Agency For Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched nursing home review cycle with an application due date of December 1, 1999.

County: Santa Rosa Service District: 1
CON#: 9271 Application Receipt Date: November 24, 1999
Facility/Project: Beverly Savana Cay Manor, Inc.
Applicant: Beverly Savana Cay Manor, Inc.
Project Description: Add two community nursing home beds to CON #8270
County: Gadsden Service District: 2
CON#: 9272 Application Receipt Date: December 1, 1999
Facility/Project: Riverchase Care Center
Applicant: RHA/Florida Operations, Inc.
Project Description: Add 60 nursing home beds to Riverchase Care Center, an existing 120 bed facility
County: Highlands Service District: 6
CON#: 9275 Application Receipt Date: December 1, 1999
Facility/Project: Tandem Health Care, Inc.
Applicant: Tandem Health Care, Inc.
Project Description: Construct up to a 52 bed community nursing home
County: Hillsborough Service District: 6
CON#: 9274 Application Receipt Date: November 24, 1999
Facility/Project: Forest Park Healthcare and Rehabilitation Center
Applicant: Vantage Healthcare Corporation
Project Description: To add up to nine community nursing home beds to Forest Park Healthcare and Rehabilitation Center

County: Hillsborough Service District: 6
CON#: 9273 Application Receipt Date: November 24, 1999
Facility/Project: Beverly Health and Rehabilitation Center-Brandon
Applicant: Beverly Enter.-FL, Inc. d/b/a Be. Gulf Coast-FL, Inc.
Project Description: To add four community nursing home beds to Beverly Health and Rehabilitation Center-Brandon
County: Brevard Service District: 7
CON#: 9276 Application Receipt Date: December 1, 1999
Facility/Project: Life Care Health Resources, Inc.
Applicant: Life Care Health Resources, Inc.
Project Description: Construct up to a 60 bed community nursing home
County: Lee Service District: 8
CON#: 9277 Application Receipt Date: December 1, 1999
Facility/Project: Life Care Health Resources, Inc.
Applicant: Life Care Health Resources, Inc.
Project Description: Construct up to an 83 bed community nursing home
County: Martin Service District: 9
CON#: 9278 Application Receipt Date: November 30, 1999
Facility/Project: NHC HealthCare, Stuart
Applicant: National HealthCare Corporation
Project Description: To add up to 24 community nursing home beds to NHC HealthCare, Stuart
County: Okeechobee Service District: 9
CON#: 9279 Application Receipt Date: November 30, 1999
Facility/Project: Okeechobee Health Care Facility
Applicant: Lifestyles & Healthcare, Ltd.
Project Description: To add up to 12 community nursing home beds to Okeechobee Health Care Facility
County: Palm Beach Service District: 9
CON#: 9280 Application Receipt Date: December 1, 1999
Facility/Project: Lourdes-Noreen McKeen Residence
Applicant: Lourdes-Noreen McKeen Res. for Geriatric Care, Inc.
Project Description: To add up to 20 community nursing home beds to Lourdes-Noreen McKeen Residence
County: Broward Service District: 10
CON#: 9281 Application Receipt Date: December 1, 1999
Facility/Project: Holy Cross Long Term Care, Inc.
Applicant: Holy Cross Long Term Care, Inc.
Project Description: Add up to 24 community nursing home beds to approved CON #9056
Also, IF REQUESTED, tentative public hearings have been scheduled as follows:
PROPOSALS: District 1
DATE AND TIME: Tuesday, January 18, 2000, 11:00 a.m., CT

PLACE: West Florida Regional Planning Council, Conference Room, 3435 North 12th Avenue, Pensacola, Florida 32573

PROPOSALS: District 2

DATE AND TIME: Thursday, January 20, 2000, 8:00 a.m., CT

PLACE: Big Bend Health Council, Inc., 431 Oak Avenue, Panama City, Florida 32401

PROPOSALS: District 6

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

PLACE: Baker Building, Conference Room, 888 Executive Center Drive, North, St. Petersburg, Florida 33702

PROPOSALS: District 7

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

PLACE: Local Health Council of East Central Florida, Inc., 1155 South Semoran Blvd., #1111, Winter Park, Florida 32792

PROPOSALS: District 8

DATE AND TIME: Friday, January 21, 2000, 10:00 a.m., EST

PLACE: Health Planning Council of S. W. Florida, Inc., 9250 College Parkway, Suite 3, Ft. Myers, Florida 33919

PROPOSALS: District 9

DATE AND TIME: Wednesday, January 19, 2000, 9:00 a.m., EST

PLACE: Treasure Coast Health Council, Conference Room, 4125 West Blue Herron Blvd., Suite 229, Riviera Beach, Florida 33404

PROPOSALS: District 10

DATE AND TIME: Friday, January 21, 2000, 10:30 a.m., EST

PLACE: Broward Regional Health Planning Council, 915 Middle River Drive, Conference Room 115, Ft. Lauderdale, Florida 33304

Public hearing requests must be in writing and be received at the Agency for Health Care Administration, 2727 Mahan Drive, Room 331, Tallahassee, Florida 32308 by 5:00 p.m., January 13, 2000. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file. Pursuant to 59C-1.010(6), FAC., written comments must be received by 5:00 p.m., January 5, 2000.

