

**Section I**

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

**DEPARTMENT OF STATE**

**Secretary of State**

RULE TITLE: Florida Civil-Law Notary  
 RULE NO.: 1C-18.001

PURPOSE AND EFFECT: The Department of State is considering rule amendments to update the current rule to reflect changes made by the 1999 Legislature.

SUBJECT AREA TO BE ADDRESSED: The practice of Civil Law Notaries in Florida both generally and in relation to the role of the Department of State, issues regarding the recognition of differences between Civil Law Notaries and Common Law Notaries, issues regarding foreign recognition of the acts of Florida Civil Law Notaries, and insurance and/or bonding requirements for Civil Law Notaries.

SPECIFIC AUTHORITY: 118.10(5) FS.

LAW IMPLEMENTED: 118.10 FS., s. 74, ch. 99-251, Laws of Fla.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, March 6, 2000

PLACE: Hurston Building, 400 West Robinson, 1st Floor-South Tower, Room D, Orlando, FL 32801

TIME AND DATE: 9:00 a.m. – 12:00 Noon, March 8, 2000

PLACE: 401 N. W. Second Avenue, Room 423 North, Miami, FL 33128

TIME AND DATE: 9:00 a.m. – 12:00 Noon, March 10, 2000

PLACE: 500 South Bronough Street, Gray Building, Room 316 G, 3rd Floor Training Room, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Todd Kocourek, Special International Counsel, Florida Department of State, Office of International Affairs, 400 S. Monroe Street, Room 1902, The Capitol, Tallahassee, Florida 32399-0250, Telephone (850)222-5198, Fax (850)414-1734, E-mail: TKocourek@mail.dos.state.fl.us

MEETING PACKAGES WILL BE SUPPLIED AT EACH WORKSHOP.

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

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Banking**

RULE TITLE: Reporting of Significant Events or Conditions  
 RULE NO.: 3C-100.948

PURPOSE AND EFFECT: This rule is being updated to incorporate changes made by Chapter 99-138, Section 2, Laws of Florida; more closely track the language of the authorizing

statute; eliminate the requirement for reports from financial institutions operating in a safe and sound manner; eliminate the reference to the original effective date of the authorizing statute; specify the address to which reports must be sent; recognize the substitution of the "Suspicious Activity Report" for the old "Report of Apparent Crime"; and allow for monetary fines for violations but eliminate the requirement for such fines.

SUBJECT AREA TO BE ADDRESSED: Reporting of Significant Events or Conditions.

SPECIFIC AUTHORITY: 655.012 FS.

LAW IMPLEMENTED: 655.948 FS.

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

TIME AND DATE: 10:00 a.m., March 6, 2000

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda Charity, Chief, Bureau of Research, Planning and Staff Development, Division of Banking, 614 Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-100.948 Reporting of Significant Events or Conditions.

(1) Section 655.948, Florida Statutes, requires state financial institutions, not exempted by the Department, to report the occurrence of certain conditions or events within 30 days of the occurrence of the condition or event. Aggregate monthly reports that are received by the Department by the 10th day of each month, covering all reportable events or occurrences that occurred during the previous month, will satisfy the reporting requirements of this section. All reports required by this rule shall be submitted to: Division of Banking, Suite 636, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350. A report will not be required if a reportable event or condition did not occur during the previous month.

(2)(a) "Operating in a safe and sound manner" shall mean any state financial institutions operating with a composite rating of "1" or "2" in its most recent safety and soundness report of examination or, in the case of a trust company, its most recent trust report of examination, and which is not subject to a State or Federal regulatory action. For purposes of this section "regulatory action" shall include cease and desist orders, written agreements, memoranda of understanding, documents of resolution, letters of understanding and agreement, resolutions adopted at the request of financial

institution regulators, and any other equivalent action initiated by a financial institution regulator. (Examination ratings are based on the Federal Financial Institutions Examinations Council's Uniform Interagency Trust Rating System and Uniform Financial Institutions Rating System, often called the CAMELS rating system.)

(b) Other financial institutions may request a determination that they are operating in a safe and sound manner by writing to the Director of the Division of Banking detailing why the institution believes it is operating in a safe and sound manner. Any such request must include supporting documentation of improvements in the institution and its operations. The request shall be approved only when the Director of the Division of Banking concludes that, because of the documented improvements, the institution would be rated "1" or "2" were a safety and soundness examination conducted on the date of the institution's request. For example, the Director of the Division of Banking may approve a request from an institution that was poorly rated in its last safety and soundness examination because of inadequate capital if the institution documents that it increased capital sufficiently to address the inadequacy, in a fundamentally sound manner, but which may reflect modest weaknesses or deficiencies that are correctable in the normal course of business. The nature and severity of these weaknesses or deficiencies, however, are not considered material and, therefore, such state financial institutions are stable and able to withstand normal business fluctuations quite well. While areas of weakness could develop into conditions of greater concern, the supervisory response is limited to the extent that minor adjustments are timely resolved and the institution continues to operate in a satisfactory manner. All state financial institutions shall be presumed to be operating in a safe and sound manner unless the state financial institution has been notified by the Department, by certified mail, that it has engaged in unsafe and unsound practices or has operated in an unsafe and unsound condition.

(3) As used in this section, a "non-exempt state financial institution" means:

(a) Any state financial institution that was chartered within after July 3, 1992, for a period of three years of the occurrence of an event reportable under paragraph (4) of this rule after said chartering; or

(b) Any state financial institution that is not operating in a safe and sound manner as determined under paragraph (2) of this rule, experienced a change of control after July 3, 1992, for a period of three years after said change of control, except a change of control resulting from a merger, consolidation or acquisition with an exempt state financial institution; or

(c) A state financial institution that has been notified by the Department, by certified mail, that it is not operating in a safe and sound manner.

~~(4) Notwithstanding subsection (3), the Department may exempt certain safe and sound financial institutions from the specific reporting requirements of subsection (6) where such reporting requirements are excessively burdensome upon the financial institution and the benefits of the specific reporting requirement are deemed to be of minimal value in assessing the safety or soundness of the particular financial institution.~~

~~(4)(5) All non-exempt state financial institutions shall disclose to the Department, within the timeframes specified in subsection (1), the following events or conditions:~~

~~(a) Any interruption in fidelity insurance coverage;~~

~~(b) The failure to meet the minimum daily liquidity requirement specified in Section 658.68, Florida Statutes, and Rule 3C-120.680, F.A.C., on any business day; or~~

~~(c) Any suspected criminal act perpetrated against the activity involving a state financial institution, or any of its subsidiaries or service corporations. For purposes of this section, "suspected criminal act activity" shall mean that there is a reasonable basis for believing that a crime has occurred, is occurring, or may occur;~~

~~(6) In addition to the items listed in subsection (5), all non-exempt state financial institutions shall disclose to the Department, within the timeframes specified in subsection (1), the following events or conditions:~~

~~(d)(a) The addition, resignation or termination of a director, executive officer, independent internal auditor, or independent credit review officer;~~

~~(e)(b) The acquisition or divestiture disposition of an asset or related or similar assets, which in the aggregate on any single business day totals 20 40 percent or more of the state financial institution's capital reported in the most recent Consolidated Report of Condition, quarterly Thrift Financial Report, or Ceall Rreport. Assets listed in Section 657.042(1) or Section 658.67(1), Florida Statutes, Securities issued or guaranteed by any federal governmental agency are exempted from this requirement;~~

~~(f)(e) Any change in the state financial institution's outside general counsel or outside independent auditor;~~

~~(g)(d) Any extension of credit to an executive officer or his related interests that, when aggregated with other extensions of credit to that executive officer or his related interests, exceeds 15 percent of the state financial institution's capital accounts as reported in the most recent Consolidated Report of Condition, quarterly Thrift Financial Report, or Ceall Rreport; or~~

~~(h)(e) The acquisition or reclassification of any earning asset to "non-accrual" status which, when combined with other non-accrual assets, in the aggregate totals 15% or more of the state financial institution's assets as reported in the most recent Consolidated Report of Condition, quarterly Thrift Financial Report, or Ceall Rreport; or~~

(i) The acquisition or divestiture of a wholly owned or majority-owned subsidiary or service corporation.

(5)(7) All reportable conditions or events must be disclosed on official letterhead. However, an institution is in compliance with section (4)(5)(c), if it provides the Department with a copy of the federal "Suspicious Activity Report Report of Apparent Crime Form" filed with the appropriate federal regulatory or law enforcement agency. Such report shall constitute proper notice of any suspected criminal activity perpetrated against a financial institution.

(6)(8) Pursuant to Section 655.041, Florida Statutes, the Department may impose an administrative fine for late filing or non-filing of reportable events or occurrences. For late filing or non-filing of reportable events, the Department may shall impose an administrative fine of \$100 per day for each day the disclosure report is past due as a result of the negligence of the reporting financial institution. For intentional late filing or non-filing of any report, the Department may impose an administrative fine of \$1,000 per day for each day the report is past due.

Specific Authority 655.012 FS. Law Implemented 655.948 FS. History—New 11-2-92, Amended \_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Investor Protection**

RULE TITLE: Processing of Applications  
 PURPOSE AND EFFECT: The purpose of the proposed amendment is to adopt revisions to Forms U-4, U-5, BD, BDW, ADV, and ADV-W that have been approved by the Securities and Exchange Commission.  
 SUBJECT AREA TO BE ADDRESSED: Application forms.  
 SPECIFIC AUTHORITY: 517.03(1) FS.  
 LAW IMPLEMENTED: 517.051, 517.081, 517.082, 517.12, 517.161 FS.

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

TIME AND DATE: 10:00 a.m., March 6, 2000  
 PLACE: Room 604, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Epting, Financial Analyst Supervisor, Division of Securities, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-301.002 Processing of Applications.

(1) through (6) No change.

(7)(a) The forms referred to herein which are incorporated and readopted by this Rule are as follows:

1. DOSIP-S-1-91, Application for Registration of Securities (Revised 10/97);
  2. DOSIP-S-7-91, Exhibit 1 (General Issue) (Revised 10/97);
  3. DOSIP-S-5-91, Uniform Consent to Service of Process (Revised 1/91);
  4. DOSIP-S-6-91, Corporate Resolution (Revised 1/91);
  5. DOSIP-S-10-91, Report of Sales of Securities and Use of Proceeds Therefrom (Revised 1/91);
  6. Form BD, Uniform Application for Broker-Dealer Registration (Revised ~~7/99~~ ~~2-98~~);
  7. Form ADV, Uniform Application for Investment Adviser Registration (Revised ~~1/99~~ ~~4-94~~);
  8. Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised ~~8/99~~ ~~4-97~~);
  9. Form BDW, Uniform Request for ~~Withdrawal from Registration as a Broker-Dealer~~ Withdrawal (Revised ~~8/99~~ ~~4-94~~);
  10. Form ADV-W, Notice of Withdrawal from Registration as Investment Adviser (Revised ~~1/99~~ ~~4-94~~);
  11. Form U-5, Uniform Termination Notice for Securities Industry Registration (Revised ~~8/99~~ ~~4-97~~);
  12. DOSIP Form DA-1-91, Branch Office Registration Form (Revised 4/99);
  13. DOSIP Form DA-5-91, Issuer/Dealer Compliance Form (Revised 1/91); and
  14. Form FL921250Z, Florida Fingerprint Card (Revised 1/91).
- (b) No change.

Specific Authority 517.03(1) FS. Law Implemented 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS. History—Revised and Transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98, 6-10-99, \_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Investor Protection**

RULE TITLE: Recognized Manuals of Securities  
 RULE NO.: 3E-500.010  
 PURPOSE AND EFFECT: The purpose of the proposed amendment is to recognize the change of the publisher of Moody's Manuals from Moody's Investors Service, Inc. to Mergent FIS, Inc. The amendment will also expand the manual exemption to include other formats of Mergent's Manuals, including CD-ROM and electronic dissemination over the Internet.  
 SUBJECT AREA TO BE ADDRESSED: Manual exemption for securities transactions.  
 SPECIFIC AUTHORITY: 517.03(1) FS.  
 LAW IMPLEMENTED: 517.061(20)(d) FS.

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

TIME AND DATE: 10:00 a.m., March 6, 2000  
 PLACE: Room 604, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bill Reilly, Financial Administrator, Division of Securities, 101 East Gaines Street, Tallahassee Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-500.010 Recognized Manuals of Securities.

The following publications are hereby approved as recognized securities manuals: "Securities manuals published by Mergent FIS, Inc., and all commonly recognized formats of Mergent's Manuals, including CD-ROM and electronic dissemination over the Internet ~~Moody's Investor's Service, Inc. and securities manuals published by~~ Standard and Poor's Corporation.

Specific Authority 517.03(1) FS. Law Implemented 517.061(20)(d)(17)(a) FS. History--(Formerly 3E-20.21), New 9-20-82, Formerly 3E-500.10, Amended 7-31-91, \_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Investor Protection**

RULE TITLES:	RULE NOS.:
Application for Registration as Dealer, Issuer/Dealer, or Investment Adviser	3E-600.001
Application for Registration as Associated Person	3E-600.002
Changes in name and Successor Registration Requirements	3E-600.007
Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent	3E-600.008
Dealer, Investment Adviser, Branch Office and Associated Persons Forms	3E-600.019

PURPOSE AND EFFECT: The purpose of the proposed amendments is to adopt revisions to Forms U-4, U-5, BD, BDW, ADV, and ADV-W that have been approved by the Securities and Exchange Commission and to make other technical changes and corrections.

SUBJECT AREA TO BE ADDRESSED: Application and withdrawal forms.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.12, 517.1205 FS.

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

TIME AND DATE: 10:00 a.m., March 6, 2000  
 PLACE: Room 604, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Epting, Financial Analyst Supervisor, Division of Securities, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.001 Application for Registration as Dealer, Issuer/Dealer, or Investment Adviser.

(1)(a) Applications for initial and renewal registration of ~~d~~Dealers, ~~i~~Issuer/~~d~~Dealers, and ~~i~~Investment ~~a~~Advisers shall be filed on the forms prescribed by the Department in Rule 3E-301.002(7), F.A.C., and shall include all information required by such forms, any other information the Department may require, and payment of the statutory fees required by Sections 517.12(10) and 517.131, F.S. Florida Statutes. The Department shall deem an application to be received at such time as it and the appropriate fee have been date-stamped by the cashier's office of the Department of Banking and Finance.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. For registration as a dealer or issuer/dealer, a Uniform Application for Broker-Dealer Registration, Form BD (Revised 7/99 ~~2-98~~). For registration as an investment adviser, a Uniform Application for Investment Adviser Registration, Form ADV (Revised 1/99 ~~1-94~~);

2. Statutory fee in the amount required by Section 517.12(10), F.S.;

3. A Uniform Application for Securities Industry Registration or Transfer, Form U-4 (Revised 8/99 ~~11-97~~), to register at least one principal as set forth in Rule 3E-600.002, F.A.C. For any dealer that is a member of the National Association of Securities Dealers ("NASD"), the application for registration of a principal shall be filed with the Central Registration Depository ("CRD") System as set forth in Rule 3E-600.002, F.A.C. However, such dealer must in conjunction with filing its Form BD with the Department provide the Department written notification of the principal's name, CRD number, and social security number:-

4. Financial ~~s~~Statements and ~~r~~Reports required under Rules 3E-300.002, 3E-600.015, 3E-600.016, and 3E-600.017, F.A.C.;

5. Proof of SEC effective registration. ~~Also~~, Wwhere required by Section 517.12(16), F.S., applicants for registration as a dealer shall also provide the Department with proof of insurance coverage by the Securities Investor Protection Corporation;

6. A fully disclosed dealer shall furnish proof of clearing agreements when requested by the Department;

7. Applicants for registration as an issuer/dealer must file Issuer/Dealer Compliance Form (DOSIP Form DA-5-91)(Revised 1/91) to meet requirements under Rules 3E-600.004(1)(b), 3E-600.005(2)(d) and 3E-400.002, F.A.C.;

8. through 9. No change.

(2) If the information contained in any application for registration as a dealer or investment adviser or in any amendment thereto, becomes inaccurate for any reason, the dealer or investment adviser shall promptly file an amendment on the Form BD or the Form ADV, respectively, correcting such information. For registrants that are a member of the NASD, each such amendment, including those required by Rule 3E-600.007, F.A.C., shall be filed with the Department through the CRD system. All other applicants and registrants shall file such amendments, including those required by Rule 3E-600.007, F.A.C., directly with the Department.

(3) through (4) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), 517.1205 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, \_\_\_\_\_.

3E-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or agent shall be filed on Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised 8/99 ~~11-97~~), which is hereby incorporated ~~herein~~ by reference, and shall include all information required by such form, any other information the Department may require, and payment of the statutory fees required by Section 517.12(10), F.S. Florida Statutes. The Department shall deem an application to be received at such time as it and the appropriate fee have been date-stamped by the cashier's office of the Department of Banking and Finance. For dealers that are a member of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Department through the Central Registration Depository of the NASD in accordance with Rule 3E-600.0091, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Uniform Application for Securities Industry Registration or Transfer, Form U-4 (Revised 8/99 ~~11-94~~). As used on the Form U-4, the term "Office of Employment Address" shall mean the location where the person seeking registration will regularly conduct business on behalf of the dealer or investment adviser. For dealers that are a member of the ~~National Association of Securities Dealers~~ ("NASD"), such application shall be filed with the Department through the Central Registration Depository of the NASD.

2. Statutory fee in the amount of \$40 required by Section 517.12(10), F.S.

3. No change.

4. Evidence of examination/disqualifications set forth in Rule 3E-600.005(2), F.A.C.

5. Florida Fingerprint Card (FL92150Z) when required under Section 517.12(7), F.S., and Rule 3E-600.006, F.A.C., accompanied by a \$39 processing fee ~~effective January 3, 1994~~. If the fingerprint card cannot be processed by the Federal Bureau of Investigation because of illegible fingerprints, a second card must be submitted. If that card also cannot be processed, it will be necessary to submit a third card along with a fee of \$24 to cover the cost of processing the card charged by the FBI.

(c) If the information contained in any Uniform Application Form U-4 becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer or investment adviser, as applicable, shall be responsible for correcting the inaccurate information within thirty (30) days. If the information being updated relates to the applicant's or registrant's disciplinary history, in addition to updating the Uniform Application Form U-4, the associated person through the dealer or investment adviser shall also provide the Department with notice and copies of each civil, criminal or administration action initiated against the associated person as provided in Rule 3E-600.010, F.A.C.

(2) A dealer or investment adviser shall be responsible for the acts, practices, and conduct of their ~~his~~ registered associated persons in connection with the purchase and sale of securities or in connection with the rendering of investment advice until such time as they have been properly terminated as provided in Rule 3E-600.008, F.A.C.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), (10), 517.1205 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, \_\_\_\_\_.

3E-600.007 Changes in Name and Successor Registration Requirements.

(1) No change.

(2) Where there is a change in legal entity of a proprietary, partnership, or corporate registrant, the successor entity shall file with the Department an amendment to Form BD, Uniform Application for Broker-Dealer Registration (Revised 7/99 ~~2-98~~) or Form ADV, Uniform Application for Investment Adviser Registration (Revised 1/99 ~~4-94~~) within thirty (30) calendar days of the date of such change. For registrants who are a member of the NASD, such amendment shall be filed with the Department through the CRD System pursuant to Rule 3E-600.001(2), F.A.C. Any amendments to organizational documents, accompanying letters of explanation, or current

financial statements of the successor shall be promptly submitted directly to the Department when specifically requested by the Department.

(3) through (6) No change.

(7) The changes described in this rule shall be filed with the Department on the following forms:

(a) Uniform Application for Broker-Dealer Registration (Form BD) (Revised ~~7/99~~ ~~2-98~~).

(b) Uniform Request for ~~Withdrawal from Registration as a Broker-Dealer~~ Withdrawal (Form BDW) (Revised ~~8/99~~ ~~4-94~~).

(c) Uniform Application Request for Investment Adviser Registration (Form ADV) (Revised ~~1/99~~ ~~4-94~~).

(d) Notice of Withdrawal from Registration as Investment Adviser (Form ADV-W)(Revised ~~1/99~~ ~~4-94~~).

(e) Uniform Application for Securities Industry Registration or Transfer (Form U-4)(Revised ~~8/99~~ ~~4-97~~).

(f) Uniform Termination Notice for Securities Industry Registration (Form U-5)(Revised ~~8/99~~ ~~4-97~~).

Specific Authority 517.03(1), 517.12(13) FS. Law Implemented 517.12(13) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.07(4), Amended 10-15-86, 12-8-87, 8-1-91, 6-16-92, 1-11-93, 6-22-97, 8-9-98, \_\_\_\_\_.

3E-600.008 Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent.

(1) through (4) No change.

(5) A dealer or investment adviser shall be responsible for the acts, practices, and conduct of their ~~his~~ registered associated persons in connection with the purchase and sale of securities or in connection with the rendering of investment advice until such time as they have been properly terminated as provided in this rule; and such dealer or investment adviser may be subject to assessment under Section 517.12(11), F.S., for such associated persons as have been terminated but for whom the appropriate termination notices have not been filed at the date of license renewal.

(6) The forms to be utilized for providing notice to the Department under subsections (1), (2) and (3) above, and which are incorporated by reference in Rule 3E-301.002, F.A.C. Florida Administrative Code, are:

(a) Notice of Withdrawal from Registration as Investment Adviser (Form ADV-W)(Revised ~~1/99~~ ~~4-94~~).

(b) Uniform Request for ~~Withdrawal from Registration as a Broker Dealer~~ Withdrawal (Form BDW)(Revised ~~8/99~~ ~~4-94~~).

(c) Branch Office Registration Form (DOSIP DA-1-91)(Revised 4/99).

(d) Uniform Termination Notice for Securities Industry Registration (Form U-5)(Revised ~~8/99~~ ~~4-97~~).

Specific Authority 517.03(1) FS. Law Implemented 517.12(12)(b), 517.161(5) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.08, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 6-10-99, \_\_\_\_\_.

3E-600.019 Dealer, Investment Adviser, Branch Office and Associated Person Forms.

The forms prescribed by the Department for use in this Chapter are as follows:

- (1) Form BD Uniform Application for Broker-Dealer Registration (Revised ~~7/99~~ ~~2-98~~)
- (2) Form ADV Uniform Application for Investment Adviser Registration (Revised ~~1/99~~ ~~4-94~~)
- (3) Form U-4 Uniform Application for Securities Industry Registration or Transfer (Revised ~~8/99~~ ~~4-97~~)(Use for application for registration of all associated persons.)
- (4) Form BDW Uniform Request for ~~Withdrawal from Registration as a Broker-Dealer~~ Withdrawal (Revised ~~1/99~~ ~~4-94~~)
- (5) Form ADV-W Notice of Withdrawal from Registration as Investment Adviser (Revised ~~1/99~~ ~~4-94~~)
- (6) Form U-5 Uniform Termination Notice for Securities Industry Registration (Revised ~~8/99~~ ~~2-98~~)
- (7) DOSIP Forms:
  - (a) DA-1-91 Branch Office Registration Form (Revised 4/99)
  - (b) DA-5-91 Issuer/Dealer Compliance Form (Revised 1/91)
  - (c) FL921250Z Florida Fingerprint Card (Revised 1/91)

Specific Authority 517.03(1) FS. Law Implemented 517.12 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.19, Amended 8-1-91, 6-16-92, 1-11-93, 6-22-98, 6-10-99, \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Comprehensive Shellfish Control Code	5L-1
RULE TITLES:	RULE NOS.:
Shellfish Harvesting Area Standards	5L-1.004
Container Identification, Terminal Sale Date; Prohibitions	5L-1.010

PURPOSE AND EFFECT: This amendment proposes to reclassify the Body F shellfish harvesting area, Brevard County. A sanitary survey has been conducted that evaluates current information on pollution sources and bacteriological water quality, and recommends reclassification of the Body F shellfish harvesting area. Additionally, the four-digit area

codes used on shellfish tags will be updated to identify the locations of where shellfish are harvested in the Body F shellfish harvesting area.

**SUBJECT AREA TO BE ADDRESSED:** The proposed reclassification and management of the Body F shellfish harvesting area for shellfish harvesting is in accordance with 5L-1.004 to protect the health of shellfish consumers and to provide access to renewable and natural shellfish resources. If illness outbreaks, the updated four-digit harvest area codes will provide for tracing of shellfish to where the shellfish were harvested.

**SPECIFIC AUTHORITY:** 370.021(1), 370.071(1) FS.

**LAW IMPLEMENTED:** 370.071 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:** 1:00 p.m., Monday, March 6, 2000

**PLACE:** 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John McDowell, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone (850)488-5471

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

**DEPARTMENT OF EDUCATION**

**RULE TITLE:** Responsibilities of School District for Student Transportation **RULE NO.:** 6-3.017

**PURPOSE AND EFFECT:** The purpose of this rule development is to review current school bus inspection procedures and out-of-service criteria in the State of Florida School Bus Safety Inspection Manual. The requirements relating to training of school bus inspectors will also be reviewed. The effect is to improve the quality of the inspection and safety of district school buses. Also, to ensure that only qualified technicians and inspectors are inspecting school buses.

**SUBJECT AREA TO BE ADDRESSED:** Inspection procedures and out-of-service criteria for school buses as well as the qualifications for school bus inspectors.

**SPECIFIC AUTHORITY:** 229.053(1), 232.25, 234.01, 234.02, 234.051, 234.061, 235.26 FS.

**LAW IMPLEMENTED:** 230.23(8), 230.33(10), 234.01, 234.02, 234.021, 234.051, 234.061, 316.183(3), 316.189 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. – 12:00 Noon, March 16, 2000

**PLACE:** Florida Department of Education, 325 West Gaines Street, Room 1706, Tallahassee, Florida

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Charlie Hood, Director, School Transportation Management Section, Division of Support Services, Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399, (805)488-4405

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6-3.017 Responsibilities of School District for Student Transportation.

(1) through (7) No change.

(8) Inspection and maintenance of school buses.

(a) To provide, after considering recommendations of the superintendent, adequate storage, maintenance and inspection procedures for all buses owned by the school board, and to assure that all contract buses in use in the district are properly inspected and maintained in accordance with law and rules of the State Board.

(b) The inspection shall be conducted in accordance with procedures and include all items listed in the Florida School Bus Safety Inspection Manual, 2000 ~~1996~~ Edition which is hereby incorporated by reference and made a part of this rule. This document may be obtained from the Bureau of Career Development, Department of Education, Turlington Building, The Florida Education Center, Tallahassee, Florida 32399, at a cost not to exceed actual production and distribution cost.