AHCA Purchase Order Number S5900E0099.

**CERTIFICATE OF NEED
NOTICE OF WITHDRAWAL**

The Agency For Health Care Administration hereby notices withdrawal from review the following Certificate of Need applications:

County: Palm Beach Service District: 9
 CON #: 9254 Decision Date: 12/2/1999 Decision: W
 Facility/Project: Palms West Hospital
 Applicant: Columbia Palms West Hospital, L.P.
 Project Description: Add 10 Level II NICU beds at Palms West Hospital

County: Broward Service District: 10
 CON #: 9259 Decision Date: 12/9/1999 Decision: W
 Facility/Project: Best Care Agency, Inc.
 Applicant: Best Care Agency, Inc.
 Project Description: Establish a Medicare certified home health agency

County: Dade Service District: 11
 CON #: 9265 Decision Date: 12/9/1999 Decision: W
 Facility/Project: CMS Home Health Agency, Inc.
 Applicant: CMS Home Health Agency, Inc.
 Project Description: Establish a Medicare certified home health agency

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

AHCA Purchase Order Number S5900H0396.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF AVAILABILITY

**FLORIDA CATEGORICAL EXCLUSION NOTIFICATION
SOUTH GULF COVE, CHARLOTTE COUNTY, FLORIDA**

The Florida Department of Environmental Protection has determined that the proposed construction project for the South Gulf Cove Charlotte County water system will not adversely affect the environment. The project involves installing a distribution system in four phases for South Gulf Cove Service area. The distribution system consists of approximately 71 miles of pipes ranging in size from six to twelve inches. The total cost of the project is estimated to be \$13,320,000. 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: J. N. Ramaswamy, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blairstone Road, MS #3505, Tallahassee, Florida 3299-2400.

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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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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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
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	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
DEPARTMENT OF ENVIRONMENTAL PROTECTION					DEPARTMENT OF HEALTH				
62-602.200	12/10/99	12/30/99	25/37	25/46	Board of Clinical Social Work				
62-602.250	12/10/99	12/30/99	25/37		64B4-3.0035	12/8/99	12/28/99	25/32	25/45
62-602.300	12/10/99	12/30/99	25/37	25/46	Board of Medicine				
62-602.350	12/10/99	12/30/99	25/37		64B8-8.001	12/8/99	12/28/99	25/43	
62-602.400	12/10/99	12/30/99	25/37	25/46	64B8-30.008	12/8/99	12/28/99	25/43	
62-602.450	12/10/99	12/30/99	25/37		FLORIDA HOUSING FINANCE CORPORATION				
62-602.500	12/10/99	12/30/99	25/37		67-32.002	12/13/99	1/2/00	25/35	25/45
62-602.530	12/10/99	12/30/99	25/37		67-32.003	12/13/99	1/2/00	25/35	
62-602.550	12/10/99	12/30/99	25/37	25/46	67-32.004	12/13/99	1/2/00	25/35	25/45
62-602.560	12/10/99	12/30/99	25/37		67-32.005	12/13/99	1/2/00	25/35	
62-602.570	12/10/99	12/30/99	25/37		67-32.006	12/13/99	1/2/00	25/35	
62-602.580	12/10/99	12/30/99	25/37		67-32.007	12/13/99	1/2/00	25/35	
62-602.600	12/10/99	12/30/99	25/37	25/46	67-32.008	12/13/99	1/2/00	25/35	
62-602.650	12/10/99	12/30/99	25/37		67-32.010	12/13/99	1/2/00	25/35	25/45
62-602.660	12/10/99	12/30/99	25/46	25/46	67-32.011	12/13/99	1/2/00	25/35	25/45
62-602.700	12/10/99	12/30/99	25/37	25/46	FISH AND WILDLIFE CONSERVATION COMMISSION				
62-602.710	12/10/99	12/30/99	25/37	25/46	Marine Fisheries				
62-602.720	12/10/99	12/30/99	25/37		68B-14.0038	12/10/99	12/30/99	25/44	
62-602.750	12/10/99	12/30/99	25/37		<hr/>				
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						