(c) Inspection of buses shall be scheduled and required every twenty (20) school days. Any bus that is removed from service or deadlined so as to disrupt the safety inspection schedule shall be inspected prior to being returned to service. All deficiencies discovered during the safety inspection shall be noted on the inspection form. Follow-up repairs of all safety related items shall be made before the bus is returned to service and shall be documented.

(d) School bus inspections shall be conducted by technicians certified as School Bus Inspectors in accordance with the State of Florida School Bus Safety Inspection Manual, 2000 Edition. The requirement for inspections by a certified school bus inspector may be waived for a period not to exceed six (6) months when an emergency condition exists, upon

written notification to the Commissioner by the district superintendent. This section of the rule shall become effective January 1, 2001.

(e)(4) No person shall knowingly render inoperative or reduce compliance of any school bus equipment required to meet Federal Motor Vehicle Safety Standards applicable at the time of manufacture.

Specific Authority 229.053(1), 232.25, 234.01, 234.02, 234.051, 234.061, 235.26 FS. Law Implemented 230.23(8), 230.33(10), 234.01, 234.02, 234.021, 234.051, 234.061, 316.183(3), 316.189 FS. History—Amended 9-4-64, 3-25-66, 1-17-72, Revised 7-20-74, Repromulgated 12-5-74, Amended 11-24-76, 10-1-81, Formerly 6A-3.17, Amended 9-30-87, 6-26-89, 11-15-94, 8-28-95, 4-19-96, Formerly 6A-3.017, Amended \_\_\_\_\_.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:	RULE NOS.:
Special Programs for Students Who are Homebound or Hospitalized	6A-6.03020
Development of Individual Educational Plans for Exceptional Students	6A-6.03028
Development of Family Support Plans for Children with Disabilities Ages Birth Through Five Years	6A-6.03029
Procedural Safeguards for Children Ages Birth Through Two Years with Disabilities	6A-6.03032
Identification and Assignment of Exceptional Students to Special Programs	6A-6.0331
Procedural Safeguards for Exceptional Students Discipline Procedures for Students with Disabilities	6A-6.03312
Procedural Safeguards for Students who are Gifted	6A-6.03313

PURPOSE AND EFFECT: The purpose of the proposed rule developments is to propose changes to the State Board of Education rules to align them with the Individuals with Disabilities Education Act, 1997, to meet federal requirements.

SUBJECT AREA TO BE ADDRESSED: Provisions for exceptional students.

SPECIFIC AUTHORITY: 229.053(1), 230.23(4)(m), 236.081(1)(c) FS.

LAW IMPLEMENTED: 228.041(18)(19), 229.053(2)(c), 230.23(4)(m) FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIME, DATE, AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:30 p.m., March 10, 2000

PLACE: The workshops will be held simultaneously at the following locations:

- Doubletree Hotel, 4500 West Cypress Street, Tampa, Florida
- Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, Florida
- 1703 Turlington Building, 325 West Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha K. Asbury, Administrator, Program Administration and Evaluation, Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1216

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT THE TIME OF THIS ADVERTISEMENT BY CONTACTING MARTHA K. ASBURY AT THE ADDRESS NOTED ABOVE.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida State Employees' Charitable Campaign (FSECC)	60L-24
RULE TITLES:	RULE NOS.:
Criteria for Participation in the Florida State Employees' Charitable Campaign	60L-24.005
Duties and Responsibilities of the Fiscal Agent	60L-24.007

PURPOSE AND EFFECT: The rule amendments outline the changes to the criteria for participation in the FSECC by setting limits on the amount of an applicant organization's administrative expenses and excluding organizations who spend more than 2% of their annual budget on lobbying activities. The amendments also incorporate changes made to the fiscal agents' reimbursement responsibilities as contained in section 110.181, F.S.

SUBJECT AREA TO BE ADDRESSED: Criteria used by the Steering Committee to screen organizations for participation in the FSECC and clarifies the reimbursement responsibilities of the fiscal agent.

SPECIFIC AUTHORITY: 110.181(3) FS.

LAW IMPLEMENTED: 110.181 FS.

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

TIME AND DATE: 10:00 a.m., March 6, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Carolyn Johnson, Human Resource Consultant, 4040 Esplanade Way, Tallahassee, Florida 32399-0950



THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60L-24.005 Criteria for Participation in the Florida State Employees' Charitable Campaign.

- (1) No change.
- (2) To be eligible to participate in the FSECC, an organization must:

- (a) through (f) No change.

- (g) have reasonable expenses for fundraising. The Steering Committee reserves the right to access organization administrative/fundraising and administrative cost report records from the Division of Consumer Services. Organizations with administrative/fundraising expenses of 50 percent or more of their expenditures during the preceding year or administrative/fundraising expenses in excess of 25 percent for each of the preceding two consecutive years are not eligible to participate in the FSECC. Organizations with administrative/fundraising expenses between 25 percent and 50 percent during the preceding year, but not also the year before, may be admitted to the FSECC if extraordinary circumstances can be demonstrated. In the absence of extraordinary circumstances, an organization is ineligible to participate if its administrative/fundraising expenses during the preceding year exceeded 25 percent of its expenditures. Where administrative and fundraising expenses exceed 25 percent, the responsibility of demonstrating extraordinary circumstances which resulted in such expenses rests with the charitable organization.

- (h) through (i) No change.
- (j) not engage in activities that are contain an element that is more than incidentally political or primarily political, religious, professional, or fraternal in nature.

- (k) not spend more than two percent of its annual budget on lobbying activities.

- (3) through (4) No change.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 4-19-95, Amended \_\_\_\_\_.

60L-24.007 Duties and Responsibilities of the Fiscal Agent.

- (1) No change.
- (2) The Fiscal Agent shall:

- (a) reimburse the department the actual cost, not to exceed 1 percent of gross pledges, to cover administrative costs of the campaign in accordance with these rules. In any fiscal year in which the Legislature specifically appropriates to the department its total costs for coordinating the campaign from the General Revenue Fund, the fiscal agent is not required to reimburse such costs to the department under this subsection. Otherwise, reimbursement will be the difference between actual costs and the amount appropriated.

- (b) through (c) No change.
- (3) No change.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 4-19-95, Amended \_\_\_\_\_.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES: RULE NOS.:

Purpose for Rules; Definitions Related to	
Drugs and Medications	61D-6.001
Permitted Medications for Racing Greyhounds	61D-6.007
Permitted Medications for Horses	61D-6.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes which grant the Division the authority to adopt rules establishing acceptable levels of permitted medications.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the interpretation of Florida Statutes necessary to allow the administration of sulfa drugs to racing animals within the guidelines set forth by the Division.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251(3),(11), 550.2415(13),(16) FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.235, 550.2415 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., March 9, 2000  
 PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Room 312, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: RULE NO.:  
Probable Cause Determination 61G1-11.005



Landrum, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLES: RULE NOS.:

Attendance at Board Meetings, Unexcused Absences 61G19-2.006  
 Board Member Compensation 61G19-2.007

PURPOSE AND EFFECT: Proposed rule 61G19-2.006 will define unexcused absences for members of the Board. Proposed rule 61G19-2.007 will define "other business involving the board" for purposes of Board member compensation.

SUBJECT AREA TO BE ADDRESSED: Attendance at Board Meetings, Unexcused Absences. Board Member Compensation.

SPECIFIC AUTHORITY: 455.207(3),(4), 468.606(1) FS.

LAW IMPLEMENTED: 455.207(3),(4) FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, March 7, 2000

PLACE: Ocala/Silver Springs Hilton, 3600 Southwest 36th Avenue, Ocala, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: RULE NO.:

Provisional Certificates 61G19-6.012

PURPOSE AND EFFECT: The proposed amendments to the current rule will clarify the conditions under which an applicant for a provisional certificate as a building code inspector or plans examiner may work while his or her application is being processed by the Board. In addition, the proposed amendments will set forth the terms for a provisional certificate in the various categories issued by the Board.

SUBJECT AREA TO BE ADDRESSED: Provisional Certificates.

SPECIFIC AUTHORITY: 455.271, 468.606 FS.

LAW IMPLEMENTED: 455.271, 468.609(6) FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, March 7, 2000

PLACE: Ocala/Silver Springs Hilton, 3600 Southwest 36th Avenue, Ocala, Florida 34474

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: RULE NO.:

Organization 64B8-50.002

PURPOSE AND EFFECT: The Electrolysis Council recommended that the Board of Medicine remove a rule provision that is not needed because it is inaccurate and the correct information is contained in statute. §478.44(2), Fla. Stat.

SUBJECT AREA TO BE ADDRESSED: Organization.

SPECIFIC AUTHORITY: 455.534(3), 478.43(1) FS.

LAW IMPLEMENTED: 455.534(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE 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, Electrolysis Council/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-50.002 Organization.

~~(1) Qualifications. The Council shall consist of three members appointed by the Board.~~

~~(1)(2) No change.~~

~~(2)(3) No change.~~

Specific Authority 455.534(3), 478.43(1) FS. Law Implemented 455.534(3) FS. History--New 5-31-93, Formerly 21M-75.002, Amended 11-16-93, Formerly 61F6-75.002, 59R-50.002, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE TITLE: Approved Examinations RULE NO.: 64B14-4.001

PURPOSE AND EFFECT: The Board propose to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 468.802, 455.627(1) FS.

LAW IMPLEMENTED: 468.811, 455.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-4.001 Approved Examinations.

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

(c) Orthotic Fitter, Orthotic Fitter Assistant – Surgical Appliance Institute and CAMP Institute of Applied Technology Examination, or any other examination approved by the board.

(2) No change.

Specific Authority 455.574(1)(c), 468.802, 468.803(2), 468.805(3) FS. Law Implemented 455.574(1)(c), 468.803(2), 468.805(3) FS. History--New 11-1-99, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B14-7.003

PURPOSE AND EFFECT: The purpose for the development is to provide violations and penalty range relating to disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 468.802, 455.627(1) FS.

LAW IMPLEMENTED: 468.811, 455.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, Capital Circle, S. E., Bin # C09, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 61G14-7.003 follows. See Florida Administrative Code for present text.)

64B14-7.003 Disciplinary Guidelines.

(1) Purpose. The Board provides within this rule, disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 468, Part XIV, F.S. The purpose of this rule is to notify applicants, licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. Each range includes the lowest and highest penalty and all penalties falling in between. The purposes of the imposition of discipline are to punish the applicants or licensees for violation and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Ranges of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to 120.57(1) and 120.57(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.

<u>VIOLATION</u>	<u>PENALTY RANGE</u>		
	<u>MINIMUM</u>	<u>MAXIMUM</u>	
<u>(a) Attempting to obtain a license or certificate by bribery, fraud or through an error of the Department or the Board. (468.811(a)(a), 455.624(1)(h), F.S.)</u>	<u>First Offense</u>	<u>Denial/revocation with ability to reapply and \$1000 fine</u>	<u>Denial/revocation with ability to reapply and \$3000 fine</u>
	<u>Second Offense</u>	<u>Revocation with ability to reapply and \$3000 fine</u>	<u>Revocation with ability to reapply and \$6000 fine</u>
	<u>Third Offense</u>	<u>Revocation with ability to reapply and \$6000 fine</u>	<u>Revocation with no ability to reapply and \$10,000 fine</u>
<u>(b) Action taken against license by another jurisdiction (468.811(1)(b), 455.624(1)(f), F.S.)</u>	<u>First Offense</u>	<u>Imposition of discipline which would have been imposed if the substantive violation occurred in Florida</u>	<u>Suspension/denial until the license is unencumbered in the jurisdiction in which action was originally taken and \$1000 fine. Impaired practioners working in Florida may be ordered into the PRN</u>
	<u>Second Offense</u>	<u>Imposition of discipline which would have been imposed if the substantative violation occurred in Florida and a \$1000 fine</u>	<u>Revocation until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and \$2000 fine. Impaired practioners working in Florida may be ordered into the PRN.</u>
<u>(c) Guilt of a crime directly relating to practice or ability to practice (468.811(1)(c), 455.624(1)(c), F.S.)</u>	<u>First Offense</u>	<u>6 months probation with conditions and \$1000 fine</u>	<u>Denial/revocation and \$5000 fine</u>
	<u>Second Offense</u>	<u>1 year suspension and \$5000 fine</u>	<u>Revocation and \$10,000 fine</u>

(d) Filing a false report or failing to file a report as required.  
(468.811(1)(d), 455.624(1)(l), F.S.)

<u>First Offense</u>	<u>1 year probation with conditions and \$100 fine</u>	<u>6 months suspension</u> <u>1 year probation with conditions and \$250 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$250 fine</u>	<u>Revocation and \$500 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$500 fine</u>	<u>Revocation and \$1000 fine</u>

(e) False, deceptive, or misleading advertising.  
(468.811(1)(e), F.S.)

<u>First Offense</u>	<u>Reprimand</u>	<u>6 months suspension and \$250 fine</u>
<u>Second Offense</u>	<u>6 months suspension and \$250 fine</u>	<u>9 months suspension and \$500 fine</u>
<u>Third Offense</u>	<u>9 months suspension and \$500 fine</u>	<u>1 year suspension and \$1000 fine</u>

(f) Intentionally violating any rule adopted by the Board or the department as appropriate.  
(468.811(1)(f), 455.624(1)(b), F.S.)

<u>First Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$1000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$2000 fine</u>
<u>Second Offense</u>	<u>1 year suspension, 2 years probation with conditions, and \$2000 fine</u>	<u>2 years suspension, 4 years probation with conditions and \$4000 fine</u>
<u>Third Offense</u>	<u>2 years suspension, 4 years probation with conditions and \$4000 fine</u>	<u>Revocation and \$10,000 fine</u>

(g) Kickbacks or split fee arrangements  
(468.811(1)(f), 455.657, F.S.)

<u>First Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$500 fine</u>	<u>Denial/revocation and \$1000 fine</u>
<u>Second Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$1000 fine</u>	<u>Revocation and \$2500 fine</u>
<u>Third Offense</u>	<u>2 years suspension, 3 years probation with conditions \$2500 fine</u>	<u>Revocation and \$5000 fine</u>

(h) Deceptive, untrue or fraudulent representations in any application, affidavit or statement provided to the Board in any proceeding before the Board. (468.811(1)(f), 468.809, 455.624(1)(q), F.S.)

<u>First Offense</u>	<u>1 year probation with conditions and \$500 fine</u>	<u>1 year suspension, 1 year probation with conditions and \$1500 fine</u>
<u>Second Offense</u>	<u>1 year suspension, 1 year probation with conditions and \$1500 fine</u>	<u>Revocation and \$3000 fine</u>
<u>Third Offense</u>	<u>2 years suspension, 2 years probation with conditions and \$3000 fine</u>	<u>Revocation and \$5000 fine</u>

(i) Practicing orthotics, prosthetics, or pedorthics with a delinquent license (455.711, F.S.)

<u>First Offense</u>	<u>1 year suspension, 1 year probation with conditions and \$1000 fine</u>	<u>2 years suspension, 2 years probation with conditions and \$5000 fine</u>
<u>Second Offense</u>	<u>Revocation and \$5000 fine</u>	<u>Revocation and \$10,000 fine</u>

(j) Failure to notify the Board of the licensee's current mailing address and place of practice

<u>First Offense</u>	<u>Reprimand</u>	<u>Reprimand and \$100 fine</u>
<u>Second Offense</u>	<u>Reprimand and \$100 fine</u>	<u>3 months probation with conditions and \$250 fine</u>
<u>Third Offense</u>	<u>3 months probation with conditions and \$250 fine</u>	<u>6 months probation with conditions and \$500 fine</u>

(k) Violation of law, rule, order, order of the Board, or failure to comply with subpoena. (468.811(1)(g), 455.624(1)(q), F.S.)

<u>First Offense</u>	<u>Suspension until law, rule, order, or subpoena is complied with and \$500 fine</u>	<u>Revocation and \$1500 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$1500 fine</u>	<u>Revocation and \$5000 fine</u>

(l) Practicing with a revoked license.

(468.811(1)(h), F.S.)

First Offense

Referral to state attorney for prosecution and denial of all future applications for relicensure

Referral to state attorney for prosecution, denial of all future applications for relicensure and \$5000 fine

Second Offense

Referral to state attorney for prosecution and denial of all future applications for relicensure and \$5000 fine

Referral to state attorney for prosecution, denial of all future applications for relicensure and \$10,000 fine

(m) Practicing with a suspended license.

(468.811(1)(h), F.S.)

First Offense

Additional suspension and \$5000 fine

Additional suspension and \$7500 fine

Second Offense

Additional suspension and \$7500 fine

Revocation and \$10,000 fine

(n) Practicing with an inactive license.

(468.811(1)(h), F.S.)

First Offense

\$1000 fine per month prior to reactivation

\$1500 fine per month prior to reactivation

Second Offense

\$1500 fine per month prior to reactivation

\$2000 fine per month prior to reactivation

(o) Malpractice

(468.811(1)(j), F.S.)

First Offense

1 year probation with conditions, continuing education and \$1000 fine

1 year suspension 2 years probation with conditions, continuing education and \$5000 fine

Second Offense

1 year suspension, 2 year probation with conditions, continuing education and \$5000 fine

Revocation and \$10,000 fine

(p) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.

(455.624(1)(g), F.S.)



<u>First Offense</u>	<u>1 year probation with conditions and \$1000 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$2000 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$2000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$4000 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$4000 fine</u>	<u>Revocation and \$10,000 fine</u>
<u>(q) Failure to report another licensee in violation.</u>		
<u>(455.624(1)(i), F.S.)</u>		
<u>First Offense</u>	<u>Reprimand</u>	<u>Reprimand and \$100 fine</u>
<u>Second Offense</u>	<u>6 months probation with conditions and \$500 fine</u>	<u>6 months suspension, 6 months probation with conditions and \$1000 fine</u>
<u>Third Offense</u>	<u>6 months suspension, 6 months probation with conditions and \$500 fine</u>	<u>1 year suspension, 1 year probation with conditions and \$1000 fine</u>
<u>(r) Aiding or abetting any unlicensed person or entity to practice</u>		
<u>(455.624(1)(j), F.S.)</u>		
<u>First Offense</u>	<u>1 year probation with conditions, and \$1000 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$3000 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$3000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$6000 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$6000 fine</u>	<u>Revocation and \$10,000 fine</u>
<u>(s) Failure to perform any statutory or legal obligation</u>		
<u>(455.624(1)(k), F.S.)</u>		
<u>First Offense</u>	<u>Reprimand</u>	<u>Reprimand and \$250 fine</u>
<u>Second Offense</u>	<u>Reprimand and \$250 fine</u>	<u>6 months probation with conditions and \$500 fine</u>
<u>Third Offense</u>	<u>6 months probation with conditions and \$500 fine</u>	<u>1 year probation with conditions and \$1000 fine</u>
<u>(t) Exercising influence on a patient for financial gain.</u>		
<u>(468.811(1)(n), 455.624(1)(n), F.S.)</u>		

<u>First Offense</u>	<u>1 year probation with conditions and \$1000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$5000 fine</u>
<u>Second Offense</u>	<u>Revocation and \$5000 fine</u>	<u>Revocation and \$10,000 fine</u>
<u>(u) Practicing beyond scope permitted.</u>		
<u>(455.624(1)(o), F.S.)</u>		
<u>First Offense</u>	<u>6 months probation with conditions and \$500 fine</u>	<u>6 months suspension, 6 months probation with conditions or denial/revocation and \$1000 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 6 months probation with conditions and \$1000 fine</u>	<u>1 year suspension, 1 year probation with conditions and \$2500 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 1 year probation with conditions and \$2500 fine</u>	<u>Revocation and \$5000 fine</u>
<u>(v) Failure to provide written notice of any applicable warranty for an orthosis, prosthesis, or pedorthic device that is provided to any patient.</u>		
<u>(468.811(1)(j), F.S.)</u>		
<u>First Offense</u>	<u>Reprimand</u>	<u>Reprimand and \$500 fine</u>
<u>Second Offense</u>	<u>Reprimand and \$500 fine</u>	<u>6 months probation with conditions and \$1000 fine</u>
<u>Third Offense</u>	<u>6 months probation with conditions and \$1000 fine</u>	<u>1 year probation with conditions and \$2000 fine</u>
<u>(w) Delegation of professional responsibilities to unqualified person.</u>		
<u>(455.624(1)(p), F.S.)</u>		
<u>First Offense</u>	<u>1 year probation with conditions and \$500 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$1000 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$1000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$2500 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$2500 fine</u>	<u>Revocation and \$5000 fine</u>
<u>(x) Improperly interfering with an investigation or inspection authorized by statute, or with an disciplinary proceeding.</u>		

<u>(455.624(1)(r), F.S.)</u>		
<u>First Offense</u>	<u>6 months probation with conditions and \$500 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$1000 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$1000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$2000 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$2000 fine</u>	<u>Revocation and \$5000 fine</u>
<u>(y) Exercising influence to engage patient in sex.</u>		
<u>(455.624(1)(u), F.S.)</u>		
<u>First Offense</u>	<u>1 year suspension, 4 years probation with conditions and \$2500 fine</u>	<u>Denial/revocation and \$5000 fine</u>
<u>Second Offense</u>	<u>Revocation and \$5000 fine</u>	<u>Revocation and \$10,000 fine</u>
<u>(z) Failure to report to the Board before October 1, 1999 convictions, findings of guilt, or pleas of nolo contendere entered before July 1, 1999 that have not previously been reported.</u>		
<u>(455.624(1)(w), F.S.)</u>		
<u>First Offense</u>	<u>Reprimand and \$250 fine</u>	<u>6 months probation with conditions and \$500 fine</u>
<u>Second Offense</u>	<u>6 months probation with conditions and \$500 fine</u>	<u>6 months suspension, 6 months probation with conditions and \$1000 fine</u>
<u>Third Offense</u>	<u>6 months suspension, 6 months probation with conditions and \$1000 fine</u>	<u>Revocation and \$2000 fine</u>
<u>(aa) Being convicted or found guilty of or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of or ability to practice a licensee's profession.</u>		
<u>First Offense</u>	<u>6 months probation with conditions and \$1000 fine</u>	<u>Denial/revocation and \$5000 fine</u>
<u>Second Offense</u>	<u>1 year suspension and \$5000 fine</u>	<u>Revocation and \$10,000 fine</u>
<u>(bb) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.</u>		
<u>(455.624(1)(a), 455.624(1)(m), F.S.)</u>		

<u>First Offense</u>	<u>1 year probation with conditions and \$500 fine</u>	<u>1 year suspension, 1 year probation with conditions and \$1500 fine</u>
<u>Second Offense</u>	<u>1 year suspension, 1 year probation with conditions and \$1500 fine</u>	<u>Revocation and \$3000 fine</u>
<u>Third Offense</u>	<u>2 years suspension, 2 years probation with conditions and \$3000 fine</u>	<u>Revocation and \$5000 fine</u>
<u>(cc) Failing to report to the board within 30 days after the licensee has been convicted or found guilty of, or entered into a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. (455.624(1)(w), F.S.)</u>		
<u>First Offense</u>	<u>Reprimand and \$250 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$500 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$500 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$1000 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$1000</u>	<u>Revocation and \$2000 fine</u>
<u>(dd) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers for the solicitation of the people involved in the accidents. (455.624(1)(x), F.S.)</u>		
<u>First Offense</u>	<u>Citation</u>	<u>Citation and \$250 fine</u>
<u>Second Offense</u>	<u>Reprimand and \$250 fine</u>	<u>Reprimand and \$500 fine</u>
<u>Third Offense</u>	<u>Reprimand and \$500 fine</u>	<u>6 months probation with conditions and \$1000 fine</u>

(3) The Board shall take into consideration the following factors in determining the appropriate disciplinary action to be imposed and in going outside of the disciplinary guidelines:

- (a) the severity of the offense;
- (b) the danger to the public;
- (c) the number of specific offenses;
- (d) the actual damage, physical or otherwise, to specific patients;
- (e) the length of time since the date of the last violation(s);
- (f) the length of time the licensee has practiced his or her profession;
- (g) prior discipline imposed on the licensee;
- (h) the deterrent effect of the penalty imposed;
- (i) the effect of the penalty upon the licensee;
- (j) efforts by the licensee toward rehabilitation;
- (k) attempts by the licensee to correct or stop violations;
- (l) other conditions as appropriate.

Specific Authority 468.802, 455.627(1) FS. Law Implemented 468.811, 455.627 FS. History—New 7-1-98, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Applications for Licensure

RULE NO.: 64B15-12.003

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate by reference the instructions and application for examination and initial licensure.

SUBJECT AREA TO BE ADDRESSED: Applications for licensure.

SPECIFIC AUTHORITY: 459.005 FS.

LAW IMPLEMENTED: 459.0055, 459.006, 459.007 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: 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:

64B15-12.003 Applications for Licensure.

(1) Applications for licensure by examination must include a completed application form and appropriate fee as set forth in Section 459.0055, Florida Statutes, and Rule 64B15-10.001(1), Florida Administrative Code. The instructions and application form, DH-MQA 1029, 1/00,

effective \_\_\_\_\_, entitled "Examination & Initial Licensure Application" (Section II: Application Form) DPR/OST/003, effective 6-4-91, entitled "Application for Osteopathic Licensure" is hereby incorporated by reference, and may be obtained from the Board office. Such application and fee shall expire one year from the date on which the application is initially received by the Board. After a period of one year a new application and fee must be submitted.

(2) No change.

(3) Applications for licensure by endorsement must include a completed application form and appropriate fee as set forth in Section 459.0055, Florida Statutes, and Rule 64B15-10.002(1), Florida Administrative Code. The application form, shall be the same form as referenced in subsection (1) above, and may be obtained from the Board office. DPR/OST/003, effective 6-4-91, entitled "Application for Osteopathic Licensure" is hereby incorporated by reference, and may be obtained from the Board office. Such application and fee shall expire one year from the date on which the application is initially received by the Board. After a period of one year, a new application and fee must be submitted.

Specific Authority 459.005 FS. Law Implemented 459.0055, 459.006, 459.007 FS. History—New 6-4-91, Formerly 21R-12.003, 61F9-12.003, Amended 10-15-95, Formerly 59W-12.003, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Exemption of Spouses of Members of the

RULE NO.:

Armed Forces from Licensure

Renewal Provisions 64B17-5.002

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule which will address the exemption of spouses of members of the armed forces from licensure renewal requirements.

SUBJECT AREA TO BE ADDRESSED: Exemption of spouses of members of armed forces from licensure renewal requirements.

SPECIFIC AUTHORITY: 455.507(2), 486.025 FS.

LAW IMPLEMENTED: 455.507(2) 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: Kaye Howerton, Executive Director, Board of Physical Therapy Practice/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kenneth Nipper, Division Director, Administration, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0300, phone number (850)413-2000

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Kenneth Nipper, (850)922-3100, Ext. 2000.

THE FULL TEXT OF THE PROPOSED RULE IS:

4C-10.001 Department Procedures Regarding Distribution of Pension Fund Monies.

Specific 175.341(2), 185.23(3) FS. Law Implemented 175.111, 175.121(1),(2),(3), 175.122, 175.341(1),(2), 185.09, 185.10(1),(2), 185.23(1),(2) FS. History—New 9-19-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fred Whitson, Division of Legal Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bruce Gillander, Bureau Chief, Div. of Treasury, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Florida Building Commission –

RULE CHAPTER NO.: 9B-3

Operational Procedures

RULE TITLE: State Building Code Adopted

RULE NO.: 9B-3.047

PURPOSE AND EFFECT: Replace adoption of state minimum building codes with adoption of the Florida Building Code, effective January 1, 2001.

SUMMARY: Adopts the Florida Building Code as the building code for the State of Florida, effective January 1, 2001.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 553.73(1) FS. (1999)

LAW IMPLEMENTED: 553.72, 553.73 FS. (1999)

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

TIME AND DATE: 9:00 a.m., March 13, 2000

PLACE: Wyndham Hotel, 1601 Biscayne Boulevard, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Planning Manager, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, SUNCOM 277-1824

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

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.047 State ~~Minimum~~ Building Codes Adopted.

(1) The Florida Building Code is hereby adopted and incorporated by reference as the building code for the State of Florida. ~~In order to authorize the use of the most recent advances in technology and materials in building construction, the Commission hereby adopts the following revisions and amendments to the State Minimum Building Codes:~~

~~(a) Standard Codes, 1997 edition:~~

~~1. Standard Building Code, including the engineering design criteria contained in Section 1606 excluding Chapter 11, "Accessibility for People with Physical Disabilities"; Section 2405.2.1.6 relating to safety glazing near swimming pools, and Appendix E, "Energy Conservation".~~

~~2. Standard Mechanical Code.~~

~~3. Standard Gas Code.~~

~~(b) South Florida Building Code (Dade County), 1994 edition.~~

~~(c) South Florida Building Code (Broward County), 1996 edition.~~

~~(d) EPCOT Code, 1996 edition.~~

~~(e) One and Two Family Dwelling Code, 1995 edition excluding Section 308.4.9 relating to safety glazing near swimming pools.~~

~~(f) Section 1606 of the Standard Building Code shall be the minimum wind load criteria used for the design of all one and two family dwellings. Compliance with the engineering design criteria contained in Section 1606 may be achieved by using the Southern Building Code Congress International, Inc., Standard SSTD 10-97 for Hurricane Resistant Residential Construction, the Wood Products Promotion Council — High Wind Project, Guide to Wood Construction in High Wind Areas 1997 edition, "the Builder's Guide", the Wood Frame Construction Manual for One and Two Family Dwellings, 1995 High Wind Edition, or the Guide to Concrete Masonry Residential Construction in High Wind Areas, the "Masonry Guide". The Builder's Guide implementation shall be limited to the construction and design of wood frame single story~~

~~buildings with wind speed design parameters of 100 and 110 miles per hour. The Manual is limited to residential buildings of three stories or less, a mean roof height not exceeding 33 feet and wind speed design parameters between 90 and 120 miles per hour. The Masonry Guide is limited to residential buildings of one story with a maximum height not exceeding 25 feet and wind speed design parameters of 90, 100, and 110 miles per hour (fastest mile).~~

~~(2) Application. The construction provisions contained within these referenced codes shall apply as required by Part VII, Chapter 553, Florida Statutes. Each local government and state agency with building construction regulation responsibilities shall adopt one of the state minimum building codes as its building code, which shall govern the construction, erection, alteration, repair or demolition of any building for which the local government or state agency has responsibility. If the One and Two Family Dwelling Code is adopted for residential construction, then one of the other recognized model codes must be adopted for the regulation of other residential and nonresidential structures.~~

~~Specific Authority 553.73(1) 553.73(3), 553.73(9) FS. Law Implemented 553.72, 553.73 FS. History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Codes and Standards, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Pierce, Division Director, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 1999

**DEPARTMENT OF COMMUNITY AFFAIRS  
Division of Housing and Community Development**

RULE CHAPTER TITLE: Florida Building Commission –  
RULE CHAPTER NO.:

Building Code Training Program 9B-70

RULE TITLE: Building Code Training Program RULE NO.:

9B-70.001

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

SUMMARY: Adopts the Building Code Training Program for the purpose of educating licensed building department personnel, contractors and design professionals through a required core curriculum course or equivalency examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

LAW IMPLEMENTED: 553.841 FS. (1999)

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

TIME AND DATE: 8:30 a.m. – 9:00 a.m., March 13, 2000

PLACE: Wyndham Hotel, 1601 Biscayne Boulevard, Miami, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-70.001 Building Code Training Program.

The purpose of the Building Code Training Program is to educate licensed building department personnel, contractors, and design professionals through a required core curriculum course or equivalency examination that addresses the Florida Building Code.

(1) The Core Curriculum Course:

(a) The core course shall consist of one four (4) hour course that licensees regulated under chapters 468, part XII, 481, and 489, parts I and II, shall be required to complete as a condition of renewal of their certificate or registration. Licensees regulated under chapter 471 are required to complete the core curriculum only if the licensee actively participates in designing buildings, structures, or facilities covered by the Florida Building Code.

(b) Licensees who complete the core curriculum will receive four (4) hours of continuing education credit.

(c) Licensees who hold more than one certificate or registration issued by a board and licensees regulated by more than one board will be required to complete the core course one time.

(d) The core course shall be delivered through customized instructor-led training at multiple sites, Internet, or CD-ROM supported interactive multimedia training materials.



(e) The Florida Building Commission shall assign a generic course number which must be used by all providers when reporting completion of the core course by electronic means to the Department of Community Affairs and Department of Business and Professional Regulation.

(f) The core course shall be effective until the adoption of the new edition of the Florida Building Code every third year, at which time the curriculum will be updated to reflect amendments and changes to the unified code. The licensee shall only be required to complete the core course one time.

(2) Equivalency examination:

(a) The equivalency examination shall include and measure the same areas of competency covered in the core course. The equivalency examination will be updated every third year to reflect the new edition of the Florida Building Code.

(b) Passing the equivalency examination shall be considered equivalent to completing the core course and the licensee will receive four (4) hours of continuing education credit.

(c) The licensee shall be required to achieve a passing status on the equivalency examination to receive four (4) hours continuing education credit.

(d) The equivalency examination shall be administered at multiple sites located throughout the state.

(e) Security measures as set forth by the Department of Business and Professional Regulation's Rule 61-11.014, F.A.C., shall be followed during the administration of the equivalency examination.

(f) If the licensee does not pass the equivalency examination, and subsequently completes the core curriculum, the licensee shall be deemed to have met the requirements for license renewal and will receive four (4) hours of continuing education credit.

(3) The Florida Building Commission shall have the authority to contract for the purpose of administering the core course and equivalency examination.

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History—  
New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Program Administrator, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)4871824, Suncom 277-1824

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Pierce, Division Director, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

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

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

**DEPARTMENT OF REVENUE**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	12-11.002
Requests for Technical Assistance Advisements	12-11.003
Requests for Conference Discussion	12-11.004
Deletion of Private or Confidential Information	12-11.005
Processing Requests for, and Obtaining Copies of, Technical Assistance Advisements	12-11.006
Effect of Advisements	12-11.007
Requests by Representatives	12-11.008
Informal Technical Tax Statements	12-11.013

**PURPOSE AND EFFECT:** The purpose of these proposed rule amendments is to revise the procedures that implement the Department's statutory authority to issue written, binding statements called Technical Assistance Advisements (TAAs) to taxpayers who request them, and to establish procedures for issuing written, informal technical tax statements called Tax Information Publications. The effect of these proposed rules is to ensure that the public knows how the Department will issue advice on tax matters.

**SUMMARY:** A) The proposed amendments to Rule 12-11.002, FAC., revise the definition of a Technical Assistance Advisement (TAA) to include a TAA issued to a taxpayer association; define "taxpayer association" to mean an organization authorized by its members to act on their behalf; and define a Tax Information Publication (TIP) to mean a written, informal statement issued by the Department of Revenue (DOR). B) The changes to Rule 12-11.003, FAC., allow DOR to issue a TAA to a taxpayer association; clarify that a TAA request must include copies of pertinent documents; identify the information that must accompany an association's request for a TAA, including a written description of all relevant facts, an explanation of the entire transaction, a discussion of any determination the association proposes, a statement from the association promising to distribute the TAA to all its members, and a statement allowing the TAA to be published; provide that an association's TAA request should be submitted to the DOR's Director of Industry and Intergovernmental Relations, who will determine if the issue is appropriate for DOR to issue a TAA; implement a 1998 legislative change authorizing DOR to issue a TAA at any time, if it deals with the sales and use tax exemption granted to general groceries or medical items; and, add a taxpayer association's request for a TAA within the existing TAA procedures. C) The proposed amendments to Rule 12-11.004, FAC., provide that a taxpayer association can request a conference with DOR regarding its request for a TAA. D) The suggested revisions to Rule 12-11.005, FAC., clarify that the requestor of a TAA is granted the opportunity to identify information that DOR cannot disclose pursuant to confidentiality concerns. E) The proposed revisions to Rule 12-11.006, FAC., explain how a taxpayer's association can check on the status of a TAA request that has been submitted to

DOR; clarify that the fee imposed on requests for copies of previously-issued TAAs does not apply when someone accesses and prints a TAA from DOR's Internet website; provide that this copying fee does apply to requests for copies of supporting information, and states that the fee must be paid before the TAA or supporting information copies will be sent to the requestor by the Department. F) The changes to Rule 12-11.007, FAC., state that a TAA issued to a taxpayer association provides guidance to all members of the association who engage in the transaction discussed in the TAA; and, clarify that, if a member of the association decides to not follow the TAA, such member could be liable for the tax consequences of such a decision. G) The proposed amendments to Rule 12-11.008, FAC., add taxpayer association requests for TAA to the provisions governing how representatives of taxpayers can act on behalf of clients who need a TAA. H) The creation of Rule 12-11.013, FAC., discusses DOR's authority to issue informal technical tax statements known as Tax Information Publications (TIPs); explains that TIPs are meant to guide taxpayers and help them comply with tax laws and rules, promote uniform compliance with the tax laws, notify taxpayers about law changes or legal decisions, and explain to taxpayers the rights they are granted by statutes and rules; states that TIPs do not supersede or change any provision of tax law, Department rule, or other law; clarifies that TIPs are not considered rules pursuant to Chapter 120, F.S.; and, reminds taxpayers who rely on a TIP that they must be aware of subsequent law or rule changes that render a previously-issued TIP obsolete.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** Since these proposed rules only deal with procedures concerning the issuance of tax advice by the Department, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

**SPECIFIC AUTHORITY:** 213.06(1), 213.22(3) FS.

**LAW IMPLEMENTED:** 213.015(1), 213.22, 213.2201 FS.

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

**TIME AND DATE:** 10:00 a.m., March 14, 2000

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

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

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

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

12-11.002 Definitions.

(1) "Technical Assistance Advisements" (TAA) or "Advisements" are written statements issued to taxpayers or to industry or trade associations by the Department of Revenue, setting forth the Department's position on the tax consequences of a specific transaction or event under applicable statutes and rules.

(2) "Internal Technical Advisements" (ITA) are written statements issued to Department personnel, in response to a Request for Technical Assistance (RTA), which state the Department's position on the tax consequences of a specific transaction or event under applicable statutes and rules.

(3) through (7) No change.

(8) "Taxpayer Association" shall mean an organization that has been authorized by its members to represent the interests of the members.

(9) "Tax Information Publication" (TIP) shall mean a written, informal statement developed and issued by the Department.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22 FS. History—New 5-27-82, Formerly 12-11.02, Amended 10-24-96,\_\_\_\_\_.

12-11.003 Requests for Technical Assistance Advisements.

(1) No change.

(2) Each written request for a technical assistance advisement (TAA) from a taxpayer or his or her representative related to the specific circumstances of an individual taxpayer must contain:

(a) No change.

(b) In addition, true copies of all contracts, wills, deeds, agreements, instruments, and other documents involved in the transaction ~~must~~ ~~should~~ be submitted with the request:

1. For prompt disposition, relevant facts reflected in documents submitted ~~must~~ ~~should~~ be included in the taxpayer's statement and not merely incorporated by reference, and;

2. ~~Must~~ ~~Should~~ be accompanied by an analysis of their bearing on the issue or issues, specifying the pertinent provisions.

(c) An explanation of an entire, integrated transaction when the request pertains to only a portion of that transaction Where the request pertains to only one step of a larger integrated transaction, the facts, circumstances, etc., should be submitted with respect to the entire transaction.

(d) No change.

(3) Each written request for a technical assistance advisement from a taxpayer association or the association's representative must contain:

(a) A complete description of all relevant facts relating to the potential transaction(s).

(b) An explanation of an entire, integrated transaction when the request pertains to only a portion of that transaction.

(c) If the taxpayer association asserts a particular determination of the issues, an explanation of the grounds for the determination, and a statement of relevant authorities in support of the position asserted should be furnished. Even though the taxpayer association is urging no particular determination with regard to a proposed transaction, the association's views as to the tax consequences of the proposed action should be stated and a statement of relevant authorities to support such views should be furnished. In addition, the taxpayer association should, for prompt disposition, inform the Department of any legislation, court decisions, or regulations that the taxpayer association determines to be contrary to the position advanced. If the taxpayer association determines that there are no contrary authorities, a statement to this effect should be included in the advisement request.

(d) A statement from the taxpayer association agreeing to disseminate the TAA to all of its members and related interested parties.

(e) A statement waiving the provisions of s. 213.22(2), F.S., to allow the TAA to be published.

(4) Upon receipt of a request from a taxpayer association for a TAA, the Department's Director of Industry and Intergovernmental Relations will determine whether the issue is of general applicability and is appropriate for the issuance of an industry-wide TAA.

(5)(3) An advisement request, other than a request regarding the sales and use tax exemptions granted to general groceries and medical items pursuant to s. 212.08(1) and (2), F.S., must also contain a statement whether, to the best of knowledge of the taxpayer or his or her representative or the taxpayer association or its representative, the identical issue is involved in a return of the taxpayer or a member of the taxpayer association, and, if so, whether:

(a) The taxpayer or a member of the taxpayer association is under audit,

(b) The issue is being considered by the Department,

(c) The issue has been examined and the statutory period for assessment or refund has expired,

(d) The issue is pending in litigation in a case involving the taxpayer, a member of the taxpayer association, or a person who is a party to the transaction, or

(e) The issue, or a substantially similar issue, has been ruled on by the Department for the taxpayer or predecessor of the taxpayer, or a member of the taxpayer association, and the substance of the prior ruling or advisement.

After a request is filed, but before an advisement is issued, if a taxpayer or his or her authorized representative or the taxpayer association or its representative becomes aware that an examination of the issue by the Department has commenced, the taxpayer or his or her representative or the taxpayer association or its representative shall so notify the Department in writing.

(6)(4) A request for an advisement must comply with the deletion requirements in Rule 12-11.005.

(7)(a)(5) A request for a technical assistance advisement by the Department from an individual taxpayer or his or her representative should be addressed to Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443.

(b) A request from a taxpayer association or its representative should be addressed to the Office of Industry and Intergovernmental Relations, Room 104, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida 32399-0100.

(8)(6) Any request for an advisement that does not comply with all the provisions of this rule paragraph will be acknowledged, and the requirements that have not been met will be pointed out. If a request for an advisement lacks essential information, the taxpayer or his or her representative, or the taxpayer association or its representative, will be advised that if the information is not forthcoming within 30 days, the request will be closed. If the information is received after the request is closed, the request will be reopened and treated as a new request as of the date of the receipt of the essential information.

(9)(7) When a taxpayer who is under audit or a taxpayer association that has a member who is under audit requests a Technical Assistance Advisement (TAA) on any tax being audited or a transaction or period being reviewed, other than a request regarding the sales and use tax exemptions granted to general groceries and medical items pursuant to s. 212.08(1) and (2), F.S., the taxpayer or the taxpayer association shall mail or hand-deliver to the authorized employee conducting the audit or review a copy of the TAA request at the same time the request is mailed to Technical Assistance and Dispute Resolution (TADR) or the Office of Industry and Intergovernmental Relations (I&IR) for a response. Upon receipt of the TAA request, the authorized employee will notify TADR or I&IR of his or her intent to provide any factual information, documents, arguments, or authorities which he or she wants considered. The authorized employee shall have 10 working days from the date of the TAA request in which to

forward any information to TADR or I&IR or to request additional time to submit information regarding the TAA request. The authorized employee shall not be obligated to suspend the audit or review pending issuance of the TAA. After issuance of a Notice of Proposed Assessment or billing, no TAA will be issued to a taxpayer or taxpayer association with respect to the tax liability reflected by the proposed assessment or billing, other than a TAA request regarding the sales and use tax exemptions granted to general groceries and medical items pursuant to s. 212.08(1) and (2), F.S.

~~(10)(8)~~ No TAA will be issued to an individual a taxpayer who has received notification of the Department's intent to audit a specific tax, other than a TAA request regarding the sales and use tax exemptions granted to general groceries and medical items pursuant to s. 212.08(1) and (2), F.S., if an RTA by the authorized employee, with respect to the same taxpayer and issue, is pending. If the Department does not issue an ITA in this situation, the taxpayer may submit a request for a TAA.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22 FS. History–New 5-27-82, Formerly 12-11.03, Amended 10-24-96,\_\_\_\_\_.

12-11.004 Requests for Conference Discussion.

(1) A taxpayer; or the taxpayer's his or her representative who, or a taxpayer association or its representative that, desires an oral discussion of the issue or issues involved should indicate such desire in writing when filing the request in order that the conference may be arranged at that stage of consideration when it will be most helpful.

(2) If a conference has been requested, the taxpayer or taxpayer association will be notified of the time and place of the conference. Unless specifically agreed to by the Department, all conferences will be held at the Department's Department offices in Tallahassee, Florida, or by telephone conference call if requested by the taxpayer or taxpayer association. A conference is normally scheduled only when the Department agrees determines that it will be helpful in deciding the case, or when an adverse decision is indicated.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22(4),-(3) FS. History–New 5-27-82, Formerly 12-11.04, Amended \_\_\_\_\_.

12-11.005 Deletion of Private or Confidential Information.

(1) In order to assist the Department in making the deletions of private and confidential materials and privileged financial and commercial information from the text of advisements and supporting information provided by the requestor to the Department which are open to public inspection, there must accompany requests for advisements and the submission of supporting information either a statement of the deletions proposed by the person requesting the advisements, or a statement that no information other than names, addresses, and taxpayer identification numbers needs to need be deleted.

(2) through (5) No change.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22(4),-(3) FS. History–New 5-27-82, Formerly 12-11.05, Amended \_\_\_\_\_.

12-11.006 Processing Requests for, and Obtaining Copies of, Technical Assistance Advisements.

(1) No change.

(2) A taxpayer; or the taxpayer's authorized representative, or a taxpayer association or its representative, desiring to obtain information as to the status of the taxpayer's request may do so by contacting either Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443 or the Director of Industry and Intergovernmental Relations at Room 104, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida 32399-0100, depending on where the request was directed originally.

(3)(a) An individual who accesses and prints a copy of a previously-issued TAA using the Department's Internet website does not have to submit the fee required by paragraph (b). The Department's Internet address is shown inside the brackets [http://www.state.fl.us/dor/].

(b) A request for a copy of a previously-issued TAA or supporting information should be mailed or faxed to Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, FAX number (850)921-2983. An individual who mails or faxes a request for a paper copy of a previously-issued TAA or supporting information must first submit a check made payable to the Department of Revenue in an amount equal to 50 cents per page, with a minimum amount of \$5.00 for each TAA or supporting information document requested.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22(4) FS. History–New 5-27-82, Formerly 12-11.06, Amended 10-24-96,\_\_\_\_\_.

12-11.007 Effect of Advisements.

(1) A taxpayer may not rely on an advisement issued to another taxpayer, except that an advisement issued to a taxpayer association provides guidance to those taxpayers who are members of the taxpayer association for the particular transaction(s) discussed in the TAA. An advisement may be revoked or modified at any time by the Department in the administration of the taxing statutes. If an advisement is revoked or modified, the revocation or modification shall be prospective only, and such revocation or modification shall not be applied retroactively against the taxpayer.

(2) An advisement, issued to a taxpayer or a taxpayer association, with respect to a particular transaction represents a holding of the Department on that transaction only. If the advisement is later found to be in error, or no longer in accord with the position of the Department, it will afford the taxpayer no protection with respect to a like transaction in the same or subsequent years.

(3) No change.

(4) As part of the determination of a taxpayer's liability, it is the responsibility of the Department to ascertain whether an advisement previously issued to the taxpayer or the taxpayer association has been properly applied. It should be determined whether the representations, upon which the advisement was based, reflected an accurate statement of the material facts and whether the transaction actually was carried out substantially as proposed.

(5) Members of a taxpayer association who choose not to follow the guidance provided in a TAA may be liable for the tax consequences of not adhering to the Department's position expressed in the TAA.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22 FS. History--New 5-27-82 Formerly 12-11.07, Amended \_\_\_\_\_.

12-11.008 Requests by Representatives.

(1) A request, by or for a taxpayer or a taxpayer association, must be signed by the taxpayer, an officer or director of the taxpayer association, or an his or her authorized representative of the taxpayer or the taxpayer association. If the request is signed by an authorized a representative of the taxpayer, he or she must either be:

(a) An attorney, who is a member in good standing of the Florida Bar or of the bar of the highest court of any state, possession, commonwealth, or the District of Columbia, and who files with the Department a written declaration that he or she is currently qualified as an attorney and he or she is authorized to represent the principal, or

(b) through (2) No change.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22(+), (-) FS. History--New 5-27-82, Formerly 12-11.08, Amended \_\_\_\_\_.

12-11.013 Informal Technical Tax Statements.

Pursuant to the provisions of ss. 213.015(1) and 213.2201, F.S., the Department is authorized to issue informal written technical statements called Tax Information Publications (TIPs).

(1) Tax Information Publications are intended to:

(a) Provide guidance to taxpayers, tax practitioners, and the public;

(b) Promote the uniform application of the tax laws;

(c) Inform taxpayers about the Department's response to changes in:

1. United States or Florida tax laws; or,

2. Court or Division of Administrative Hearings decisions that interpret tax laws;

(d) Explain to taxpayers their rights and responsibilities under the tax laws; and,

(e) Assist taxpayers in complying with the tax laws.

(2)(a) TIPs cannot supersede, alter, or otherwise change any provision of Florida law, Department rule, or any other source of law. They are not binding on the Department or on taxpayers.

(b) A TIP is not a rule under the provisions of Chapter 120, F.S.

(3)(a) If there is an inconsistency between a TIP and a statute, rule, or court decision, the statute, rule, or court decision controls.

(b) Any person relying on a TIP is required to consider the effects of later statute or rule changes, or court decisions, that render the TIP inapplicable. A taxpayer who relies on the provision(s) contained in an inapplicable TIP cannot subsequently allege that he or she received inaccurate guidance from the Department.

Specific Authority 213.06(1) FS. Law Implemented 213.015(1), 213.2201 FS. History--New \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2000

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 November 12, 1999 (Vol. 25, No. 45, pp. 5197-5201). The workshop was held on December 2, 1999. Testimony was offered during the workshop, and the comments received resulted in a change being incorporated into proposed Rule 12-11.003, F.A.C. This change deleted the proposed requirement that a Technical Assistance Advisement that is issued to a taxpayer association must be distributed by the association to "related interested parties."

**DEPARTMENT OF REVENUE**

RULE TITLE: Notification to Custodians; Custodial Responsibilities

RULE NO.: 12-21.203

PURPOSE AND EFFECT: The purpose of these proposed rule amendments to Rule 12-21.203, FAC., is to implement a 1999 legislative change, and to remove the incorporation by reference of form DR-44, which is not a rule. The effect of these proposed amendments is to reduce the amount of a taxpayer's assets the Department must freeze, when the agency is garnishing the assets to collect an unpaid tax liability.

SUMMARY: These proposed rule changes authorize the Department to only freeze that portion of a taxpayer's assets which equals the taxpayer's unpaid liability, instead of the entire amount of a taxpayer's assets which are held by a

custodian (financial institution). However, this partial freeze can not be used if the taxpayer has a history of tax delinquencies. The incorporation by reference of form DR-44 is being deleted because the form is not a rule as defined in s. 120.52(15), F.S.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** Since this proposed rule only deals with a minimal change to the procedures governing garnishment for unpaid taxes, there are no significant regulatory costs involved. 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:** 72.011(2), 213.06(1) FS.

**LAW IMPLEMENTED:** 213.67 FS.

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

**TIME AND DATE:** 10:00 a.m., March 14, 2000

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

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

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

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

12-21.203 Notification to Custodians; Custodial Responsibilities.

(1) To initiate this garnishment procedure, the Department will prepare a Notice of Freeze (Form DR-44, ~~incorporated herein by reference, dated 09/98~~). ~~Defaced copies of this form may be obtained by written request to the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304.~~ This Notice shall be sent by registered mail to custodians exercising control or possession of a noncompliant taxpayer's assets. The following employees of the Department are authorized to initiate this administrative garnishment procedure:

- (a) The Executive Director or the Deputy Executive Director;
- (b) The General Counsel or Deputy General Counsel;

(c) The Senior Program Director, General Tax Administration;

(d) The Program Director, General Tax Administration; and

(e) Any of the following positions within the Compliance Enforcement Process, General Tax Administration:

- 1. The Process Manager;
- 2. Regional Managers;
- 3. Service Center Managers; and
- 4. Process Group Managers.

(f) Any of the following positions within the Taxpayer Services Process, General Tax Administration:

- 1. The Process Manager;
- 2. Revenue Administrator III; and
- 3. Revenue Specialist Supervisor.

(2) The notice shall state the Department's authority to initiate the garnishment procedure; specifically identify the noncompliant taxpayer subject to garnishment; specify the amount of tax, penalty, or interest owed by the taxpayer; indicate the dates during which the freeze of assets is effective; specify the amount of the taxpayer's assets which must be frozen by the custodian; and fully describe the custodian's responsibilities pursuant to s. 213.67, F.S., and this Rule.

(3) The Notice of Freeze (Form DR-44) informs the custodian that:

(a) The custodian is prohibited from disposing, transferring, or returning to the noncompliant taxpayer or other party the specified partial amount or the entire amount ~~any~~ of such taxpayer's assets in the custodian's control or possession at the time of receipt of the Notice of Freeze, or any additional assets of which the custodian subsequently acquires control or possession during the time period prescribed by this Notice, unless authorized by the Department in writing;

(b) The Notice of Freeze is effective as of the date of its receipt, and remains in effect until the Department consents to a transfer, disposition, or return, or until sixty (60) consecutive calendar days have elapsed from the date of its receipt, whichever occurs first. However, if the noncompliant taxpayer contests the intended levy in circuit court or under Chapter 120, F.S., within the time period specified under s. 213.67, F.S., the Notice of Freeze will remain effective until final resolution of the contest;

(c) If, during the time period prescribed by this Notice, a custodian makes any transfer or disposition of the assets required to be withheld, the custodian will be liable for any indebtedness owed to the department by the noncompliant taxpayer to the extent of the value of such assets if the state is unable to recover the indebtedness, solely by reason of the transfer or disposition.

(4) Each custodian who receives a Notice issued pursuant to this Rule must:

(a) Inform the Department in writing, within 5 days of the receipt of the notice, of those specific assets and their value attributable to the noncompliant taxpayer which the custodian controls, possesses, or is owed;

(b) Inform the Department in writing, within 5 days after coming into subsequent possession or control of assets attributable to the noncompliant taxpayer; and

(c) Comply with the statutory prohibition against disposing, transferring, or releasing the amount any of the noncompliant taxpayer's assets which the Department specified in the Notice of Freeze.

(5) through (6) No change.

Specific Authority 72.011(2), 213.06(1) FS. Law Implemented 213.67 FS. History--New 6-16-93, Amended 3-31-99, \_\_\_\_\_.

**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:** February 3, 2000

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** This proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 5, 1999 (Vol. 25, No. 44, pp. 5023-5025). The workshop was held on November 22, 1999. No one appeared to testify at the workshop, and no comments were submitted.

**DEPARTMENT OF REVENUE**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Contract Auditor Prerequisites	12-25.004
Selection Procedures for Contract Auditors	12-25.005
Applicants Ranking Committee	12-25.0054
Applicant Ranking Process	12-25.0056
Dispute Resolution	12-25.0058

**PURPOSE AND EFFECT:** The purpose of these proposed rule amendments is to change the procedures governing the Contract Auditing program, based on issues identified during the initial years in which the program has operated. The effect of these proposed changes is to simplify and streamline the procedures associated with the Contract Auditing program.

**SUMMARY:** A) The proposed amendments to Rule 12-25.004, F.A.C., eliminate the requirements that an applicant be a certified public accountant in good standing in the state where the audit work will be done, and that the applicant file a sworn statement stating he or she has not been convicted of a

public entity crime; B) The recommended changes to Rule 12-25.005, F.A.C., transfer and revise statistical sampling procedures used to select applicants to rank for potential contracts when the applicant pool exceeds 75; provide that an applicant who is completing a contract audit is automatically included in the ranking process if the applicant meets specific criteria; explain how the "delivery date" for a submitted file or application will be determined when it is sent using an overnight delivery service; define the term "completed" case file to mean that the contract audit file is ready for departmental review; provide criteria a firm may use to substitute team members originally identified in the Request For Information; and, clarify the procedures used to determine if an application has been timely filed; C) The proposed amendments to Rule 12-25.0054, F.A.C., adjust various provisions to conform to a recent reorganization of the Department; provide that all meetings of the Applicants Ranking Committee will be noticed in the Florida Administrative Weekly; eliminate a discussion of the procedures used to pull a statistical sample of applicants when an applicant pool exceeds 75, since this procedure is moved to Rule 12-25.005, F.A.C.; authorize the chairperson of the Applicants Ranking Committee to designate an individual who will review the selection committee members' completed ranking forms, resolve discrepancies, and enter ranking form scores into the database; establish procedures for determining how to handle selection scores that result in a tie among two or more applicants; D) The recommended changes to Rule 12-25.0056, F.A.C., change the scoring for the evaluation criterion which is based on "experience"; eliminate the requirement that applicants successfully pass tax courses and add Certified Audit program courses as part of the evaluation criterion based on "knowledge of Florida tax law"; state that a general law degree (i.e., one without a concentration in tax law) does not qualify for advanced degree points within the evaluation criterion based on "Advanced Degrees in Taxation"; eliminate the "Superior Performance" rating; revise the method for scoring performance evaluations; add an example explaining how the Department will calculate an applicant's ranking; eliminate language concerning the exclusion of an applicant based on the existence of disciplinary actions by a Better Business Bureau; and, increase the weighted score granted to certified minority business enterprises; E) The proposed amendments to Rule 12-25.0058, F.A.C., adjust a provision to conform to a recent reorganization of the Department.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** Since these proposed rules deal with internal procedures governing the Contract Auditing program, there are no significant regulatory costs involved. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 213.06(1), 213.28(4) FS.

LAW IMPLEMENTED: 213.28 FS.

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

TIME AND DATE: 10:00 a.m., March 14, 2000

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

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

12-25.004 Contract Auditor Prerequisites.

An applicant and the applicant's firm, prior to being considered for a contract or renewal of a contract to provide auditing services pursuant to Section 213.28, F.S., shall comply with the following qualifying criteria:

(1) Must be a certified public accountant in good standing under the laws of the state in which the applicant is licensed; ~~and under the laws of the state where the audit services will be performed;~~

(2) through (4) No change.

~~(5) File a sworn statement with the Department that they have not been convicted of a public entity crime, as provided in Section 287.133, F.S.~~

~~(5)(6)~~ Comply with contractual requirements regarding the confidentiality of tax information, which acknowledges the applicant's legal responsibility to not disclose any taxpayer or departmental records.

~~(6)(7)~~ Timely provide the information, as specified by the Request for Information (when applicable), required by the Department for use in the applicant ranking procedure. "Timely provide" means the information must either be hand-delivered to the Contract Manager's Office or postmarked by the U. S. Postal Service by the deadline established in the Request for Information. Facsimile information will not be accepted.

~~(7)(8)~~ Shall not have any currently unpaid Florida state tax liability, and, to the best of the applicant's knowledge, be in compliance with Florida revenue laws. This provision applies to any business entity owned or controlled by, or related to, the applicant, including a parent, subsidiary, brother or sister company, or other affiliated entity.

Specific Authority 213.06(1), 213.28(4) FS. Law Implemented ~~212-10~~, 213.28 FS. History—New 5-11-92, Amended 3-20-94, 10-30-96, \_\_\_\_\_.

12-25.005 Selection Procedures for Contract Auditors.

(1) No change.

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

3. When the Department identifies the need to revise or replace the group of firms under contract, and the number of applicants exceeds 75, then the following statistical sampling techniques will be utilized to select applications to be ranked in that particular pool:

a. The population will be defined as the applications filed in a complete, timely manner (as determined by the Request For Information), for the subject contract size pool, exclusive of any applicant that has satisfactorily completed a contract at the time it submits an application and who meets all the criteria established in subsection (2) of this rule at the cut-off date established by the Contract Manager.

b. A random number generator software package will be used to select which applicants from the population will be ranked.

c. The size of this statistical sample will be of sufficient size to ensure that there are at least 2 firms competing for each available contract. The critical factor in determining the sample size will be the time available for the Applicants Ranking Committee to perform its function.

d. Any applicant that has completed a contract at the time it submits an application and who meets all the criteria established in subsection (2) of this rule at the cut-off date established by the Contract Manager will automatically be included in the ranking process.

(b) Until the Department identifies the need to revise or replace the group of firms under contract, the Contract Manager will develop a ranked list from those firms that have had contracts within the two immediately preceding program years for General Tax Administration (GTA) management approval. The approved ranked list will then be used by the Contract Manager to negotiate contracts, using the same procedure set forth in this rule section. The following method will be used to develop this ranked list, and the list discussed in paragraph (2)(a) of this rule:

1. Step A: The Contract Manager will establish a cut-off date prior to developing the ranked list. The Evaluation rating(s) and the Efficiency rating(s) for any individual audit submitted to the Department subsequent to the established cut-off date will not be considered in the current ranking process. ~~The cut off date will be within six weeks of the date~~



the ranked list is presented to GTA management for approval. The Contract Manager will eliminate from the list of firms any firms that, at the cut-off date:

- a. No longer meet the prerequisites stated in Rule ~~number~~ 12-25.004, F.A.C.; or,
- b. Fail to comply with the requirements of Rule ~~number~~ 12-25.0056, F.A.C.; or,
- c. Have not submitted for review and approval at least 40 percent of their assigned audit hours. "Submitted" is defined as the completed audit file(s) delivered to the Department ~~for final review~~ on or before the cut-off date. If the applicant elects to use an overnight mail service to deliver its completed files, the delivery date is the date the service actually provides the files to the Department, not the date the completed files are provided to the overnight mail service, and not the date the overnight mail service is paid by the applicant. The U. S. Postal Service postmark ~~postmarked~~ date on the mailing envelope, which constitutes the mailing date, containing such completed file(s) will be used to determine if the file(s) were submitted on or before the cut-off date. The 40 percent will be calculated by dividing the sum of the budgets for the submitted audits by the sum of the total assigned hours for the subject program year. For the purposes of these rules, the term "completed" is defined as the case file being ready for final Department review – the Notice of Intent to Make Audit Changes has been issued, the taxpayer response received, necessary adjustments have been made to the file, and all required work papers have been prepared.

2. Step B: The Contract Manager will calculate at the cut-off date the overall evaluation rating provided in Rule ~~number~~ 12-25.0056, F.A.C., for each firm remaining after Step A is completed. The Contract Manager will eliminate from the list firms that do not have an overall weighted evaluation rating, as provided in Rule ~~number~~ 12-25.0056, F.A.C., of at least 1.50. ~~3.0~~.

3. Step C: The Contract Manager will calculate at the cut-off date the overall Efficiency rating provided in Rule ~~number~~ 12-25.0056, F.A.C., for each firm remaining after Step A is completed. The Efficiency rating will be taken to four decimal places.

4. Step D: The Contract Manager will ~~use weight~~ the ratings developed in Steps B and C, and ~~the Fee Proposals use these weights~~ to develop a ranked list of qualified applicants. A firm's points resulting from its overall Evaluation rating will be weighted at 33 percent, the points resulting from its overall Efficiency rating will be weighted at 17 percent, and the points resulting from its Fee Proposal will be weighted at 50 percent.

~~(e) When the Department identifies the need to revise or replace the group of firms under contract, the following statistical sampling techniques shall apply:~~

~~1. The population will be defined as the applications filed in a complete, timely manner (as determined by the Request for Information), for the subject contract size pool.~~

~~2. A random number generator software package will be used to select which applicants from the population will be ranked.~~

~~(3) through (4) No change.~~

~~(5)(a) Applicants must submit their written application in response to the Department's Request For ~~for~~ Information to the address specified in the subject Request For Information.:~~

~~Florida Department of Revenue  
Contract Manager  
Room 182, Building G, Capital Center Complex  
Post Office Box 5139  
Tallahassee, Florida 32314 5139.~~

~~(b) To be timely, an application in response to the Request For ~~for~~ Information must be postmarked by the U. S. Postal Service or hand-delivered within 30 calendar days of the issue date of the Florida Administrative Weekly in which the Request for Information is published. If the applicant elects to use an overnight mail service to deliver the application, the delivery date is the date the service actually provides the application to the Department, not the date the application is provided to the overnight mail service, and not the date the overnight mail service is paid by the applicant.~~

~~(6) The Department's Request For ~~for~~ Information will solicit information which reflects, at a minimum, the qualifications of the team identified by the applicant in its application to perform tax audit services for the Department, as follows:~~

~~(a) through (i) No change.~~

~~(j) The names of the professional staff and the engagement partner (i.e., the team) who will work on the audits. Except as discussed next, all team members listed in the response to the Request For Information must work on the contract. Once a contract is awarded, the Department is authorized to approve firm member substitutions if:~~

~~1. The original firm member cannot work on the contract due to either health reasons or because the member is no longer employed by the firm; and,~~

~~2. The substituted firm member has approximately at least the same number of months of professional experience, the same general educational background, and the same general position level within the firm; and~~

~~2. The original firm member cannot work on the contract due to either health reasons or because the member is no longer employed by the firm;~~

~~(k) through (l) No change.~~

~~(7) After reviewing those written responses to the Department's Request For ~~for~~ Information that are selected for ranking, the Applicants Ranking Committee will ~~determine~~ which applicants have the necessary qualifications to conduct tax compliance audits for the Department, and rank the applicants in order based on requested technical criteria and their fee proposal, for negotiation purposes.~~

(8) The Contract Audit Section will then enter into contract negotiations with the highest ranked applicants in order of their ranking. The negotiation process will continue until all the available contracts for the subject period are let.

Specific Authority 213.06(1), 213.28(4) FS. Law Implemented 242-10, 213.28 FS. History—New 5-11-92, Amended 3-20-94, 10-30-96,\_\_\_\_\_.

12-25.0054 Applicants Ranking Committee.

(1) Composition of the Committee.

(a) The Program Director of the General Tax Administration Program (GTA) Compliance and Education will appoint a seven-member committee, known as the “Applicants Ranking Committee,” to perform the ranking function.

(b)1. This Committee will include the Contract Manager, who will serve as chairperson, and six voting members.

2. The chairperson is authorized to recommend candidates for Committee membership to the Program Director of GTA Compliance and Education, schedule meetings, prepare agendas and necessary materials, and chair the meetings.

3. The chairperson will not prepare any qualification ranking forms, and will not “vote” on ranking issues.

(c) No change.

(d) The Program Director of GTA Compliance and Education will use the following criteria in making appointments to the Committee:

1. through 5. No change.

(e) Each member, including the chairperson, must complete a conflict of interest disclosure statement. The member must either state the absence of any existing business or family relationship with applicants, or must list any such relationships. If relationships do exist for a particular Committee member, then the Program Director of GTA Compliance and Education will excuse the member from participating in ranking the particular firm(s) with which the member has a relationship. The statements will be completed at the beginning of each fiscal year, prior to the start of the ranking process.

(2) Committee Meetings.

(a) No change.

(b) The Contract Manager will publicly notice the date, time, and location of any meeting held by the Applicants Ranking Committee. This notification will, at a minimum, be published in the Florida Administrative Weekly ~~mailed or publicly posted~~ at least 14 calendar days prior to any scheduled meeting of the Committee.

(c) through (d) No change.

(3) Committee Procedures.

~~(a)1. If the number of applicants exceeds 75, then statistical sampling techniques will be utilized to select applications to be ranked in that particular pool. The size of this statistical sample will be determined through professional judgment. The sample will be of sufficient size to ensure that~~

~~there are at least 2 firms competing for each available contract. The critical factor in determining the sample size will be the time available for the Applicant Ranking Committee to perform their function.~~

~~2. Any applicant that has completed a contract at the time they submit an application and who meets all the criteria established in Rule number 12-25.005(2)(b) at the cut off date established by the Contract Manager, will automatically be included in the ranking process.~~

~~(a)(b) No change.~~

~~(b)(c)1. At the meeting, the Committee will conduct an open discussion on each applicant’s qualifications prior to completing their individual qualification ranking form.~~

~~2. After the open discussion, the members must independently complete their individual qualification ranking forms. To ensure objective results, there must be no disclosure between members as to their respective scores. The members must sign and date each ranking form.~~

~~3. When each member has completed, signed, and dated a qualification ranking form for each applicant, the forms will be given to the chairperson. The chairperson will then compile and distribute copies of all completed ranking forms to the Committee members.~~

~~4. The chairperson or the chairperson’s designee will review the completed forms to verify that the supporting facts entered in the comments sections are consistent between members, and are accurate. The chairperson or the chairperson’s designee will resolve any discrepancies through discussion with the involved members and review of the facts documented in the subject application.~~

~~(c)(d) The chairperson or the chairperson’s designee will enter the scores from each form into a database to determine the total of the six scores of each of the applicants evaluated by the Committee. If a Committee member is excused from ranking a particular applicant due to a potential conflict of interest, then an average of the other five ~~5~~ members’ scores will be used as the sixth score. A Ranking Report for each pool will be prepared based on the composite scores of the applicants in the pool. The Ranking Reports will reflect, at a minimum:~~

- ~~1. Composite scores for each applicant in total; and~~
- ~~2. A ranking of the applicants in numerical order.~~

~~(d) In the event of a tie(s) on a ranking report, the following steps will be performed, in numeric order, until the tie(s) is broken:~~

~~1. The individual numeric calculations comprising the total score for each applicant will be recalculated to ten decimal places;~~

~~2. Then, if the tie(s) is not broken, the applicants will be ranked against each other based on the scores for the criteria specified in subparagraphs (b)1., 6., 7., 9., and 10. of subsection 12-25.0056(12), F.A.C.~~

3. Then, if the tie(s) is not broken, the applicants will be ranked against each other based on their scores for the criteria specified in subparagraph (b)9. of subsection 12-25.0056(12), F.A.C.

(4) No change.

Specific Authority 213.06(1), 213.28(4) FS. Law Implemented 212.10, 213.28 FS. History—New 3-20-94, Amended 10-30-96, \_\_\_\_\_.

12-25.0056 Applicant Ranking Process.

The criteria and definitions established in this rule will be used by the Applicants Ranking Committee to evaluate and rank the qualifications of applicants.

(1) Experience in Florida tax law. This term means working directly with the Florida statutes (tax law), Department rules, and the interpretative decisions, opinions, and rulings relevant to the subject tax. The type of experience can either be:

(a) No change.

(b) Preparation – assisting a taxpayer in, or preparing tax returns for, clients, or representing clients or others with respect to audit issues during the Department's tax compliance audit process.

(c) No change.

(d) Audit Experience =	Score
1 to <del>4</del> 2 years	= 2
<del>5</del> 3 to <del>8</del> 4 years	= 3
<del>9</del> 5 or more years	= 5

Points awarded for experience are based on the sum of the experience of individual team members. For team members who have previously worked on Section 213.28, F.S., contracts, one year of audit experience is awarded for each contract worked on.

(e) through (f) No change.

(2) Knowledge of Florida tax law. This is textbook/academic knowledge of the application, concepts, and issues concerning the statutes, Department rules, and rulings and decisions in administrative and court cases relevant to the subject tax. It is the combined knowledge (i.e., courses attended ~~and successfully passed~~) of the firm members named in the application who will work on the audits. The methods by which the applicant may have gained this knowledge are:

(a) Attended and, where applicable, successfully passed a course ~~that of the Florida Institute of Certified Public Accountants which is approved by the Department and which is designed specifically to teach audit applications for the Florida revenue law.~~

(b) Successfully completed a Department course in the Florida revenue laws (each of the Department's contract audit program and certified audit program ~~one day "update" or "review" courses meet this criterion~~ criteria).

(c) No change.

(3) Experience in Federal tax law. This is experience in working directly with the Federal Statutes, Internal Revenue Service rules and court cases relevant to the subject tax. It is the combined experience of the firm members named in the application who will work on the audits. The type of experience can either be:

(a) No change.

(b) Preparation – assisting a taxpayer in or preparing Federal tax returns for clients or representing clients on audit issues during the I.R.S. tax compliance audit process in the practice of public accounting.

(c) through (4) No change.

(5) Advanced Degrees in Taxation.

(a) These are qualifications above those of an undergraduate accounting degree, ~~specifically~~ Specifically, masters or doctoral degrees in taxation. Advanced business, accounting, or law degrees with a stated major in taxation will be scored as a master's degree in taxation. Possession of a law degree without a stated concentration in taxation does not qualify for receiving advanced degree points. The score will be based on the combined number of advanced degrees, if any, of the firm members named in the application who will work on the audits.

(b) through (6) No change.

(7) Performance Evaluation.

(a) The Contract Manager or his/her designee will complete a Performance Evaluation Form for each contract audit completed, excluding surveys, when the General Tax Administration program has completed the review of the subject audit. The contract C.P.A. firm will be evaluated in four areas:

1. through (b) No change.

(c) The Contract Manager is authorized to perform a special performance evaluation at any point, based on the contract firm's failure to comply with contract terms, Department policies and procedures, or the Contract Manager's express written instructions. The special performance evaluation will be weighted at 10 percent of the total hours used as the denominator in the calculation discussed in this subsection assigned under the subject contract, and will be included in the ranking process.

(d)1. The Contract Manager or his/her designee will rate the subject firm on each of the line items for the four criteria discussed in this subsection (Communication, Knowledge of Florida Tax Law, Preparation of Audit File, and Professional Conduct) and then determine an overall score for each evaluation completed.

2. Each individual line item in the performance evaluation will be rated as "Below Performance Standards<sub>1</sub>"; "Achieves Performance Standards<sub>2</sub>"; or "Exceeds Performance Standards", ~~or "Superior Performance"~~. The ratings will carry the following numerical ratings:

a. "Below Performance Standards" equals ~~2~~0;

- b. "Achieves Performance Standards" equals 3.0;
- c. "Exceeds Performance Standards" equals 5.0, ~~4.0~~;
- d. ~~"Superior Performance" equals 5.0;~~

The individual line item scores for each performance evaluation will be totaled and divided by the number of line items rated. The resulting average will be the overall rating for that performance evaluation.

3. The Contract Manager or his/her designee will provide supporting comments for any area rated anything other than "Achieves Performance Standards." All evaluations require Contract Manager approval prior to becoming final.

(e) The methodology for scoring this category is determined as follows:

Performance Evaluation	
Overall Weighted Rating =	Ranking Equation Points
<del>2.9 or less</del>	= 0
<del>3.0 to 3.5</del>	= 2
<del>3.6 to 4.5</del>	= 4
<del>4.6</del>	= 5

(f)1. The performance evaluation points awarded a firm will be determined using the weighted total of the overall ratings for performance evaluations.

2. For a performance evaluation to be considered in a ranking process, the associated audit # must have been:

- a. Assigned and completed by the cut-off date provided in Rule ~~number~~ 12-25.005, F.A.C. (if applicable);
- b. And the Performance Evaluation must be dated ~~Dated~~ no earlier than the two immediately preceding program funding years; and
- c. Not included in any previous ranking process.

3. The weight assigned to each included performance evaluation will be the ratio which the incurred audit hours, up to the approved budget, in the subject audit bear to the total of the hours for all audits for all included performance evaluations.

4. An example of the calculation for any C.P.A. firm is as follows:

Step 1: For example – A firm has two Performance Evaluations eligible for the subject ranking process. The firm received two "Below Performance Standards", 12 "Achieves Performance Standards" and four "Exceeds Performance Standards" on the Performance Evaluation for audit #1, which had a 900 hour budget. The overall rating for that Performance Evaluation would be 3.1 (56 total points divided by 18 line items). The firm received six "Achieves Performance Standards" and 12 "Exceeds Performance Standards" on the Performance Evaluation for audit #2, which had a 100 hour budget. The overall rating for the second Performance Evaluation would be 4.3 (78 total points divided by 18 line items.)

OVERALL SCORE	AUDIT HOURS	FACTOR X	OVERALL WEIGHTED SCORE
Audit # 1- <del>3.1</del> <u>3.5</u>	900	90% (900/1000)	<u>2.8</u> <del>3.15</del>
Audit # 2- <del>4.3</del> <u>2.7</u>	100	10% (100/1000)	<u>.4</u> <del>.27</del>
	1000	100%	<u>3.2</u> <del>3.42</del>

Step 2: 3.2 points for Performance Evaluations would be used in the subject weighted ranking equation. 3.42 is between 3.0 to 3.5, which equates to 2 ranking equation points, as provided in this rule.

Any points resulting from performance evaluations accrue only to the legal entity with which the Department entered into the contract.

(8) through (10) No change.

(11) Exclusion from Ranking Process. An applicant will be excluded from the ranking process for the subject fiscal year if:

(a) The applicant has been found guilty in a Board of Accountancy disciplinary action within the last three years.

(b) There are two or more disciplinary actions taken by the Division of Consumer Services, Department of Agriculture and Consumer Services, or similar agency in the applicant firm's state of domicile, ~~or by in state or out of state Better Business Bureaus against the subject applicant.~~

(c) The applicant misrepresents any material fact affecting the applicant's weighted score.

(d) The applicant ~~or any business entity owned by, or related to, the applicant, including a parent, subsidiary, brother or sister company or other affiliated entity,~~ has any currently unpaid Florida state tax liability or has failed to comply with Florida revenue laws.

(12) Criteria and Weighted Equation.

(a) The criteria and associated weights provided in this section, in conjunction with the provisions ~~provision~~ of subsections (1) through (9) of this rule section, will be employed in the applicant ranking process whenever a Request For for Information has been published. The information used in applying the described criteria will primarily be provided by the applicants' responses to the Request For for Information. Other sources are described in this section.

(b)(~~a~~) Weighting is accomplished by multiplying the scores for each criterion ~~criteria~~ by an assigned percentage, with the sum of the percentages equaling 100 percent, as follows:

CRITERIA	MAXIMUM POINTS	X WEIGHT	= SCORE
1. Experience in Florida tax law	5	15%	.75
2. Knowledge of Florida tax law	4	5%	.20
3. Experience in Federal tax law	5	5%	.25
4. Results of On-Site Quality Review or Peer Review	4	5%	.20
5. Advanced Degrees in Taxation	4	5%	.20
6. Certified Minority Business Enterprise	5	<u>10</u> 5%	<u>50</u> <del>.25</del>
7. Performance Evaluation	5	<u>15</u> 20%	<u>.75</u> <del>1.00</del>
8. Other	5	5%	.25
9. Fee Proposal	5	25%	1.25
10. Efficiency Calculation	5	0%	.50

(13) The Committee is authorized to award a bonus score, ranging from .25 to 1.00 points, to any applicant that develops developing significant improvements in audit tools and techniques. The subject improvements must have been successfully used in a Department tax compliance audit file which was reviewed and approved by the Contract Audit Section. The Department is contractually authorized to take such improvements for use by its own audit staff. The Contract Manager is responsible for informing the Committee of any improvements, so the Committee can evaluate awarding the bonus. Also, the Committee is authorized to award a bonus score of 1.00 to any applicant that lists on its response to the Request For Information experience that the contract manager has identified as beneficial for the subject program year. The bonus will be added to the total calculated weighted score. Accordingly, the maximum score a contract firm could receive is 6.85 ~~5.80~~ (4.85 ~~4.80~~ plus 1.00 plus 1.00 equals 6.85 ~~5.80~~).

Specific Authority 213.06(1), 213.28(4) FS. Law Implemented ~~212.10~~, 213.28 FS. History—New 3-20-94, Amended 10-30-96, \_\_\_\_\_.

12-25.0058 Dispute Resolution.

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

(e) The Process Manager, Compliance Support Process process, will provide a written response within 45 calendar days of receipt of the request for reconsideration.

(f) No change.

Specific Authority 213.06(1), 213.28(4) FS. Law Implemented ~~212.10~~, 213.28 FS. History—New 3-20-94, Amended 10-30-96, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2000

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 November 5, 1999 (Vol. 25, No. 44, pp. 5025-5031). The workshop was held on November 22, 1999. No one appeared to testify at the workshop, and no comments were submitted.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLE:

RULE NO.:

Specific Exemptions

12A-1.001

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.001, FAC., is to implement s. 3, Chapter 99-238, L.O.F., which expanded the exemption contained in s. 212.08(7)(dd), F.S., to include the purchase or importation of works of art for donation to an educational institution. The effect of these amendments will be to provide current guidelines regarding this exemption in paragraph (3)(f) of Rule 12A-1.001, FAC.

SUMMARY: The proposed amendments provide guidelines regarding the tax exemption provided to works of art purchased or imported into Florida for the purposes of being donated to, or being loaned to and made available for display by, an educational institution. The amendments provide a suggested format of the affidavit that is required to be provided by the purchaser, or the authorized agent, to the vendor of the art work. The proposed amendments also remove obsolete guidelines effective prior to this statutory change.

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

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

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

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

TIME AND DATE: 10:00 a.m., March 14, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert D. Heyde, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4714

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.001 Specific Exemptions.

(1) through (2) No change.

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

3.a. A "work of art," as defined in s. 212.08(7)(dd)8., F.S., is exempt from sales and use tax if the work of art is sold to or used by an educational institution, as defined in subparagraph 2., or if ~~it is sold to or used by any person under all of the following conditions specified in sub-subparagraphs b. through i.:~~

~~b. The work of art must have been purchased in Florida or imported into Florida within six months from the date of purchase by any person exclusively for the purpose of being donated to, or being loaned to and made available for display by, an educational institution. A work of art is presumed to have been purchased in or imported into this state exclusively for loan to an educational institution if it is so loaned or placed in storage in preparation for such a loan within 90 days after purchase or importation, whichever is later. A work of art will not be deemed to be "in storage" for purposes of this subparagraph if it is displayed at any place other than an educational institution.~~

~~b.e. The purchaser or his authorized agent must: (1) complete an affidavit documenting entitlement to the exemption provided in s. 212.08(7)(dd), F.S., by stating that the purchaser has or will enter into a written loan agreement with an educational institution, which is or will be identified by~~

~~its name and address, for a period of at least ten years, (2) present the affidavit to the seller of the work or works of art, and (3) forward a copy of the affidavit to the Department of Revenue when it is presented to the vendor. A purchaser may authorize his or her agent to execute such affidavit by a documented Power of Attorney filed with the Department. The Department prescribes Form DR-835, Power of Attorney (incorporated by reference in Rule 12A-1.097, F.A.C.), as the form to be used for such purposes.~~

~~c.d. The following is a suggested format of the affidavit to be provided by the purchaser or the his authorized agent to the vendor of the work of art:~~

AFFIDAVIT FOR EXEMPTION OF A WORK  
 OF ART TO BE DONATED SOLD TO OR LOANED TO  
 AN EDUCATIONAL INSTITUTION  
 STATE OF FLORIDA  
 COUNTY OF \_\_\_\_\_

Personally appears the below named affiant, who being duly sworn, deposes and says:

1. I claim exemption under s. 212.08(7)(dd), F.S., from Florida sales and use tax on the work(s) ~~or works~~ of art, described below, purchased in Florida or imported into Florida exclusively for the purpose of being (check one)

a. donated to \_\_\_\_\_, an educational institution as defined in s. 212.08(7)(o)2.d., F.S.

b. \_\_\_\_\_ loaned to and made available for display for a period of at least 10 years to \_\_\_\_\_, an educational institution as defined in s. 212.08(7)(o)2.d., F.S.

2. If a donation, title to the work(s) of art is being or will be transferred to the educational institution, and at the time of transfer, I will submit to the Department an affidavit evidencing the transfer of title.

3. If a loan:

a. The work(s) of art will be loaned to the educational institution or placed in storage in preparation for loan within 90 days after it was purchased in or imported into Florida. If placed in storage, it will not be displayed until such time as it is delivered to the educational institution.

~~b.2. I have entered into a written agreement with the educational institution providing for a loan of the work(s) of art and making the work(s) of art available to the educational institution for display for a term of not less than 10 years, with the educational institution designated below, or will do so before the transfer of possession of the work(s) of art to the educational institution occurs. A copy of the loan agreement will be provided to the Florida Department of Revenue at the time that the agreement is executed.~~

~~c.3. I understand that the exemption provided in s. 212.08(7)(dd), F.S., is allowed during the period of time in which the work(s) or works of art, as designated below, is in the possession of the educational institution designated below, and:~~

d.4. I understand that tax based upon the sales price as stated below will shall become due and payable at the time the provisions of s. 212.08(7)(dd), F.S., are no longer met, and the statute of limitations as provided in s. 95.091, F.S., will shall begin to run at that time. However, if I donate the work(s) of art to an educational institution after the loan ceases, no tax will be due.

5. The work or works of art as designated below will be loaned to the educational institution designated below or placed in storage in preparation for loan within 90 days after it was purchased in or imported into Florida. If placed in storage, it will not be displayed until such time as it is delivered to the educational institution designated below.

4.6. A signed copy of this affidavit is being has been forwarded to the Florida Department of Revenue at the time the original is given to of forwarding to the seller of the work(s) or works of art designated below of another signed copy of this affidavit.

Name of Purchaser \_\_\_\_\_  
Purchaser's Permanent Address \_\_\_\_\_ (Street)  
\_\_\_\_\_ (City) \_\_\_\_\_ (State)

Name of Seller \_\_\_\_\_  
Seller's Permanent Address \_\_\_\_\_ (Street)  
\_\_\_\_\_ (City) \_\_\_\_\_ (State)

DESCRIPTION OF WORK(S) OF ART  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sales Price \_\_\_\_\_ Date of Sale \_\_\_\_\_

Name of Educational Institution \_\_\_\_\_  
Institution's Address \_\_\_\_\_ (Street)  
\_\_\_\_\_ (City) \_\_\_\_\_ (State)

Educational Institution's Florida Consumer's Certificate of Exemption Number \_\_\_\_\_

(-) I have entered into an agreement with the educational institution designated above.

(-) The work of art is in storage and I have not entered into a loan agreement with an educational institution. However, I will notify the Florida Department of Revenue at such time that I enter into a loan agreement with an educational institution and provide the Department a copy of the loan agreement, the date on which the loan agreement was entered into, the name of the educational institution, the institution's address, and the educational institution's Florida Consumer's Certificate of Exemption Number.

Under the penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

\_\_\_\_\_  
(Signature of Purchaser or Authorized Agent)

Sworn to and  
subscribed before me  
this \_\_\_\_\_ day of  
\_\_\_\_\_ (Month), 19 \_\_\_\_\_ (Year).

\_\_\_\_\_  
Notary Public, State of Florida  
My commission expires: \_\_\_\_\_

NOTARY SEAL  
Personally known ( )  
Produced Identification ( ) Type: \_\_\_\_\_

Original to be retained by the seller and made part of the seller's records

1st Copy to be submitted to the Florida Department of Revenue, Compliance Enforcement, Enforcement Operations, P. O. Box 6417, Tallahassee, Florida 32314-6417

2nd copy: Purchaser's copy

d. The following is a suggested format of an affidavit of transfer of title to be provided by the purchaser or the authorized agent to the educational institution, as defined in s. 212.08(7)(o)2.d., F.S., upon donation of a work of art to that institution:

AFFIDAVIT TRANSFERRING TITLE TO A WORK  
OF ART TO AN  
EDUCATIONAL INSTITUTION  
STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Personally appears the below named affiant, who being duly sworn, deposes and says:

1. I claim exemption under s. 212.08(7)(dd), F.S., from Florida sales and use tax on the work(s) of art described below that was purchased in Florida or imported into Florida for the exclusive purpose of being donated to \_\_\_\_\_, an educational institution as defined in s. 212.08(7)(o)2.d., F.S. A copy of the affidavit provided to the vendor of the work(s) of art at the time of purchase is attached.

2. Title to the work(s) of art has been, or is being, transferred to the educational institution, effective \_\_\_\_\_ (date; no later than the date of this affidavit). Copies of any other documents evidencing the transfer of title to the educational institution are attached to this affidavit and are being forwarded to the Florida Department of Revenue with the affidavit.

3. A signed copy of this affidavit is being forwarded to the Florida Department of Revenue at the time the original is given to the educational institution.

Name \_\_\_\_\_ of  
Transferor  
Transferor's Permanent Address \_\_\_\_\_ (Street)  
\_\_\_\_\_ (City) \_\_\_\_\_ (State)

DESCRIPTION OF WORK(S) OF ART

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Purchased \_\_\_\_\_

Name and Address of Person from Whom Purchased \_\_\_\_\_

Name of Educational Institution \_\_\_\_\_

Institution's Address \_\_\_\_\_ (Street)

\_\_\_\_\_ (City) \_\_\_\_\_ (State)

Educational Institution's Florida Consumer's Certificate of Exemption Number \_\_\_\_\_

Under the penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

\_\_\_\_\_  
(Signature of Transferor)

Sworn to and subscribed before me this \_\_\_ day of \_\_\_ (Month), \_\_\_ (Year).

\_\_\_\_\_  
Notary Public, State of Florida  
My commission expires: \_\_\_\_\_

NOTARY SEAL  
Personally known ( )  
Produced identification ( ) Type: \_\_\_\_\_  
Original to be retained by the educational institution and made part of that institution's records

1st Copy to be submitted to the Florida Department of Revenue, Compliance Enforcement, Enforcement Operations, P. O. Box 6417, Tallahassee, Florida 32314-6417

2nd copy: Donor's copy

e. The exemption of the purchaser or owner from sales and use tax for the loan of a work of art applies only for the period during which the work of art is in the possession of the educational institution or is in storage before transfer of possession to the educational institution. The exemption provided to the purchaser of a work of art loaned to an educational institution is not terminated if the educational institution, which entered into a loan agreement with the purchaser of the work of art, loans the a work of art which is exempt under this subparagraph to another educational institution(s) and the physical custody of such work of art is returned to the lending educational institution at the termination of the loan agreement(s). Any educational institution which transfers possession of a work of art that is exempt under this subparagraph to other educational institutions is required to notify the Department within 60 days of such transfers. The notification must shall include a description of the work of art, the name and address of the purchaser who loaned it, the names and addresses of each of the educational institutions receiving the work of art for

display, and the time periods that the work of art will be displayed at each identified educational institution. Tax is due to the Department from the owner when the work of art loaned to an educational institution ceases to be so possessed or held, based on the cost price paid by the owner. The statute of limitations provided in s. 95.901, F.S., shall begin to run at the time the work of art is no longer so possessed or held.

f. Any educational institution in this state that has received from a purchaser a work of art which is exempt under this subparagraph is required to notify the Department within 60 days that it has received the work of art. The notification to the Department must shall include a description of the work of art, the name and address of the purchaser who loaned it, and the date on which the transfer of possession occurred.

g. Any educational institution which displays a work of art received on loan that is exempt under s. 212.08(7)(dd), F.S., this subparagraph is required to maintain any written agreements, notifications, affidavits, and any other documentation which substantiates the educational institution's right to display the work of art until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S., and such documentation shall be made available to the Department upon request.

h. Any educational institution that transfers from its possession a work of art received on loan that is exempt under s. 212.08(7)(dd), F.S., this subparagraph is required to notify the Department within 60 days after the transfer, except for transfers which do not terminate the exemption provided by s. 212.08(7)(dd), F.S., in this subparagraph for purposes such as storage, repairs, conservation and restoration, authentication, insurance examination, valuation, appraisal, research, photography and reproduction, or fumigation during which the work of art is not displayed and the educational institution maintains documentation to substantiate that such transfers do not constitute a transfer of possession for purposes of display of such work of art. The notification to the Department must shall include a description of the work of art, the name and address of the purchaser who loaned it, the name and address of to whom which the work of art is transferred, and the date on which the transfer of possession occurred.

i. For purposes of the exemption described in this subparagraph, the term "work of art" includes pictorial representations, sculpture, jewelry, antiques, stamp collections and coin collections, and other tangible personal property, the value of which is attributable predominantly to its artistic, historical, political, cultural, or social importance.

j. The exemption described by this subparagraph applies to any taxes that remain open to assessment or contest on July 1, 1992.

k. Documents and notifications, as required in this subparagraph to be provided to the Department, should shall be mailed to the following address:



Florida Department of Revenue  
 Compliance Enforcement  
 Enforcement Operations  
 P. O. Box 6417  
 Tallahassee, Florida 32314-6417

(g) through (t) No change.  
 (4) through (21) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.525, 212.02(10),(12),(16),(20),(21), 212.03, 212.031, 212.04, 212.05, 212.0515, 212.06(2),(9), 212.08(4),(5)(a),(e),(6),(7)(a),(b),(c),(d),(f),(g),(h),(i),(k),(l),(m),(n),(o),(p),(q),(r),(s),(u),(v),(x),(bb),(cc),(dd),(8), 212.085, 212.17, 212.18, 213.12(2), 213.37, 403.715 FS. History—Revised 1-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 12-11-74, 5-27-75, 10-21-75, 9-7-78, 9-28-78, 10-18-78, 9-16-79, 2-3-80, 6-3-80, 7-7-80, 10-29-81, 12-3-81, 12-31-81, 7-20-82, 11-15-82, 10-13-83, 4-12-84, Formerly 12A-1.01, Amended 7-9-86, 1-2-89, 12-1-89, 7-7-92, 9-14-93, 5-18-94, 12-13-94, 3-20-96,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
 Robert D. Heyde, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4714

**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:** February 3, 2000

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 12, 1999 (Vol. 25, No. 45, pp. 5201-5204). The workshop was held on December 1, 1999. No one appeared at the workshop to testify and no one submitted written comments.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

**RULE TITLES:**  
 Industrial Machinery and Equipment For Use in a New or Expanding Business 12A-1.096  
 Public Use Forms 12A-1.097

**RULE NOS.:**

**PURPOSE AND EFFECT:** A) The proposed amendments to Rule 12A-1.096, FAC., are necessary to address significant changes made during the 1996, 1998, and 1999 legislative sessions to Section 212.08(5)(b), F.S., which provides an exemption from sales and use tax on purchases of machinery and equipment made by new and expanding businesses. The 1996 Legislature lowered the tax threshold for expanding businesses from \$100,000 to \$50,000 per calendar year, eliminated the express exclusion of printing firms and certain publishing firms from the exemption, and established the requirement that businesses seeking the exemption must register with the WAGES Program Business Registry. The

1998 Legislature exempted expanding printing businesses from the \$50,000 tax threshold requirement. The 1999 Legislature eliminated the express exclusion of phosphate or other solid minerals severance, mining or processing operations from the exemption. However, the 1999 Legislature further provided that those new and expanding mining-related businesses must demonstrate the creation of a certain number of new Florida jobs in order to qualify for the exemption and those businesses may only get the exemption by way of a prospective credit against severance taxes. The 1999 Legislature also provided that new and expanding businesses engaged in spaceport activities do not have to manufacture, process, compound, or produce tangible personal property for sale in order to qualify for the exemption.

B) The amendments to subsection (1) of Rule 12A-1.096, FAC., revise the existing definitions for the terms “fixed location,” “industrial machinery and equipment,” “physically comparable,” “production process,” and “productive output.” The amendments provide additional definitions for the terms “integral to,” “manufacture, process, compound, or produce,” “mining activities,” and “spaceport activities.” The existing separate definition of “process” is deleted, since that term is incorporated within the new definition of “manufacture, process, compound, or produce.”

C) The amendments to subsection (2) of Rule 12A-1.096, FAC., clarify that the labor necessary to install machinery and equipment at a new business is exempt; clarify that machinery and equipment must be purchased, or a purchase agreement made, before the start of production or the beginning of spaceport activities; provide guidance to the qualification for exemption of amendments, change orders, or substitutions to purchase agreements; provide guidance as to when production or spaceport activities begin at a new business; clarify general examples of what represents a new business and eliminate specific examples of new businesses; and replace the concept that a new business means the production of an item of tangible personal property that is not physically comparable to an item or other items, which have been or are being produced by that business, with the concept that a new business means the production of an item of tangible personal property that represents a distinct and separate economic activity from other items that have been or are being produced by that business.

D) The amendments to subsection (3) of Rule 12A-1.096, FAC., clarify that the labor necessary to install machinery and equipment at an expanding business is exempt; reflect the lowering of the tax threshold for expanding businesses from \$100,000 to \$50,000 and provide that printing firms are not subject to the threshold; clarify that only purchases of qualifying machinery and equipment count toward the fulfillment of the tax threshold; update referenced years in examples for greater relevance; clarify general examples of what represents an expanding business and eliminate specific examples of expanding businesses; and provide that expanding

spaceport activities are not subject to the productive output increase requirement, which is imposed upon other expanding businesses.

E) A new subsection (4) is added to Rule 12A-1.096, FAC., providing that new and expanding mining activities may only receive the exemption by way of a prospective credit against severance taxes; providing requirements for creating new Florida jobs; defining new Florida jobs; and providing that the exemption for mining activities may not be approved until such time as the Office of Tourism, Trade, and Economic Development has certified to the Department of Revenue that the required number of new Florida jobs have been created.

F) Existing subsection (4) of Rule 12A-1.096, FAC., which provides a flowchart illustrating whether purchases of machinery and equipment will or will not qualify for exemption, is eliminated as having historically shown no practical value in the actual administration of the exemption.

G) A new subsection (5) of Rule 12A-1.096, FAC., provides six classification factors to be considered by the Department of Revenue when determining whether an applicant business should be classified as new or expanding for the purposes of the exemption.

H) Existing subsection (5) of Rule 12A-1.096, FAC., is renumbered (6) and eliminates the requirement for applicant businesses to submit obsolete forms DR-1207 and DR-1208; provides that, to receive a permit or a refund, a new or expanding business must submit form DR-1214; provides that, to receive the exemption for mining activities, a qualifying business entity must also submit form DR-1214; provides that a temporary tax exemption permit will not be issued to mining businesses, since those businesses may only receive the exemption by way of a prospective credit against severance taxes; provides that a certified statement is not needed where the business claiming a refund has self-accrued and remitted the tax directly to the State of Florida; provides timing criteria for when new and expanding manufacturing or printing businesses and those businesses engaged in spaceport activities must file an application for a refund of previously paid tax; provides criteria for when an application for a refund is considered to be complete; provides timing criteria for when new and expanding businesses engaged in mining activities are allowed a credit for previously paid tax; and deletes obsolete language concerning the statute of limitations for refund requests.

I) Existing subsection (6) of Rule 12A-1.096, FAC., is renumbered (7).

J) Existing subsection (7) of Rule 12A-1.096, FAC., is renumbered (8) and removes obsolete language that excludes phosphate or other solid minerals severance, mining or processing operations, printing firms, and certain publishing firms from the exemption; deletes the term "fabricate" from the subsection, since that term is not used in the exemption statute;

and provides that where a publisher is also a printer, that business will be considered a printer for the purposes of the exemption.

K) Existing subsection (8) of Rule 12A-1.096, FAC., is renumbered (9) and provides additional examples of machinery and equipment that will or will not qualify for exemption; provides that parts and accessories purchased tax exempt pursuant to s. 212.08(7)(eee), F.S., for replacement, maintenance, or repair shall not be allowed an exemption for the same amount of tax pursuant to the exemption provided by s. 212.08(5)(b), F.S.; and eliminates verbose language within the enumerated examples.

L) Existing subsection (9) of Rule 12A-1.096, FAC., is renumbered (10) and clarifies that the exemption only applies to the original term of an operating lease and provides that a purchase option at the end of an operating lease is considered to be a purchase made after the start of production and is subject to tax.

M) Existing subsection (10) of Rule 12A-1.096, FAC., is renumbered (11) and eliminates verbose language referring to the Executive Director or designee in the responsible program.

N) Subsection (12) is added to Rule 12A-1.096, FAC., to provide that no machinery and equipment purchased or leased will be eligible for the exemption without the business seeking the exemption being registered with the WAGES Program Business Registry.

O) The proposed amendments to Rule 12A-1.097, FAC., eliminate forms DR-1207 (Florida Contract Data Form) and DR-1208 (Schedule of Contractors) as not necessary to the administration of the application process; and the reference to form DR-1214 (Application for Temporary Tax Exemption Permit) is updated to reflect the current version of the form.

SUMMARY: A) The subsections within Rule 12A-1.096, FAC., to be addressed concern: the definitions of terms; qualifying purchases by, the start of production by, and examples of, new businesses; threshold amounts for, examples of, and productive output requirements for, expanding businesses; requirements for mining activities for the creation of new Florida jobs; the elimination of an unnecessary illustrative flowchart; the provision of factors for consideration by the Department of Revenue when determining whether an applicant business should be classified as new or expanding for the purposes of the exemption; the forms that must be filed by an applicant business in order to obtain the exemption; the provisions that mining businesses will not be issued a temporary tax exemption permit and may only receive the exemption by way of a credit against severance taxes; the timing criteria for when a refund application must be filed; and the criteria that must be satisfied before a refund application is considered complete and a refund may be issued or a credit authorized for a new or expanding business.

B) Existing subsections (28), (29) and (30) of Rule 12A-1.097, FAC., concerning the elimination of forms DR-1207 and DR-1208 and the current version of form DR-1214 will be affected by the amendments.

SPECIFIC AUTHORITY: 212.08(5)(b)4., 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(4),(14),(21),(22), 212.05, 212.06, 212.08(5)(b), 212.13(2), 212.17(6), 212.18(2), 215.26(2) FS., Section 2, Chapter 99-171 Laws of Florida.

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

TIME AND DATE: 10:00 a.m., March 14, 2000

PLACE: Room B-12, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jeffery L. Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.096 Industrial Machinery and Equipment for Use in a New or Expanding Business.

(1) Definitions – The following terms and phrases when used in this rule shall have the meaning ascribed to them except where the context clearly indicates a different meaning:

(a) “Fixed location” means being permanently affixed to one location or plant site. The term also includes, or any portable plant which is set up for a period of not less than six months in a stationary manner so as to perform the same industrial manufacturing, processing, compounding, or production process that could be performed at a permanent location or plant site. The geographical limits of the “fixed location”<sup>2</sup> for purposes of this rule are limited to the immediate permanent location or plant site. Facilities or plant units that are within the same building, or that are on the same parcel of land if not contained in a building, are considered to be one fixed location.

(b) “Industrial machinery and equipment” means tangible personal property or other property with a depreciable life of 3 years or more that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale or is exclusively used in spaceport activities. Buildings and their structural components

are not industrial machinery and equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment itself is replaced. Heating and air conditioning systems are not considered industrial machinery and equipment, unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees, or serves, to an insubstantial degree, non-production activities. For example, a dehumidifier installed for the sole purpose of conditioning air in a factory, where the manufacturing of electronic components requires a controlled-humidity environment, will be considered industrial machinery and equipment. (See subsection (9) of this rule.) “Section 38 Property” as defined in Section 48(a)(1)(A) and (B)(i) of the United States Internal Revenue Code, as amended, and includes parts and accessories, essential to the manufacturing, processing, compounding or producing of tangible personal property for sale, or for exclusive use in spaceport activities as defined in s. 212.02, F.S. “Industrial machinery and equipment” also means pollution control equipment, or sanitizing and sterilizing equipment which is essential to manufacturing, processing, compounding or producing items of tangible personal property. “Industrial machinery and equipment” also means monitoring machinery and equipment which is essential to manufacturing, processing, compounding or producing items of tangible personal property. In determining what is essential to manufacturing, processing, compounding or producing items of tangible personal property, the examination will not turn on how vertically integrated the taxpayer is but rather on the specific activity that the taxpayer asserts is part of the production process. For example, if the activity is essentially one of transportation or storage, associated equipment and machinery will not qualify for exemption unless specifically exempted in subsection (8) of this rule.

(c) “Integral to” means that the machinery and equipment provides a significant function within the production process, such that the production process could not be complete without that machinery and equipment.

(d) “Manufacture, process, compound, or produce for sale” means the various industrial operations of a business where raw materials will be put through a series of steps to make an item of tangible personal property that will be sold. The industrial operations must bring about a change in the composition or physical nature of the raw materials. Where materials are merely repackaged or redistributed, those operations are not manufacturing, processing, compounding, or producing for sale. The item of tangible personal property may be sold to another manufacturer for further processing or for inclusion as a part in another item of tangible personal property that will be sold, or the item may be sold as a finished product to a wholesaler or an end consumer. The business performing

the manufacturing, processing, compounding, or production process may or may not own the raw materials. However, the phrase "manufacture, process, compound, or produce for sale" does not include fabrication, alteration, modification, cleaning, or repair services performed on items of tangible personal property belonging to others where such items of tangible personal property are not for sale.

(e) "Mining activities" means phosphate and other solid minerals severance, mining, or processing operations. Mining activities end at the point where the mineral is readily identifiable as the final product of mining or where it is ready to be compounded or mixed with other materials to form a new material. (See subsection (4) of this rule.)

(f)(e) "Physically comparable" means the similarity or equivalency of the characteristics of the items of tangible personal property being manufactured, processed, compounded, or produced. Physical comparability applies to the units used to measure the increase in productive output of an expanding business. ~~The taxpayer shall have the burden of demonstrating that items of tangible personal property are not physically comparable to other items which have been or are being produced at that particular fixed location. Such demonstration may require the submission of an independent engineer's report by the taxpayer if Department personnel are unable to determine if items are, or are not, physically comparable.~~

(d) "Process" means a series of operations conducting to an end which is an item of tangible personal property for sale or for exclusive use in spaceport activities as defined in s. 212.02, F.S.

(g)(e) "Production process" or "production line" means those industrial ~~production~~ activities beginning when raw materials are delivered ~~to at the fixed location of the new or expanding business' fixed location facility~~ and generally ending when the items of tangible personal property have been packaged for sale, or are in saleable form if packaging is not done, ~~or are for exclusive use in spaceport activities as defined in s. 212.02, F.S.~~ However, the production process may include quality control activities ~~for perishable food goods for human consumption~~ after the ~~items have food good~~ has been packaged (or ~~are~~ is in saleable form if packaging is normally not done), if such quality control activities are required by good manufacturing practices or mandated by state or federal government agencies. ~~The One~~ production process may encompass more than one fixed location if the qualifying business transfers work-in-process from one ~~the first~~ fixed location to a ~~the~~ second fixed location for further manufacturing, processing, compounding, or production ~~producing of the items of tangible personal property for sale or for exclusive use in spaceport activities as defined in s. 212.02, F.S.~~ For example, a company purchases machinery and equipment to produce raw orange juice at one fixed location, and this raw orange juice is transferred as work-in-process to a

second fixed location where the company will use the raw orange juice to make five different products. A production "Production process" does not include natural processes occurring before raw material is delivered to the receiving operation or after the packaging operation "production process" (as defined in this paragraph, (1)(e), above) that produces the items of tangible personal property. For example, the natural transformation of grass or feed into raw milk by cows is not part of the production process. In this case, the production process begins when the cows (i.e., raw materials) are brought into the milking parlor. Neither is the planting, growing, or harvesting of crops, nor the raising of livestock or poultry, part of the production process. ~~Furthermore, machinery and equipment qualifying for partial exemption under s. 212.08(3), F.S., is not eligible for the exemption under s. 212.08(5)(b), F.S.~~ Also, the natural aging or fermentation of alcoholic beverages or other food products, after they have been packaged, is not part of the production process. There, Here the production process ends when the alcoholic beverage or other food product has been packaged for sale. (See paragraph (9)(8)(b) of this rule.)

(h)(f) "Productive output" ordinarily means the number of units actually produced by a single plant or operation in a single continuous 12 month period, ~~irrespective of sales.~~ The increase in "productive output" shall be measured by the output for 12 continuous months immediately following the completion of the installation of machinery and equipment for the expansion project as compared to the "productive output" of 12 continuous months immediately preceding the beginning of the installation of machinery and equipment for the expansion project. However, if a different 12 month continuous period would more accurately reflect the increase in productive output as a result of a business expansion, the increase in productive output may be measured during an alternate 12 month continuous period provided that prior to the start of production by the expanded business the Executive Director or the Executive Director's designee agrees to such alternate measuring period. Such alternate continuous 12 month measuring period approved by the Executive Director or the Executive Director's designee must begin within 24 months following the completion of installation of qualifying machinery and equipment. If an alternate 12 month measuring period is requested by the business entity and is agreed to by the Executive Director or the Executive Director's designee, only the selected alternate 12 month period will be used to measure the increased productive output for the business expansion, even though some 12 month period other than the selected and approved 12 month period may show a production increase of 10 percent or more as a result of the expansion project. Productive output may not be measured by sales dollars or by production labor hours for the purposes of this exemption.

(i) "Spaceport activities" means those activities as defined in Section 212.02, Florida Statutes.

## (2) New Business.

(a) ~~The purchase and installation of industrial machinery and equipment, parts and accessories, and the parts and installation labor thereof, is exempt from tax when purchased by a new business which uses such machinery and equipment at a fixed location in this state for exclusive use in spaceport activities, or to manufacture, process, compound, or produce in manufacturing, processing, compounding or producing for sale, or for exclusive use in spaceport activities as defined in s. 212.02, F.S., items of tangible personal property for sale.~~

(b) ~~Machinery~~ ~~The purchase agreement for the machinery and equipment must be purchased, or a purchase agreement made, before the new business begins spaceport activities or starts production, and delivery of the purchased items must be made within 12 twelve (12) months from the beginning of spaceport activities or the start of production.~~

(c) ~~The date of purchase of the machinery and equipment is established by the date of the purchase agreement. If no purchase agreement was made, or in the absence of proof that a purchase agreement was made prior to the determined beginning of spaceport activities or the start of production date, the machinery and equipment vendor's sales invoice will be the controlling document for determining whether the machinery and equipment qualifies for the an exemption. No exemption will be allowed even though delivery of machinery and equipment is made within 12 twelve (12) months from the beginning of spaceport activities or the start of production if the machinery and equipment was ordered after the beginning of spaceport activities or the start of production. If a purchase agreement that was made prior to the start of production is amended or changed after the start of production, any amendments or changes that increase the quantity of an item of machinery or equipment will not qualify for the exemption. Any amendments or change orders to that purchase agreement that provide for the substitution of a like kind item of machinery or equipment will qualify for the exemption.~~

(d) ~~The start of production shall be the date that a product is manufactured, processed, compounded, or produced where such product will be inventoried for sale or will be immediately sold. However, if this date does not reflect the actual start of production, the date of the start of production shall be determined by the Executive Director or the Executive Director's designee on a case by case basis. In such cases, the business taxpayer shall maintain sufficient records to enable the Executive Director or the Executive Director's designee department to make a proper determination as to the initial production activities of the new facility. (See subsection (7)(6) of this rule.)~~

a. ~~Initial test or trial runs necessary to calibrate or evaluate the operation of machinery and equipment, where the products made are scrapped or sold for salvage value, are not considered to be the start of production. The operation of machinery and~~

~~equipment at less than full capacity, where the products made are inventoried or immediately sold, is considered to be the start of production.~~

b. ~~Production is considered to have started even though the production line may not be complete, if any part(s) of the production process is subcontracted to others and a finished product can be inventoried or immediately sold.~~

2. ~~The beginning of spaceport activities shall be the date that industrial machinery and equipment is first exclusively used for that purpose. However, if this does not reflect the actual beginning of spaceport activities, the date shall be determined by the Executive Director or the Executive Director's designee on a case by case basis. In such cases, the business shall maintain sufficient records to enable the Executive Director or the Executive Director's designee to make a proper determination as to the beginning of spaceport activities of the new facility. (See subsection (7) of this rule.)~~

(e) ~~The Executive Director or the Executive Director's designee shall determine if a business qualifies for the exemption as a new business, status based on the facts in each particular case, using the following guidelines, provided the requirements of paragraphs (2)(a), (b), (c), and (d) are complied with:~~

1. ~~A new business means a newly-formed company that opens a new facility or plant, at a fixed location in this state, to manufacture, process, compound, or produce items of tangible personal property which manufactures, processes, compounds or produces for sale, or to exclusively use industrial machinery and equipment for exclusive use in spaceport activities as defined in s. 212.02, F.S., an item of tangible personal property at a fixed location in the state.~~

2. ~~A new business means an addition to, or the enlargement of, an existing facility or plant, or the installation of additional machinery and equipment, for the purpose of manufacturing, processing, compounding, or producing items of tangible personal property for sale that represent a distinct and separate economic activity from other items that have been or are being produced at that same fixed location, or to exclusively use industrial machinery and equipment in distinct and separate spaceport activities. (See subsection (5), of this rule.) for sale, or for exclusive use in spaceport activities as defined in s. 212.02, F.S., items of tangible personal property which are not physically comparable to other items which have been or are being produced at that particular fixed location. The taxpayer shall have the burden of demonstrating that items of tangible personal property are not physically comparable to other items which have been or are being produced at that particular fixed location. Such demonstration may require the submission of an independent engineer's report by the taxpayer if Department personnel are unable to determine if items are, or are not, physically comparable.~~

3. A new business means opening a new facility or plant, at a fixed location in this state, to manufacture, process, compound, or produce an item of tangible personal property which manufactures, processes, compounds or produces for sale, or to exclusively use industrial machinery and equipment for exclusive use in spaceport activities, ~~as defined in s. 212.02, F.S., an item of tangible personal property provided no other facility or plant in this state that which manufactured, processed, compounded, or produced the same or a similar for sale, or for exclusive use in spaceport activities as defined in s. 212.02, F.S., a physically comparable item of tangible personal property, or performed the same or a similar spaceport activity,~~ at a fixed location in this state, was closed to open the new facility or plant, or will be closed within 12 months. However, this limitation concerning the closure of a facility or plant is not applicable to a mining activity when a mine is closed due to the exhaustion or depletion of the mined resource such that mining is no longer economically feasible at that location.

4. A new business does not mean the change of ownership of an existing facility or plant, at a fixed location in this state, that which manufactures, processes, compounds, or produces items of tangible personal property for sale, or exclusively uses industrial machinery and equipment for exclusive use in spaceport activities, ~~as defined in s. 212.02, F.S., an item of tangible personal property at a fixed location in this state by a purchase arrangement, merger, or some other similar means, unless such facility or plant ceased doing productive operations for a period of 12 months one year.~~

(f) ~~Activities presumed to be a new business include, but are not limited to, assuming the requirements of paragraphs (2)(a), (b), (c), and (d) are complied with:~~

~~1. A company opens a new manufacturing plant in the State of Florida, without closing any existing manufacturing facilities within the state.~~

~~2. A company which manufactures leather baseball gloves purchases additional machinery and equipment which will be used to manufacture aluminum baseball bats in its existing facility.~~

~~3. A company which manufactures automobile parts and accessories purchases additional machinery and equipment which will be used to manufacture golf clubs in its existing facility.~~

~~4. A company which manufactures automobile rubber heat shields purchases additional machinery and equipment which will be used to manufacture spark plug boots in its existing facility.~~

~~5. A company which manufactures automobile engine manifolds enlarges its existing facility and purchases additional machinery and equipment which constitutes a new dedicated assembly line and which will be operated by the company as a separate cost center in order to manufacture automobile engines.~~

~~6. A company purchases an existing manufacturing facility which had been closed for 12 months and retools the facility in order to manufacture the same product which was manufactured at the facility prior to its closing.~~

(3) Expanding Business.

(a) Industrial machinery and equipment, ~~and the parts and accessories, and the installation labor~~ thereof, purchased by a business for the purpose of expanding spaceport activities, or the operation of a plant which uses such machinery and equipment in manufacturing, processing, compounding or producing for sale, or for exclusive use in spaceport activities as defined in s. 212.02, F.S., an item of tangible personal property at an existing fixed location in this state to manufacture, process, compound, or produce items of tangible personal property for sale is exempt from any amount of taxes ~~imposed due~~ in excess of ~~\$50,000~~ \$100,000 per calendar year. The taxpayer may elect to pay the entire ~~\$50,000~~ \$100,000 in tax directly to the Department at the beginning of the expansion project or at the beginning of the calendar year, ~~whichever occurs first,~~ or accrue or pay the tax on each qualifying purchase until the ~~\$50,000~~ \$100,000 tax limitation is reached. The business entity may ~~then obtain and~~ extend a Temporary Tax Exemption Permit in lieu of paying any additional sales tax in excess of the ~~\$50,000~~ \$100,000 in tax for the remainder of the calendar year. For each subsequent year the project is ongoing, the taxpayer may again elect to pay the entire ~~\$50,000~~ \$100,000 in tax directly to the Department at the beginning of the calendar year, or accrue or pay the tax on each qualifying purchase until the ~~\$50,000~~ \$100,000 tax limitation is reached.

(b)1. Only the actual sales or use tax imposed on qualifying purchases for the calendar year shall apply to the ~~\$50,000~~ \$100,000 tax threshold limitation even though the tax may be paid in a subsequent calendar year.

2. EXAMPLE 1. Sales or use tax paid to the state in January ~~1999, 1991,~~ for the period ending December 31, ~~1998~~ 1990, would be allowed as part of the ~~\$50,000~~ \$100,000 tax threshold limitation for ~~1998~~ 1990, since the tax paid with the December ~~1998, 1990,~~ sales tax return would have been imposed in ~~1998~~ 1990.

3. EXAMPLE 2. Sales or use tax paid to the state in January ~~1999, 1991,~~ for the period ending December 31, ~~1998~~ 1990, would not be allowed as part of the ~~\$50,000~~ \$100,000 tax threshold limitation for ~~1999~~ 1991, since the tax paid with the December ~~1998, 1990,~~ sales tax return would have been imposed in ~~1998~~ 1990.

4. Expanding printing facilities or printing plant units are not subject to the \$50,000 tax threshold.

(c) The Executive Director or the Executive Director's designee shall determine whether if a business qualifies for the exemption as an expanding business, status based upon the

facts of each case using the following guidelines, provided the requirements of paragraphs (3)(a) and ~~(d)(e)~~ are complied with:

1.a. An expanding business means an addition to, or the modernization or enlargement of, an existing facility or the installation of additional machinery and equipment to manufacture, process, compound, or produce which manufactures, processes, compounds or produces for sale, or for exclusive use in spaceport activities as defined in s. 212.02, F.S., an item of tangible personal property which is already being produced at ~~that the~~ fixed location in this state or which is similar physically comparable to an the item of tangible personal property which is already being produced at ~~that the~~ fixed location ~~in this state~~.

b. An expanding business means an addition to, or the modernization or enlargement of, an existing facility or the installation of additional machinery and equipment to perform a spaceport activity that is already being performed, or is similar to an activity that is already being performed, at that fixed location.

2. An expanding business means closing an existing a plant or an operation in a plant in this state and moving it to a new location in this state within 12 months of the closing.

3. An expanding business means the purchase of an existing facility to manufacture, process, compound, or produce an item of tangible personal property which is already being produced at that facility, or which is similar to an item of tangible personal property which is already being produced at that facility.

~~(d) Activities that are presumed to be an expanding business include, but are not limited to, assuming the requirements of subsections (3)(a) and (c) are complied with:~~

1. ~~A company opens a new manufacturing plant in the State of Florida, but closes an existing manufacturing facility in this state which produced the same or a physically comparable product.~~

2. ~~A company which manufactures tennis shoes purchases additional machinery and equipment which will be used to manufacture track shoes in its existing facility.~~

3. ~~A company which manufactures boats retools for a new model year.~~

4. ~~A company which produces domestic sausage adds a smoked sausage line which will be produced on a dedicated production line at their existing facility where the smoked sausage line will be marketed under a different product logo.~~

5. ~~A company purchases an existing manufacturing facility which had been closed for less than 12 months and retools the facility in order to manufacture the same product which was manufactured at the facility prior to its closing.~~

~~(d)(e) In order to qualify for an exemption as an expanding business, the taxpayer shall provide information to the satisfaction of the Executive Director or the Executive Director's designee Department that the items purchased shall~~

be used to increase the productive output of the existing facility or specific product line(s) by not less than 10 percent. An expanding business is allowed to specify whether the 10 percent increase in productive output is for the entire plant or for specific product line(s). However, where the increase in productive output applies to a product that becomes part of different product lines, the increase in productive output will be determined by measuring the increase in the combined output of the different product lines. For example, if a company purchases machinery and equipment that increases its production of raw orange juice by 25 percent, and this raw orange juice is used by the company to make five different products, the increase in productive output would be determined by measuring the volume increase in the combined output of all five different products. Expanding spaceport activities are not subject to the increase in productive output requirement.

(4) Mining Activities.

(a) The exemption for new and expanding mining activities is available only by way of a prospective credit against severance taxes due under Chapter 211, Florida Statutes. In order to qualify for the exemption, businesses engaged in mining activities must demonstrate the following:

1. A new business must demonstrate the creation of at least 100 new Florida jobs.

2. An expanding business that has 2,500 or fewer Florida employees must demonstrate the creation of new Florida jobs in an amount equal to at least 5 percent of its Florida employees; or

3. For an expanding business that has more than 2,500 Florida employees, that business must demonstrate the creation of new Florida jobs in an amount equal to at least 3 percent of its Florida employees.

4. In addition to the requirements of subparagraph 2. or 3. above, expanding mining businesses must also meet the requirements of paragraphs (3)(a) and (d) above.

(b) "New Florida job" means a new position created and filled within 24 months after the completion of construction of the new or expanded facility. The term includes a transfer of a position from an existing Florida operation so long as the transfer is the result of the closure or reduction of the other Florida operation. For an expanding business, the number of existing Florida employees shall be determined as of the date on which the business commences construction of the expansion.

(c) The Office of Tourism, Trade, and Economic Development shall certify the creation of new Florida jobs to the Department of Revenue. The exemption to new and expanding businesses engaged in mining activities will not be approved until the Department of Revenue has received such certification.

~~(4) Decision Flow Chart.~~





~~affirmative positive~~ determination of the business's qualification for exemption by the Executive Director or the Executive Director's designee, a temporary tax exemption permit shall be issued to, ~~or a refund authorized for,~~ the principal business entity.

2. To receive the exemption provided by subsection (4) for mining activities, a qualifying business entity must also file an Application for Temporary Tax Exemption Permit (Form DR-1214). However, those businesses will not be issued a temporary tax exemption permit, since the exemption is only available to that industry by way of a prospective tax credit.

(b)l. A temporary tax exemption permit may be issued only to the qualified business entity which will use the qualifying machinery and equipment at a fixed location in this state in manufacturing, processing, compounding, or producing tangible personal property for sale, or for exclusive use in spaceport activities ~~as defined in s. 212.02, F.S., items of tangible personal property~~. Such permit may be extended by the business entity to its vendor(s) or to its authorized contractor(s) operating under lump sum, cost plus, fixed fee, guaranteed price, or any other type of contract executed for the purpose of constructing a new or expanded business. The authorized contractor(s) may, likewise, extend the temporary tax exemption permit to its vendor(s) for use in purchasing qualifying machinery and equipment tax exempt. The business entity that extends the temporary tax exemption permit to a contractor or subcontractor for the purpose of authorizing ~~that~~ the contractor or subcontractor to purchase qualifying machinery and equipment tax exempt will be responsible for paying the sales and use tax on any nonqualified items purchased tax exempt by the contractor or subcontractor.

2. Upon completion of purchases of qualifying machinery and equipment, the temporary tax exemption permit ~~Temporary Tax Exemption Permit~~ shall be hand delivered to the Department or returned to the Department by certified or registered mail. If the permit is returned by ~~certified or registered~~ mail, the permit shall be mailed to the Florida Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443.

(c)l. If a qualifying business entity fails to apply for a temporary tax exemption permit before purchasing qualifying machinery and equipment for a new or expanded business, or if the initial determination by the Executive Director or the Executive Director's designee is negative, the exemptions provided by subsections (2) and (3) above may be obtained only by a refund to the business entity of previously paid taxes. Refunds shall not be allowed until information has been provided to the satisfaction of the Executive Director or the Executive Director's designee that such machinery and equipment meets the requirements of this rule and is used as designated herein. Only the qualified business entity which will use the qualifying machinery and equipment at a fixed location in this state in manufacturing, processing,

compounding, or producing tangible personal property for sale, or for exclusive use in spaceport activities ~~as defined in s. 212.02, F.S., items of tangible personal property~~ is entitled to request a refund of sales or use taxes paid on qualifying industrial machinery and equipment, or installation thereof. A qualifying mining activity business under subsection (4) of this rule will receive the exemption by way of a credit against severance taxes instead of a refund of sales and use tax.

2. Before the owners of a qualifying new or expanded business under subsection (2) or (3) may request a refund of, ~~or a qualifying mining business under subsection (4) may request a credit for,~~ sales or use taxes paid by their contractors on qualifying industrial machinery, ~~and~~ equipment, or installation thereof, the following certified statement(s) must be executed:

a. If a subcontractor was involved, the subcontractor must ~~obtain~~ ~~have obtained~~ a certified statement from ~~its~~ ~~his~~ supplier(s) or other subcontractor(s) certifying that the supplier or other subcontractor has remitted the tax to the State, or certifying that the subcontractor has remitted use tax directly to the State. The subcontractor must then extend the statement(s) ~~it~~ ~~he~~ has executed or obtained from suppliers or other subcontractors to the prime contractor; and,

b. The prime contractor must ~~obtain~~ ~~have obtained~~ a certified statement from ~~its~~ ~~his~~ supplier(s) and subcontractor(s) certifying that the supplier or subcontractor has remitted the tax to the State, or certifying that the prime contractor has remitted use tax directly to the State. The prime contractor must then extend the statement(s) ~~it~~ ~~he~~ has executed or obtained from ~~its~~ ~~his~~ supplier(s) or subcontractor(s) to the qualifying new or expanded business entity to support the refund claim.

(d)l. The following is a suggested format for a certified statement that tax has been remitted to the State of Florida:

COMPANY, incorporated in the state of STATE, its undersigned officer who is duly authorized, hereby certifies to QUALIFYING NEW OR EXPANDING BUSINESS, OR CONTRACTOR, OR SUBCONTRACTOR it has paid sales tax to the Department of Revenue, State of Florida, totaling the sum of \$\_\_\_\_\_. Said taxes were collected by COMPANY upon the sales of tangible personal property as evidenced by the attached invoice(s).

The company further certifies the sales tax for the attached invoice(s) was paid to the State of Florida in the month following the date of sale under sales tax number \_\_\_\_\_.

Dated at \_\_\_\_\_ County \_\_\_\_\_, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2019\_\_\_\_\_.

AUTHORIZED OFFICER OF COMPANY  
 BY: \_\_\_\_\_  
 TITLE: \_\_\_\_\_

2. The above certified statement will not be necessary where the business entity claiming the refund has self-accrued and remitted the tax directly to the State of Florida. However, documentation that the tax has been remitted to the State of Florida in a timely manner is required.

(e) The right to a refund of, or credit for, sales or use taxes.  
1. New Businesses.

a. An application for refund must be filed within 3 years after the date the tax was paid in accordance with the timing provisions of s. 215.26(2), F.S. However, an application for refund shall not be considered complete pursuant to s. 213.255(3), F.S., and a refund shall not be approved, before the date The right to a refund of sales or use taxes paid on qualifying industrial machinery and equipment, or installation thereof, shall accrue when the new manufacturing or printing business first places a product in inventory or immediately sells a product, or before the date a new business engaged in spaceport activities begins those activities.

b. The right to a credit for sales or use taxes paid by a new business engaged in mining activities shall not be allowed before the date the Department of Revenue has received the certification of new Florida jobs. (See subsection (4) of this rule.)

2. Expanding Businesses.

a. An application for refund must be filed within 3 years after the date the tax was paid in accordance with the timing provisions of s. 215.26(2), F.S. However, an application for refund shall not be considered complete pursuant to s. 213.255(3), F.S., and a refund shall not be approved, before the date The right to a refund of sales or use taxes paid on qualifying industrial machinery and equipment and installation thereof for an expanding manufacturing or printing business shall accrue when the expanding business can substantiate that the business expansion has increased the productive output at the existing facility by not less than 10 percent, or for an expanding business engaged in spaceport activities, before the date of completion of the installation of the machinery and equipment or more.

b. The right to a credit for sales or use taxes paid by an expanding business engaged in mining activities shall not be allowed before the date that business can substantiate that the business expansion has increased the productive output at the existing facility by not less than 10 percent, and the Department of Revenue has received the certification of new Florida jobs. (See subsection (4) of this rule.)

3. Application for refunds shall be filed within 3 years after the right to refund accrues, or else such right shall be barred.

(7)(6) Record Keeping Requirements.

The applicant shall maintain all necessary books and records to support the exemption. All such books, invoices, certified statements, and other records shall be open for inspection by the Department at all reasonable hours at the qualifying

business entity's location in this state. Any qualifying business entity which maintains such books and records at a point outside this state shall make such books and records available for inspection by the Department where the general records are kept.

(8)(7) Exclusions.

(a) The exemptions provided by subsections (2), (3), and (4) and (3) above shall not apply to machinery and equipment purchased or used by electric utility companies; communication companies; phosphate or other solid minerals severance, mining or processing operations; oil or gas exploration or production operations; printing or publishing firms that do not export at least 50 percent of their finished product out of the state; any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; or any firm which does not manufacture, process, compound, fabricate or produce items of tangible personal property for sale, or exclusively use machinery and equipment for exclusive use in spaceport activities as defined in s. 212.02, F.S., items of tangible personal property.

(b) If a publishing firm is also the printer of the finished product, the Department will consider the business to be a printer for the purpose of the exemption. Therefore, the above indicated 50 percent requirement would not apply to such a business.

(9)(8) Types of industrial machinery and equipment that will or will not qualify for the exemption.

(a) For the purpose of this exemption industrial machinery and equipment includes:

1. Special foundations required for the support of such qualifying machinery and equipment; and
2. Electrical wiring from the nearest power panel or disconnect box to the qualifying machinery and equipment; and-
3. Plumbing connections necessary to connect the machinery and equipment to the nearest water supply or drain line.

(b) The exemption for industrial machinery and equipment ends at that stage of the production process where at which point the product produced is placed in a package (or is in saleable form if packaging is normally not done) to be sold to the wholesaler, or retailer, or other purchaser. However, the production process may include quality control activities for perishable goods after the item of tangible personal property has been packaged (or is in saleable form if packaging is normally not done), if such quality control activities are required by good manufacturing practices mandated by state or federal government agencies.

(c) Quality control equipment installed within the production line as a part of the production activity and required to perform quality checks on each item, article, or batch produced before the item, article, or batch can be sold qualifies for the exemption.

(d) Preproduction, random, or postproduction quality control equipment shall qualify as industrial machinery and equipment, if it is an integral part of the production process.

(e) Industrial machinery and equipment which is an integral part of the production process, as well as in postproduction, such as a fork-lift, will qualify for the exemption.

(f) The materials used in the construction of a railroad spur that is on the property of a new or expanding business and belongs to such business for the purpose of transporting raw materials shall be exempt. If a railroad spur is used solely for the purpose of transporting the finished product, tax will apply to the total cost of the materials used in the construction of that railroad spur.

(g) Pollution control equipment, or sanitizing and sterilizing equipment that is an integral part of the production process essential to the "production process" as defined in subsection (1)(e), above, which is used in manufacturing, processing, compounding or producing items of tangible personal property for sale, or for exclusive use in spaceport activities as defined in s. 212.02, F.S., qualifies for exemption.

(h) Monitoring machinery and equipment that is an integral part of the production process essential to the "production process" as defined in subsection (1)(e), above, which is used in manufacturing, processing, compounding or producing items of tangible personal property for sale, or for exclusive use in spaceport activities as defined in s. 212.02, F.S., qualifies for exemption.

(i) Machinery and equipment used to remove waste materials away from industrial machinery and equipment, where the removal is required to maintain the operation of the production process, will qualify for exemption. For example, equipment used to remove wood chips and sawdust from around a qualified industrial wood lathe will qualify for exemption.

(j) Parts and accessories for industrial machinery and equipment purchased for replacement, maintenance, or repair purposes do not qualify for this exemption unless purchased by:

1. A new business before production or spaceport activities begin begins and delivery is made within 12 months from the start date of production or spaceport activities; or

2. An expanding business before the completion of the expansion project production begins.

3. Parts and accessories purchased for replacement, maintenance, or repair that have already received an exemption pursuant to s. 212.08(7)(eee), F.S., shall not be allowed an exemption for the same amount of tax pursuant to this paragraph.

(k) Conveyers or related equipment used to transport raw materials from the storage area located at the fixed location to the production line will qualify for exemption.

(l) Computers used to direct and control the functions of exempt industrial machinery and equipment will qualify for exemption, even though such computers may also have non-production related applications or uses.

(m) Machines used to control exempt industrial machinery and equipment through the reading or sensing of a tape or some other similar means will qualify for exemption.

(n) Masks, molds, jigs, or templates Machinery and equipment which is essential in the manufacture, production, processing or compounding of tangible personal property, such as masks or molds, where such property is integral essential to the production process manufacture, production, compounding or processing of an item of tangible personal property for sale will qualify for exemption. The machinery and equipment that which is integral to the creation or maintenance of those masks, molds, jigs, or templates essential to manufacture, produce, process or compound the tangible personal property, such as masks or molds, will also qualify for exemption even though such machinery and equipment is not a direct part of may be located at a point in the production process prior to the introduction of the raw materials which are used to manufacture, produce, compound or process an item of tangible personal property.

(o) Machinery and equipment used in the general repair or maintenance of the plant or production machinery and equipment, such as welders, gear-pullers, or bench grinders, does not qualify for the exemption. However, specialized machinery and equipment that is continuously required to keep production machinery and equipment calibrated or in optimum condition such as a sharpening machine in a sawmill, will qualify for the exemption.

(p) Machinery and equipment qualifying for a partial exemption from tax under Section 212.08(3), F.S., is not eligible for the exemption under Section 212.08(5)(b), F.S.

(q) Scales at the start of, or within, the production process that are necessary to weigh raw materials or ingredients, or finished goods at the time of packaging, will qualify for the exemption.

(r) Office equipment, such as telephones, copy machines, typewriters, or calculators, will not qualify for the exemption.

(s) Furniture items for office or production personnel will not qualify for the exemption.

(t) General or task lighting fixtures will not qualify for the exemption.

(u) Installation labor charges qualify for exemption. However, other installation costs, such as equipment rental or expendable supplies, which do not become a physical part of qualifying machinery and equipment, do not qualify for exemption.

(10)(9) Operating Leases of Machinery and Equipment.

(a) The lease, letting, or rental of machinery and equipment, under the terms of an operating lease, shall be treated in the same way as a sale for the purpose of this exemption.

(b) When a qualifying new business entity leases industrial machinery, equipment, or parts thereof, in lieu of purchasing those items ~~them~~, the exemption from tax shall only apply to the original term of the lease agreement. Any subsequent renewal or extensions of the original term of the lease agreement shall be fully taxable.

(c) When a qualifying expanding business entity leases industrial machinery, equipment, or parts thereof, in lieu of purchasing those ~~these~~ items, the tax exemption limitation for the sales or use taxes paid on such industrial machinery, equipment, or parts thereof, shall only apply to each calendar year of the original term of the lease agreement. For example, an expanding business (non-printing) that enters into a 60-month operating lease will be subject to the \$50,000 tax threshold for each calendar year that the lease is in effect. Any subsequent renewals or extensions of the original term of the lease agreement shall be fully taxable.

(d) The exercise of a purchase option in an operating lease is considered to be a purchase made after the start of production and is subject to tax.

(11)(10) Capital Leases of Machinery and Equipment.

(a) The lease, letting, or rental of machinery and equipment, under the terms of a capital lease, sales-type lease, or direct financing lease, shall be treated in the same way as a sale for the purpose of this exemption.

(b) In the case of a capital lease, sales-type lease, or direct financing lease, ~~the Executive Director or designee in the responsible program will consider~~ such leases will be considered to be sales and purchases at ~~from~~ their inception.

(12) WAGES Program Business Registry.

No machinery and equipment purchased, or lease payments made, by any new or expanding business will be eligible for the exemption without that business being registered with the WAGES Program Business Registry.

Specific Authority 212.08(5)(b)4., 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), (14), (21), (22), 212.05, 212.06, 212.08(5)(b), 212.13(2), 215.26(2) FS., Section 2, Chapter 99-171, Laws of Florida. History—New 5-11-92, Amended 7-1-99, \_\_\_\_\_.

12A-1.097 Public Use Forms.

(1) No change.

Form Number	Title	Effective Date
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(2) through (27) No change.

<del>(28)</del> DR-1207	<del>Florida Contract Data Form (N-01/82)</del>	08/92
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<del>(29)</del> DR-1208	<del>Schedule of Contractors (N-01/82)</del>	08/92
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<del>(28)</del> <del>(30)</del> DR-1214	Application for Temporary Tax Exemption Permit (r. <u>09/99</u> <del>05/92</del> )	<u>08/92</u>
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~~(29)~~~~(31)~~ No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeffery L. Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12A-1.096, FAC., Industrial Machinery and Equipment for Use in a New or Expanding Business, were previously noticed for a Rule Development Workshop in the Florida Administrative Weekly on January 3, 1997 (Vol. 23, No. 1, pp. 5-16) and on February 20, 1998 (Vol. 24, No. 8, pp. 864-874). Rule development workshops were respectively held on January 23, 1997, in Room B-2 and on March 11, 1998, in room 435, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida 32399. Comments received at the workshops are incorporated into the proposed rule amendments. The proposed amendments to Rule 12A-1.096, FAC., Industrial Machinery and Equipment for Use in a New or Expanding Business, and Rule 12A-1.097, FAC., Public Use Forms, were noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 5, 1999 (Vol. 25, No. 44, pp. 5031-5042). A rule development workshop was held on December 1, 1999, in Room B-12, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida 32399. Comments received at the workshop are incorporated into the proposed rule amendments.

**DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

**Public Employees Relations Commission**

RULE TITLE: Attorney's Fees, Expert Witness Fees, and Cost of Litigation

RULE NO.: 38D-14.004

PURPOSE AND EFFECT: The proposed repeal is intended to eliminate a rule which is unnecessary to the operation of the Public Employees Relations Commission.

SUMMARY: Rule 38D-14.004 provides for the filing of a motion of attorney's fees and costs to a prevailing party in an unfair labor practice proceeding.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.536, 120.54(3) FS.

LAW IMPLEMENTED: 120.536, 120.54(3) 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: Stephen A. Meck, General Counsel, Public Employees Relations Commission, 2586 Seagate Drive, Tallahassee, Florida 32301-5032

THE FULL TEXT OF THE PROPOSED RULE IS:

38D-14.004 Attorney's Fees, Expert Witness Fees, and Cost of Litigation.

Specific Authority 447.207(1) FS. Law Implemented 447.207(6), 447.503(6)(c) FS. History--New 5-6-79, Amended 1-17-80, 7-14-83, Formerly 38D-14.04, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephen A. Meck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donna Maggert Poole, Chair, Public Employees Relations Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2000

**DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

**Public Employees Relations Commission**

RULE TITLES: Oral Argument  
Motion for Reconsideration

RULE NOS.: 38D-15.003  
38D-15.005

PURPOSE AND EFFECT: The proposed repeal is intended to eliminate rules which are unnecessary to the operation of the Public Employees Relations Commission.

SUMMARY: Rule 38D-15.003 provides for oral argument in any cause before the Public Employees Relations Commission. Rule 38D-15.005 provides for the filing of a motion of reconsideration of a dispositive Commission order.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.536, 120.54(3) FS.

LAW IMPLEMENTED: 120.536, 120.54(3) 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 RULES IS: Stephen A. Meck, General Counsel, Public Employees Relations Commission, 2586 Seagate Drive, Tallahassee, Florida 32301-5032

THE FULL TEXT OF THE PROPOSED RULES IS:

38D-15.003 Oral Argument.

Specific Authority 120.53(1), 447.207(1) FS. Law Implemented 120.53(1), 447.207(6) FS. History--New 5-6-79, Amended 1-25-82, Formerly 38D-15.03, Repealed.

38D-15.005 Motion for Reconsideration.

Specific Authority 120.53(1), 447.207(1) FS. Law Implemented 120.53(1), 120.57(2), 447.207(6) FS. History--New 5-6-79, Amended 1-17-80, 11-12-82, Formerly 38D-15.05, Amended 10-16-89, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephen A. Meck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donna Maggert Poole, Chair, Public Employees Relations Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2000

**DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

**Public Employees Relations Commission**

RULE TITLE: Back Pay Proceedings

RULE NO.: 38D-21.010

PURPOSE AND EFFECT: The proposed repeal is intended to eliminate a rule which is unnecessary to the operation of the Public Employees Relations Commission.

SUMMARY: Rule 38D-21.010 provides for back pay proceedings after a Commission order directing the payment of back pay or after enforcement of such an order by court decree.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.536, 120.54(3) FS.

LAW IMPLEMENTED: 120.536, 120.54(3) 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: Stephen A. Meck, General Counsel, Public Employees Relations Commission, 2586 Seagate Drive, Tallahassee, Florida 32301-5032

THE FULL TEXT OF THE PROPOSED RULE IS:

38D-21.010 Back Pay Proceedings.

Specific Authority 447.207(1) FS. Law Implemented 447.207(6), 447.208(3)(b), 447.503(6)(a) FS. History-New 5-6-79, Amended 1-17-80, Formerly 38D-21.10, Amended 6-3-87, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephen A. Meck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donna Maggert Poole, Chair, Public Employees Relations Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2000

**DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

**Public Employees Relations Commission**

RULE TITLE: Back Pay Procedure RULE NO.: 38D-24.012

PURPOSE AND EFFECT: The proposed repeal is intended to eliminate a rule which is unnecessary to the operation of the Public Employees Relations Commission.

SUMMARY: Rule 38D-24.012 provides for back pay proceedings after the Commission or a court determines that back is appropriate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.536, 120.54(3) FS.

LAW IMPLEMENTED: 120.536, 120.54(3) 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: Stephen A. Meck, General Counsel, Public Employees Relations Commission, 2586 Seagate Drive, Tallahassee, Florida 32301-5032

THE FULL TEXT OF THE PROPOSED RULE IS:

38D-24.012 Back Pay Procedure.

Specific Authority 110.227, 120.53, 447.207, 447.208 FS. Law Implemented 110.227, 120.53, 447.207, 447.208 FS. History-New 9-2-86, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephen A. Meck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donna Maggert Poole, Chair, Public Employees Relations Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2000

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Medicaid**

RULE TITLE: Hearing Services RULE NO.: 59G-4.110

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Hearing Services Coverage and Limitations Handbook, August 1999. The effect will be to incorporate by reference in the rule the current Florida Medicaid Hearing Services Coverage and Limitations Handbook, August 1999.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Hearing Services Coverage and Limitations Handbook, August 1999.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 a.m., March 13, 2000

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Helen Sancho, Agency for Health Care Administration, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7322

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.110 Hearing Services.

(1) No change.

(2) All physicians, audiologists and hearing aid specialists enrolled in the Medicaid program must be in compliance ~~comply~~ with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, August 1999 ~~January 1998~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated by reference in Chapter 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Helen Sancho

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben King-Shaw, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE TITLES: RULE NOS.:

Required Records Maintained by 61G6-9.009  
Course Sponsors

Audit of Certifications of Completion 61G6-9.011

PURPOSE AND EFFECT: The Board proposes to amend 61G6-9.009 by updating the rule text requiring course sponsors to provide required records to the Department electronically. Rule 61G6-9.011 is being repealed because the Department will audit every licensee.

SUMMARY: Rule 61G6-9.009 requires the course sponsors to electronically supply the Department the required records, and Rule 61G6-9.011 is being repealed because the rule is no longer necessary.

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

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

SPECIFIC AUTHORITY: 455.225, 455.227, 489.507(3) FS.

LAW IMPLEMENTED: 489.507(3), 489.517, 489.531(1)(f), 489.533(1)(b),(e),(f) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

61G6-9.009 Required Records Maintained by Course Sponsors.

(1) through (7) No change.

(8) The records must be maintained for at least four ~~three~~ years following the date the course is completed.

(9) Each course sponsor shall electronically provide the ~~board with copies of any of these required records, upon request by the board~~ department with such information no later than 5 business days after a licensee completes the course.

Specific Authority 489.507(3) FS. Law Implemented 489.507(3), 489.517 FS. History—New 11-30-94, Amended 6-13-96, 12-25-96, 3-24-99,\_\_\_\_\_.

61G6-9.011 Audit of Certifications of Completion.

Specific Authority 455.225, 455.227, 489.507(3) FS. Law Implemented 489.517, 489.531(1)(f), 489.533(1)(b),(e),(f) FS. History—New 11-30-94, Amended 3-24-99, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Electrical Contractors Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Licensing Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 1999

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO: 99-37R

RULE TITLE: RULE NO.:

Federal Regulations Adopted by Reference 62-204.800

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update through December 31, 1999, the adoptions by reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 60, 61, and 63.

SPECIFIC AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTIONS WITH THE ENVIRONMENTAL REGULATION COMMISSION AT

THE FOLLOWING ADDRESS: 3900 Commonwealth Boulevard, Mail Station 18, Tallahassee, Florida 32399-3000, Attention: Jacki McGorty. Objections must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to which the person objects and the reason for the objection. Objections which are frivolous will not be considered sufficient to prohibit adoption of the rule as published.

WRITTEN COMMENTS: The Secretary of the Department of Environmental Protection will consider written comments received within 21 days of publication of this notice. Comments should be submitted to Ms. Sandy Ladner, Division of Air Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-204.800 Federal Regulations Adopted by Reference.

(1) through (6) No change.

(7) Chapter 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) through (d) No change.

(e) Appendices Adopted. The following appendices of 40 CFR Part 60, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 60, Appendix A, Test Methods, amended October 7, 1997, 62 FR 52384; February 9, 1998, 63 FR 6493; and February 12, 1998, 63 FR 7199; July 9, 1999, 64 FR 37196; July 15, 1999, 64 FR 38241; and September 30, 1999, 64 FR 53027 (effective April 1, 2000).

2. 40 CFR 60 Appendix B, Performance Specifications, ~~amended September 30, 1999, 64 FR 53032 (effective April 1, 2000).~~

3. through (9) No change.

(10) Chapter 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

(a) No change.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 63, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:

1. through 7. No change.

8. 40 CFR 63, Subpart O, Ethylene Oxide Emissions Standards for Sterilization Facilities, amended December 9, 1997, 62 FR 64736, ~~and~~ December 4, 1998, 63 FR 66990 (effective April 1, 1999); and December 3, 1999, 64 FR 67789 (effective April 1, 2000).

9. through 11. No change.

12. 40 CFR 63, Subpart T, Halogenated Solvent Cleaning, amended May 5, 1998, 63 FR 24749; ~~and~~ December 11, 1998, 63 FR 68397 (effective April 1, 1999); August 19, 1999, 64 FR 45187; and December 3, 1999, 64 FR 67793 (effective April 1, 2000).

13. through 19. No change.

20. 40 CFR 63, Subpart DD, Off-Site Waste and Recovery Operations, promulgated July 1, 1996, 61 FR 34140; amended July 20, 1999, 64 FR 38950 (effective April 1, 2000).

20. through 26. renumbered 21. through 27. No change.

28. 40 CFR 63, Subpart OO, Tanks-Level 1, promulgated July 1, 1996, 61 FR 34184; amended July 20, 1999, 64 FR 38959 (effective April 1, 2000).

29. 40 CFR 63, Subpart PP, Containers, promulgated July 1, 1996, 61 FR 34186; amended July 20, 1999, 64 FR 38959 (effective April 1, 2000).

30. 40 CFR 63, Subpart QQ, Surface Impoundments, promulgated July 1, 1996, 61 FR 34190; amended July 20, 1999, 64 FR 38960 (effective April 1, 2000).

31. 40 CFR 63, Subpart RR, Individual Drain Systems, promulgated July 1, 1996, 61 FR 34193; amended July 20, 1999, 64 FR 38960 (effective April 1, 2000).

~~32.~~ 40 CFR 63, Subpart SS, Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process, promulgated June 29, 1999, 64 FR 34854 (effective October 1, 1999); amended November 22, 1999, 64 FR 63702 (effective April 1, 2000).

~~33.~~ 40 CFR 63, Subpart TT, Equipment Leaks – Control Level 1, promulgated June 29, 1999, 64 FR 34854 (effective October 1, 1999); amended November 22, 1999, 64 FR 63702 (effective April 1, 2000).

~~34.~~ 40 CFR 63, Subpart UU, Equipment Leaks – Control Level 2 Standards, promulgated June 29, 1999, 64 FR 34854 (effective October 1, 1999); amended November 22, 1999, 64 FR 63702 (effective April 1, 2000).

35. 40 CFR 63, Subpart VV, Oil-Water Separators and Organic-Water Separators, promulgated July 1, 1996, 61 FR 34195; amended July 20, 1999, 64 FR 38991 (effective April 1, 2000).

~~36.~~ 40 CFR 63, Subpart WW, Storage Vessels (Tanks) – Control Level 2, promulgated June 29, 1999, 64 FR 34854 (effective October 1, 1999); amended November 22, 1999, 64 FR 63702 (effective April 1, 2000).

~~37.~~ 40 CFR 63, Subpart YY, Generic Maximum Achievable Control Technology Standards, promulgated June 29, 1999, 64 FR 34854 (effective October 1, 1999); amended November 22, 1999, 64 FR 63695; and November 22, 1999, 64 FR 63702 (effective April 1, 2000).

32. through 33. renumbered 38. through 39. No change.



~~40.34.~~ 40 CFR 63, Subpart EEE, Hazardous Waste Combustors ~~Combustors~~, promulgated June 19, 1998, 63 FR 33782; amended September 30, 1999, 64 FR 53038; and amended November 19, 1999, 64 FR 63209 (effective April 1, 2000).

35. through 38. renumbered 41. through 44. No change.

~~45.39.~~ 40 CFR 63, Subpart LLL, Portland Cement Manufacturing Industry, promulgated June 14, 1999, 64 FR 31898 (effective October 1, 1999); amended September 30, 1999, 64 FR 53070 (effective April 1, 2000). If a facility becomes subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to the emission limiting requirements of 40 CFR Part 63, Subpart LLL, the facility shall submit an application for such permit no later than October 1, 2000.

40. through 43. renumbered 46. through 49. No change.

~~50.~~ 40 CFR 63, Subpart VVV, Publicly Owned Treatment Works, promulgated October 26, 1999, 64 FR 57572 (effective April 1, 2000).

~~51.44.~~ No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History--New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99,

NAME OF PERSON ORIGINATING PROPOSED RULE: Howard L. Rhodes, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 1998

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 99-39R

RULE CHAPTER TITLE: Environmental Resource Permitting      RULE CHAPTER NO.: 62-330

RULE TITLE: Rules Adopted by Reference      RULE NO.: 62-330.200

PURPOSE AND EFFECT: The Department proposes to revise Figure 12.2.8-1, entitled "SJRWMD Drainage Basin Map for Cumulative Impacts Evaluation" to conform to identical revisions being proposed by the St. Johns River Water Management District per a Notice of Proposed Rulemaking to be published by the St. Johns River Water Management District in the February 11, 2000, Florida Administrative Weekly (FAW). The drainage basins are referenced in the St. Johns River Water Management District "Applicant's Handbook: Management and Storage of Surface Waters," portions of which have been adopted by the Department, and are relevant to certain permitting criteria applicable to environmental resource permit (ERP) applications.

Specifically, the drainage basins are used in the evaluation of whether a regulated activity will cause unacceptable cumulative impacts upon wetlands and other surface waters. With one exception, the proposed basins and watersheds are either increased in size or are the same size as those in the existing rules. The one exception is the proposed Western Etonia Lakes basin, which is proposed as a portion of the existing Etonia Creek basin. Five of the basins/watersheds are proposed to be "nested" which means that these areas are both individual basins/watersheds and part of larger basins/watersheds. The effect of this designation for a drainage basin is that, for impacts that are outside of a nested area but within the larger basin of which it is a part, mitigation in the nested area will be considered to be in the same drainage basin for cumulative impact review purposes. For impacts that are located within a nested area, mitigation that is located outside of the nested area but within the larger basin of which it is a part will be considered to be outside the basin for cumulative impact review purposes.

SUMMARY: Figure 12.2.8-1 is incorporated by reference in rule 62-330.200(2)(i). This rule is proposed to be amended to incorporate by reference the revised map described above. A copy of Figure 12.2.8-1, as it is proposed to be amended, is included in this notice.

Rule development workshops were conducted jointly with the St. Johns River Water Management District on November 5, 1999, in Orlando and Jacksonville.

SPECIFIC AUTHORITY: 373.026(7), 373.043, 373.118, 373.406(5), 373.414, 373.415, 373.418, 373.4211(22), 373.4211(25), 373.461, 380.06(9), 403.805(1) FS.

LAW IMPLEMENTED: 373.019, 373.042, 373.0421, 373.085, 373.086, 373.109, 373.118, 373.119, 373.129, 373.136, 373.403, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.4211(22), 373.4211(25), 373.422, 373.423, 373.426, 373.427, 373.429, 373.430, 373.433, 373.436, 373.439, 373.461, 380.051, 380.06(9), 403.0877, 403.813(2), 403.814 FS.

A HEARING WILL BE HELD BEFORE THE DEPARTMENT IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE.

TIME AND DATE: 10:00 a.m. (Thursday), March 16, 2000

PLACE: Department of Environmental Protection, Room A204, Lab Bldg., 2600 Blair Stone Road, Tallahassee, Florida  
If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or (800)955-8771 (TDD), at least seven days before the meeting.

A HEARING ON THE ANALOGOUS RULE PROPOSED BY THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT also will be conducted by the St. Johns River Water Management District following the regularly scheduled Governing Board Meeting which begins at 9:00 a.m., on

March 8, 2000, at the St. Johns River Water Management District, Highway 100 West, Palatka, Florida 32177, as noticed in the February 11, 2000, issue of the FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Douglas Fry, Florida Department of Environmental Protection, 2600 Blair Stone Road, Bureau of Submerged Lands and Environmental Resources, MS 2500, Tallahassee, Florida 32399-2400, telephone (850)921-9890 or Doug.Fry@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-330.200 Rules Adopted by Reference.

The Department hereby adopts by reference the following rules. The rules adopted by reference are available for inspection at the Department's Tallahassee and District offices:

(1) No change.

(2) The following rules are adopted by reference for application by the Department within the geographical jurisdiction of St. Johns River Water Management District as set forth in Section 373.069, F.S.:

(a) through (h) No change.

(i) Subsections 1.1, 1.2, 1.3, 1.4, 1.5, section 2.0, subsections 3.1, 3.2, 3.3, 3.4, 7.1, 7.2, and 7.4 of Part I "Policy and Procedures;" Part II "Criteria for Evaluation," except for sections 12.4 and 12.5; subsections 18.0, 18.1, 18.2, and 18.3 of Part III "Methodologies," and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," and "Legal Description of the Sensitive Karst Areas Basin, Marion County" of the document entitled Applicant's Handbook: Management and Storage of Surface Water (10-3-95), except as provided in subparagraphs 1. through 3 2.

1. through 2. No change.

3. Figure 12.2.8-1, effective [effective date of rule].

(j) No change.

(3) through (4) No change.

INSERT FIGURE 12.2.8-1 (62-330)

Specific Authority 373.026(7), 373.043, 373.044, 373.046, 373.113, 373.118, 373.406(5), 373.414, 373.415, 373.418, 373.4211(22), 373.4211(25), 373.461, 380.06(9), 403.805(1) FS. Law Implemented 373.019, 373.026, 373.042, 373.0421, 373.043, 373.046, 373.085, 373.086, 373.109, 373.117, 373.118, 373.119, 373.129, 373.136, 373.403, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.4211(22), 373.4211(25), 373.422, 373.423, 373.426, 373.427, 373.429, 373.430, 373.433, 373.436, 373.439, 373.461, 380.051, 380.06(9), 403.0877, 403.813(2), 403.814 FS. History—New 12-7-92, Formerly 17-330.200, Amended 10-3-95, 6-6-96, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mimi Drew, Director, Division of Water Resource Management, Department of Environmental Protection

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary of the Department of Environmental Protection

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 29, 1999

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 99-38R

RULE CHAPTER TITLE: Mitigation Banking

RULE CHAPTER NO.: 62-342

RULE TITLE: Definitions

RULE NO.: 62-342.200

PURPOSE AND EFFECT: The Department proposes to revise Figure 3 used in the definition of regional watersheds for mitigation banks within the geographical territory of the St. Johns River Water Management District. This figure is incorporated by reference in rule 62-342.200(9) and is referenced in rule 62-342.600, F.A.C. The figure is entitled "Regional Watersheds of the SJRWMD for Mitigation Banks." The regional watersheds are considered in the establishment of the mitigation bank service area, the analysis of ecological benefits of proposed mitigation banks, and are used as part of the determination of the number of mitigation credits needed to offset a given wetland impact. A copy of Figure 3, as it is proposed to be amended, is included in this notice. This rulemaking will conform with identical revisions being proposed by the St. Johns River Water Management District per a Notice of Proposed Rulemaking to be published by the St. Johns River Water Management District in the February 11, 2000, Florida Administrative Weekly (FAW). With one exception, the proposed watersheds are either increased in size or are the same size as those in the existing rules.

The proposed basin/watershed boundaries have been developed with the assistance of a technical advisory committee consisting of representatives from private environmental consulting firms, environmental groups, environmental agencies and a mitigation banking association. The existing referenced figure has 46 basins/watersheds, while the proposed amended figure will have 22 basins/watersheds. Generally, the basins and watersheds are proposed to increase in size by combining existing basins/watersheds, or to remain essentially the same size as in the existing rules. The one exception is the proposed Western Etonia Lakes basin, which is proposed as a portion of the existing Etonia Creek basin.

Five of the basins/watersheds are proposed to be "nested," which means that these areas are both individual basins/watersheds and part of larger basins/watersheds. The effect of this designation for a drainage basin is that, for impacts that are outside of a nested area but within the larger basin of which it is a part, mitigation in the nested area will be considered to be in the same drainage basin for cumulative impact review purposes. For impacts that are located within a nested area, mitigation that is located outside of the nested area but within the larger basin of which it is a part will be considered to be outside the basin for cumulative impact review purposes.

The effect of the "nested" designation for a regional watershed is that, when a mitigation bank is located outside of a nested regional watershed, the regional watershed for that mitigation bank will not include the nested regional watershed. When a mitigation bank is located within a nested regional watershed, the regional watershed for mitigation bank will be the larger regional watershed, including the nested regional watershed.

SUMMARY: Figure 3 is referenced in the definition of "Regional Watershed" in rule 62-342.200(9). This rule is being amended to incorporate by reference the revised map described above. A copy of Figure 3, as it is proposed to be amended, is included in this notice. Rule development workshops were conducted jointly with the St. Johns River Water Management District on November 5, 1999, in Orlando and Jacksonville.

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

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

SPECIFIC AUTHORITY: 373.4136(11) FS.

LAW IMPLEMENTED: 373.4135, 373.4136 FS.

A HEARING WILL BE HELD BEFORE THE DEPARTMENT, IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE.

TIME AND DATE: 10:00 a.m. (Thursday), March 16, 2000

PLACE: Department of Environmental Protection, Room A204, Lab Bldg., 2600 Blair Stone Road, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or (800)955-8771 (TDD), at least seven days before the meeting.

A HEARING ON THE ANALOGOUS RULE PROPOSED BY THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT also will be conducted by the St. Johns River Water Management District following the regularly scheduled Governing Board Meeting which begins at 9:00 a.m., on

March 8, 2000, at the St. Johns River Water Management District, Highway 100 West, Palatka, Florida 32177, as noticed in the February 11, 2000, issue of the FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Douglas Fry, Florida Department of Environmental Protection, 2600 Blair Stone Road, Bureau of Submerged Lands and Environmental Resources, MS 2500, Tallahassee, Florida 32399-2400, telephone (850)921-9890 or Doug.Fry@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-342.200 Definitions.

Terms used in this chapter shall have the meanings specified below.

(1) through (8) No change.

(9) Figure 3 amended.

(10) No change.

INSERT APPENDIX "M" (62-342)

Specific Authority ~~373.4136(11), 373.4135, 373.418, 403.061~~ FS. Law Implemented ~~373.4135, 373.4136~~ FS. History--New 2-2-94, Formerly 17-342.200, Amended 12-19-94, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management, Department of Environmental Protection  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary of the Department of Environmental Protection  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 1999  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 29, 1999

**DEPARTMENT OF HEALTH  
 Board of Chiropractic Medicine**

RULE TITLE: Citations  
 RULE NO.: 64B2-16.0075

PURPOSE AND EFFECT: The Board proposes to amend this rule to add new rule text with regard to citations.

SUMMARY: The Board is amending this rule to notify licensees of the penalties to be charged for first time failure to complete the required continuing education and failure to complete less than 10 hours or failure to complete 10 or more hours. Licensees will also be required to take two additional hours of continuing education for each of the continuing education deficiencies.

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

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

SPECIFIC AUTHORITY: 455.617, 460.405 FS.

LAW IMPLEMENTED: 455.621, 455.624(3), 455.717 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.0075 Citations.

(1) through (3) No change.

(4) First time failure to complete the required continuing education during the biennial license period; s. 455.624(3), F.S.

(a) failure to complete less than 10 hours shall result in a penalty of \$500;

(b) failure to complete 10 or more hours will result in a penalty of \$1000.

In addition, licensees shall take two additional hours of continuing education for each of the continuing education deficiencies. Said hours shall not count for continuing education renewal requirements for the next biennium.

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

Specific Authority 455.617, 460.405 FS. Law Implemented 455.621, ~~455.624(3)~~, 455.717 FS. History--New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000

**DEPARTMENT OF HEALTH  
 Board of Hearing Aid Specialists**

RULE TITLE: Wall Certificate and Duplicate License Fee  
 RULE NO.: 64B6-4.007

PURPOSE AND EFFECT: The Board proposes to reword this rule to include language that explains fees and how to obtain a wall certificate, a duplicate wall certificate as well as a duplicate license.

SUMMARY: Fees for wall certificates, duplicate wall certificates and duplicate licenses.

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

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

SPECIFIC AUTHORITY: 455.587(2),(6), 484.044 FS.

LAW IMPLEMENTED: 455.564(2), 455.587(6) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, Northwood Centre, 1940 N. Monroe Street, Bin C08, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-4.007 Wall Certificate and Duplicate License Fee.

(1) Licensees licensed prior to July 1, 1998, may obtain wall certificates by submitting a written request to the Board along with a \$25.00 fee.

(2) Licensees may obtain a duplicate wall certificate by submitting a written request to the Board along with a \$25.00 fee.

(3) The fee for issuance of a duplicate license shall be \$25.00.

Specific Authority 455.587(2), (6), 484.044 FS. Law Implemented 455.564(2), 455.587(6) FS. History—New 10-21-91, Formerly 21JJ-4.015, 61G9-4.015, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Hearing Aid Specialists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE TITLE: Continuing Education Fees  
RULE NO.: 64B14-2.010

PURPOSE AND EFFECT: The purpose of this amendment is to increase fees to become an approved continuing education provider.

SUMMARY: The Board proposes to amend the existing rule to increase fees to become an approved continuing education provider.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 455.521, 455.587(4), 468.806(3) FS.

LAW IMPLEMENTED: 455.521, 455.587(4), 468.806(3) 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: Joe R. Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-2.010 Continuing Education Fees.

~~The fee for application for approval of a continuing education course is \$200.~~

(1) The fee for application for approval as a continuing education provider is \$250.00.

(2) The renewal fee for continuing education provider approval is \$250.00.

Specific Authority 455.521, 455.587(4), 468.806(3) FS. Law Implemented 455.521, 455.587(4), 468.806(3) FS. History—New 5-21-98, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 1999

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE TITLES: Continuing Education Requirement  
RULE NOS.: 64B14-5.002  
Continuing Education Course Criteria 64B14-5.003  
Provider Application 64B14-5.004

PURPOSE AND EFFECT: Rule 64B14-5.002, the purpose for the rule is to provide procedures relating to Continuing Education Requirements. In Rules 64B14-5.003 and 64B14-5.004, The Board proposes to promulgate new rules entitled "Continuing Education Course Criteria" and "Provider Application."

SUMMARY: The rule amendments are for the purpose of updating the continuing education requirements, and provider application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 468.802, 468.806, 455.564(8) FS.

LAW IMPLEMENTED: 468.806(3), 455.564(8) 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 RULES IS: Joe R. Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, 2020 S. E. Capital Circle, Tallahassee, Florida 32399-3259



THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 61G14-5.002 follows. See Florida Administrative Code for present text.)

64B14-5.002 Continuing Education Requirement.

(1) As a condition of license renewal or recertification, each licensee must completed approved continuing education.

(a) For the biennium ending May 31, 2001, each licensee must complete 10 hours of continuing education.

(b) For each biennium ending after May 31, 2001, each licensee must complete the following continuing education within 24 months immediately preceding the date license renewal is due:

1. Orthotists/Prosthetists: 30 hours.

2. Pedorthists: 30 hours.

3. Orthotic Fitters 20 hours.

4. Orthotic Fitter Assistants: 10 hours

5. Any licensee holding more than 1 license must complete a maximum of 30 hours of continuing education.

(c) For each biennium ending after May 31, 2001, each licensee's continuing education must include one hour of continuing education on cardiopulmonary resuscitation; one hour on infectious diseases including HIV/AIDS and two hours on Chapter 455, Part II, F.S., Chapter 468; Part XIV, F.S., and Rule Chapter 64B14, FAC.

(2) At least 90% of the continuing education hours used to meet the requirements of these rules shall consist of one or more of the following:

(a) Orthotics/prosthetics/Pedorthics practice areas and special health care problems;

(b) biological, physical, and behavioral sciences.

(3) Up to 10% of the continuing education requirement of these rules may be satisfied by courses in business and practice management including courses covering the following topics:

(a) legal aspects of health care;

(b) management of health care personnel;

(c) health insurance issues;

(d) facility management;

(e) practice and risk management.

(4) Each licensee may receive one hour of continuing education credit in risk management by attending a meeting of the Board at which disciplinary cases are heard.

(5) Credit for continuing education is approved for the following:

(a) Courses offered by a provider approved by the Board.

(b) Courses offered for continuing education by ABC or BCP for their respective professions

(c) Courses intended for use as continuing education provided by a regionally accredited college or university, whose graduates are eligible for licensure under this chapter which meet the requirements of Rule 64B14-5.003.

(d) Graduate level academic courses provided by a regionally accredited college or university, provided such courses are offered by a graduate program in a health care profession.

(6) The licensee shall retain the original continuing education certificates of attendance for a minimum of four years.

(7) The Board will audit at random a number of licensees as necessary to assure that the continuing education requirements are met. Within 21 days of a request from the Board, the licensee must provide evidence of completion of the continuing education requirements by submission of one or more of the following:

(a) certificates of attendance from approved courses.

(b) an official transcript and copy of course syllabus of any graduate level course taken from a regionally accredited college or university.

(8) A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board.

Specific Authority 468.802, 468.806 FS. Law Implemented 468.806(3) FS. History—New 7-1-98, Amended \_\_\_\_\_.

64B14-5.003 Continuing Education Course Criteria.

(1) To be eligible for credit toward the licensee's continuing education requirement, a continuing education course shall be designed to enhance the learning and promote the continued development of knowledge and skills of the individual licensee's professional practice. The course content shall be specifically designed to the stated level and learning needs of the participants.

(2) Each course must have stated learning objectives which describe expected learner outcomes in behavioral terms, can be evaluated, are attainable, and are relevant to current professional practice. The objectives shall determine the content, teaching methodology and plan for evaluation.

(3) The course faculty shall demonstrate academic preparation and/or experience in the subject matter of the course.

(4) Course length shall be sufficient to provide meaningful education in the subject matter presented. Courses must include 50 minutes of didactic instruction or 100 minutes of lab/clinical experience for each hour of credit awarded. All courses must be at least 50 minutes in length.

(5) Distance learning courses, which include home study, correspondence, computer interactive, video cassette and audio cassette courses must meet all the requirements of this rule and must include a testing mechanism on which a passing score

must be attained by the licensee prior to the issuance of continuing education credit. Videocassette courses shall not exceed 5 hours per subject.

(6) Currency and accuracy of the content of the course shall be documented by references and/or bibliography.

(7) Each course shall include a certificate of attendance given to each participant, provider, the name of the course, which shall be the same as the name submitted to the Board, the provider number assigned by the Board, the name of the participant, the date the course was taken; the number of hours of continuing education credit awarded; and the signature of the provider, official representative or instructor.

(8) Each licensee attending a course must be required to sign in and out, and must attend all of the course in order to be awarded continuing education credit.

Specific Authority 455.564, 468.802, 468.806 FS. Law Implemented 455.564(8), 468.806 FS. History—New \_\_\_\_\_.

64B14-5.004 Provider Application.

(1) Submit a completed Continuing Education Provider Application (Form No. XX, effective 8/1/99, incorporated herein by reference), with the application fee stated in Rule 64B14-2.010. The form may be obtained from the Board office 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3255.

(2) Provide an identifiable person to be responsible for ensuring that each program presented under their provider number meets program requirements set forth in (3) below.

(3) Retain a "sign-in-sheet" with the signature of participants and copies of any promotional materials for at least 3 years following the course.

(4) Provide each participant with a certificate of attendance verifying the program has been completed. The certificate shall not be issued until completion of the program and shall contain the provider's name and number title of program, and program number, instructor, date, number of contact hours of credit, the licensee's name and license number.

(5) Notify the Board of any significant changes relative to the maintenance of standards as set forth in these rules.

(6) Each program presented by an approved provider shall meet the standards of Rule 64B14-5.003(2) or (3) and 64B14-5.004.

(7) The Board retains the right and authority to audit and/or monitor programs given by any provider. The board will rescind provider status if the provider has disseminated any false or misleading information in connection with the continuing education program or if the provider has failed to conform to these rules or the rules of the Board.

(8) Provider numbers must be renewed biennially on or before the renewal date for licenses under Chapter 468, Part XIV. The provider must return the renewal form provided by the department together with the renewal fee stated in Rule

64B14-2.010. If the renewal form and renewal fee are not received by the department on or before the renewal date, the provider must submit a new application and, if approved, receive a new provider number.

Specific Authority 455.564(8), 468.806 FS. Law Implemented 455.564(8), 468.806 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2000

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

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLES: Organization RULE NOS.: 64B32-1.001

Delegation of Powers and Duties to Respiratory Care Council 64B32-1.002

Designation of Official Reporter 64B32-1.004

PURPOSE AND EFFECT: Rule 64B32-1.001 is being repealed because the Board deems it unnecessary due to frequent changes, and Rules 64B32-1.002 and 64B32-1.004 are being repealed because Respiratory Care is now a Board and no longer a Council.

SUMMARY: These Rules no longer apply since Respiratory Care is now a Board and not a Council.

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: 120.53(2), 468.353(1), (3) FS.

LAW IMPLEMENTED: 120.53(2), 468.353(1),(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Executive Director, Board of Respiratory Care/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B32-1.001 Organization.

Specific Authority 468.353(1) FS. Law Implemented 468.353(1) FS. History—New 4-29-85, Formerly 21M-33.02, 21M-33.002, 61F6-33.002, 59R-70.002, Amended 2-2-98, Formerly 64B8-70.002, Repealed.

64B32-1.002 Delegation of Powers and Duties to Respiratory Care Council.

Specific Authority 468.353(1), (3) FS. Law Implemented 468.353(3) FS. History—New 4-29-85, Formerly 21M-33.03, 21M-33.003, Amended 1-2-94, Formerly 61F6-33.003, 59R-70.003, 64B8-70.003, Repealed.

64B32-1.004 Designation of Official Reporter.

Specific Authority 120.53(2) FS. Law Implemented 120.53(2) FS. History—New 4-29-85, Formerly 21M-33.06, 21M-33.006, 61F6-33.006, 59R-70.006, 64B8-70.006, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2000

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: WAGES Early Exit Diversion Program

RULE NO.: 65A-4.101

PURPOSE AND EFFECT: This rule implements the requirements of Ch. 414.1525, WAGES Early Exit Diversion Program.

SUMMARY: This proposed rule provides for: the form for eligibility and agreement not to apply for cash assistance for six months; verification of income; ineligibility for payment in the last month of time limited benefits; criteria for emergency situations; and notification of impact on eligibility for Medicaid and food stamps. Additionally, it provides clarification that receipt of payment will have no effect on eligibility for WAGES support services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 414.45, 414.1525 FS.

LAW IMPLEMENTED: 414.1525 FS.

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

TIME AND DATE: 10:00 a.m., March 20, 2000

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.101 WAGES Early Exit Diversion Program.

(1) The Public Assistance Specialist will identify individuals who receive temporary cash assistance payments of less than \$100 and will inform them about the early exit diversion option and how this payment will be considered in determining eligibility for food stamps and Medicaid. If a WAGES coalition contract service provider is contacted about the early exit payment option, they will refer the individual to the local department office. The determination of eligibility for a WAGES Early Exit Diversion payment and the agreement not to apply for temporary cash assistance for six months will be documented on CF-ES 2286, WAGES Early Exit Diversion Agreement, Dec 99 (incorporated by reference). A copy of this form will be provided to the individual. Participation in the Early Exit Diversion Program is at the individual's option.

(2) The individual requesting a WAGES Early Exit Diversion payment must document earned income in order to be eligible to receive the payment. The individual's statement on the CF-ES 2286 regarding expectation of employment lasting at least 6 months is sufficient to meet this requirement.

(3) The individual will not be eligible for a WAGES Early Exit Diversion payment if the individual is in the last month of time limited benefits.

(4) If the individual demonstrates an emergency to the department, the individual is not bound by the agreement not to apply for temporary cash assistance for six months following the receipt of the WAGES Early Exit Diversion payment. The following are considered acceptable emergencies:

(a) hospitalization or illness documented by a physician licensed under Ch. 458 or 459, F.S., resulting in the loss of at least two weeks' income or loss of employment;

(b) loss of earned income due to reasons other than resignation without good cause or termination for cause.

(c) loss of housing;

(d) natural disaster resulting in destruction of an assistance group's major property;

(e) the individual demonstrates that they are subject to domestic violence, or

(f) other similar situations affecting the individual's employment.

(5) The receipt of a WAGES Early Exit Diversion payment will have no effect on the determination of eligibility for WAGES support services.

(6) Copies of form CF-ES 2286, WAGES Early Exit Diversion Agreement, may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

Specific Authority 414.45, 414.1525 FS. Law Implemented 414.1525 FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Lonna Cichon, Operations and Management Consultant II, 488-8004

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Ginn, Program Administrator, Public Assistance Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2000

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Manatees**

CHAPTER TITLE: Manatees  
CHAPTER NO.: 68C-22  
RULE TITLE: Lee County Zones  
RULE NO.: 68C-22.005

PURPOSE AND EFFECT: The purpose of the proposed amendment is to allow boaters to more easily navigate on Mullock Creek during low water conditions while still maintaining adequate manatee protection. The effect of the amendment would be to allow speeds of up to 25 mph on a portion of the creek during those times when the water depth within that portion of the creek is two feet or less. Slow Speed would be required in this area when the depth is greater than two feet. The 25 mph channel starting at the mouth of Mullock Creek would also be extended from marker "16" to marker "18."

SUMMARY: The amendment would revise the zones on Mullock Creek to allow speeds of up to 25 mph between channel markers "18" and "47" during those times when the water depth within that portion of the creek (as measured at marker "46") is two feet or less. Slow Speed would be required on this portion of the creek when the depth is greater than two feet. The year-round 25 mph channel starting at the mouth of Mullock Creek would also be extended from marker "16" to marker "18." No changes are proposed for any other areas; Slow Speed would still be required at all times on all remaining areas of Mullock Creek as well as all of Tenmile Canal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

Any person who wishes to provide information regarding a SERC, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice. SPECIFIC AUTHORITY: 370.12(2)(f),(m),(n) FS.

LAW IMPLEMENTED: 370.12(2)(d),(f),(i),(j),(m),(n) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330

THE FULL TEXT OF THE PROPOSED RULE IS:

68C-22.005 Lee County Zones.

(1) No change.

(2) The following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded. Access to the NO ENTRY zones designated in paragraph (2)(a) will be provided in accordance with procedures set forth in subsection (4), hereunder, and applicable provisions of Rule 68C-22.003.

(a) through (c) No change.

(d) SLOW SPEED (All Year) –

1. through 7. No change.

8. Tenmile Canal and Mullock Creek Area: All waters of Mullock Creek west of U.S. Highway No. 41, and east and northeast of a line that bears 135° and 315° from Red Channel Marker "18 46" (approximate latitude 26° 27' 46 40" North, approximate longitude 81° 52' 00 03" West); and all waters of Tenmile Canal south of a line (approximate latitude 26° 30' 00" North) 200 feet north of the centerline of U.S. Highway No. 41, excluding the portion of Mullock Creek otherwise designated under subparagraph (2)(i).

9. No change.

(e) No change.

(f) SLOW SPEED (April 1 – November 15)/25 MPH (Remainder of Year) –

1. through 2. No change.

3. North Estero Bay and Hendry Creek Area: All waters of Hendry Creek south of a line that bears 270° from a point (approximate latitude 26° 28' 40" North, approximate longitude 81° 52' 56" West) on the eastern shoreline of Hendry Creek; and all waters of Estero Bay southeast and east of Hell Peckney Bay, a line that bears 340° from a point (approximate latitude 26° 25' 56" North, approximate longitude 81° 54' 25" West) on the northern tip of an unnamed mangrove peninsula on the northeastern shoreline of Estero Island, and the northern shoreline of Estero Island, south of Hendry Creek and a line

that bears 135° and 315° from Red Channel Marker “~~18 46~~” (approximate latitude 26° 27' 46 40" North, approximate longitude 81° 52' 00 03" West) in Mullock Creek, and north of a line that bears 72° from the northernmost point (approximate latitude 26° 24' 22" North, approximate longitude 81° 52' 34" West) of Black Island, including the waters of Buccaneer Lagoon at the southern end of Estero Island, but excluding the portions of the marked channels otherwise designated under subparagraph (2)(h)9., the Estero River, and the waters of Big Carlos Pass east of a line beginning at a point (approximate latitude 26° 24' 34" North, approximate longitude 81° 53' 05" West) on the eastern shoreline of Estero Island and bearing 36° to a point (approximate latitude 26° 24' 40" North, approximate longitude 81° 53' 00" West) on the southern shoreline of Coon Key, south of a line beginning at a point (approximate latitude 26° 24' 36" North, approximate longitude 81° 52' 30" West) on the eastern shoreline of Coon Key and bearing 106° to a point (approximate latitude 26° 24' 39" North, approximate longitude 81° 52' 34" West) on the southwestern shoreline of the unnamed mangrove island north of Black Island, and west of a line beginning at a point (approximate latitude 26° 24' 36" North, approximate longitude 81° 52' 30" West) on the southern shoreline of said unnamed mangrove island north of Black Island and bearing 192° to the northernmost point (approximate latitude 26° 24' 22" North, approximate longitude 81° 52' 34" West) of Black Island.

- 4. No change.
- (g) No change.
- (h) 25 MPH (All Year) –
- 1. through 8. No change.

9. Estero Bay Area channels: All waters within the portions of the marked channels of Estero Bay and Big Hickory Bay as described below:

a. through b. No change.

c. Mullock Creek Channel: All waters of the marked channel leading to Mullock Creek north of a line beginning at a point (approximate latitude 26° 24' 36" North, approximate longitude 81° 52' 30" West) on the eastern shoreline of Coon Key and bearing 106° to a point (approximate latitude 26° 24' 39" North, approximate longitude 81° 52' 34" West) on the southwestern shoreline of the unnamed mangrove island north of Black Island, and south of Red Channel Marker “~~18 46~~” (approximate latitude 26° 27' 46 40" North, approximate longitude 81° 52' 00 03" West).

d. through h. No change.

10. through 11. No change.

(i) DEPTH-DEPENDENT SLOW SPEED or 25 MPH – All waters of Mullock Creek, excluding side creeks and embayments, between Red Channel Marker “18” (approximate latitude 26° 27' 46" North, approximate longitude 81° 52' 00" West) and Green Channel Marker “47” (approximate latitude 26° 28' 11" North, approximate longitude 81° 51' 34" West). Slow Speed is required in this area whenever the water depth, as measured at Red Channel Marker “46” (approximate latitude 26° 28' 05" North, approximate longitude 81° 51' 36" West), is greater than two feet. Speeds of up to 25 MPH are allowed whenever the water depth at said marker “46” is two feet or less.

(3) through (5) No change.

INSERT MAP 6 FOR LEE COUNTY (68C-22)

Specific Authority 370.12(2)(f),(m),(n) FS. Law Implemented 370.12(2)(d),(f),(i),(j),(m),(n) FS. History—New 3-19-79, Formerly 16N-22.05, Amended 12-5-89, Formerly 16N-22.005, Formerly 62N-22.005, Amended 11-30-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. David Arnold, Chief of the Bureau of Protected Species Management, Florida Fish and Wildlife Conservation Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Bradley J. Hartman, Director of the Office of Environmental Services, Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2000

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

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Investor Protection**

RULE NO.:                      RULE TITLE:  
3E-600.005                      Examinations/Qualifications

NOTICE OF CHANGE

Notice is hereby given that the Department has made the following change to the above rule based on public comments to correct the name of the Certified Financial Planner Board of Standards, Inc. This rule was originally published in the Vol. 26, No. 3, January 21, 2000 issue of the Florida Administrative Weekly. When adopted, paragraph (5) of the rule will read:

(5) The examination requirement for investment adviser principals, investment adviser representatives, and associated persons of issuer dealers shall not apply to an individual who currently holds one of the following professional designations: 1. Certified Financial Planner (CFP) awarded by the Certified Financial Planner Board of Standards, Inc.; 2. Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, PA; 3. Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants; 4. Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts; 5. Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE CHAPTER NO.:      RULE CHAPTER TITLE:  
5L-1                              Comprehensive Shellfish Control Code

RULE NOS.:                      RULE TITLES:  
5L-1.004                              Shellfish Harvesting Area Standards

5L-1.010                              Container Identification, Terminal Sale Date; Prohibitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 4, January 28, 2000, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE NO.:                      RULE TITLE:  
61G10-11.001                      Examination for Licensure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 24, No. 24, June 12, 1998, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.:                      RULE TITLE:  
64B3-9.013                              Change of Status Fee

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 36, of the September 10, 1999, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The change shall be a new sentence added to the end of the rule to read as follows: "This fee shall be assessed only when such an application is made at times other than at the time for licensure renewal."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.:                      RULE TITLE:  
64B3-11.004                              Provider Approval Procedures

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. 36, of the September 10, 1999, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

In the proposed amendments to subsections (6)(a) and (6)(c) of the rule, the word "recognized" shall be deleted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-25.0011
RULE TITLE: Colonic Irrigation Application
Deadline

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 43, October 29, 1999, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-27.004
RULE TITLE: Re-Examination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment, published in the Florida Administrative Weekly, Vol. 25, No. 36, September 10, 1999, has been withdrawn.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.009
RULE TITLE: Standards of Care for Office Surgery

FOURTH NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the above-referenced rule based upon comments received at a public meeting held on February 5, 2000, in Jacksonville, Florida. The rule was originally published in Vol. 25, No. 3, of the January 22, 1999, issue of the Florida Administrative Weekly. The Board previously held public hearings on this rule on April 11, 1999; June 3, 1999; August 7, 1999; and December 4, 1999. Notices of Change in response to public hearings were published in the Florida Administrative Weekly on April 23, 1999; June 18, 1999; and August 20, 1999. Any changes which conflict with the previous notices of change are superseded by the changes set forth below. The changes are as follows:

1. The proposed subsection (2)(e) shall be changed to read: "(e) For elective cosmetic and plastic surgery procedures performed in a physician's office, the maximum planned duration of all surgical procedures combined must not exceed 8 hours. Except for elective cosmetic and plastic surgery, the surgeon shall not keep patients past midnight in a physician's office. For elective cosmetic and plastic surgical procedures, the patient must be discharged within 24 hours of presenting to the office for surgery; an overnight stay is permitted in the office provided the total time the patient is at the office does not exceed 23 hours and 59 minutes including the surgery time. An overnight stay in a physician's office for elective cosmetic and plastic surgery shall be strictly limited to the physician's office. If the patient has not recovered sufficiently to be safely discharged within the timeframes set forth, the patient must be transferred to a hospital for continued post-operative care."

2. Proposed subsection (2)(i) of the rule shall be withdrawn.

3. The proposed changes to subsection (4)(b)1., shall be withdrawn.

4. Proposed subsection (6)(b)1.a. shall be changed to read, "(b) Standards for Level III Office Surgery. In addition to the standards for Level II Office Surgery, the surgeon must comply with the following:

1. Training Required.

a. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or must be able to document satisfactory completion of training such as Board certification or Board qualification by a Board approved by the American Board of Medical Specialties or any other board approved by the Board of Medicine or must be able to demonstrate to the accrediting organization or to the Department comparable background, training, and experience. In addition, the surgeon must have knowledge of the principles of general anesthesia. If the anesthesia provider is not an anesthesiologist, there must be a licensed M.D., or D.O., anesthesiologist, other than the surgeon, to provide direct supervision of the administration and maintenance of the anesthesia."

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

DEPARTMENT OF HEALTH

Board of Medicine

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



**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. 52, of the December 30, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received at a public hearing held on the rule on February 4, 2000, in Jacksonville, Florida. The changes are as follows:

1. Subsection (1)(b) of the rule shall be reworded to read: “(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; and if more than one physician is practicing at that location, a list of all physicians and levels of surgery being performed must be provided. The list shall also include the name of each physician assistant, ARNP and CRNA involved in the office surgery or anesthesia; copies of any protocols necessary for the supervision of any ARNP or CRNA; and any transfer agreements with local hospitals. In addition, the physician shall submit a statement of compliance with Chapter 64B8-9.009, F.A.C., when registering with the Department.”

2. The following sentence shall be added to the end of subsection (2)(a): “All nationally recognized and Board-approved accrediting organizations shall be held to the same Board-determined surgery and anesthesia standards for accrediting Florida office surgery sites.”

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-54.0021  
 RULE TITLE: Exemption of Spouse of Armed Forces Member from License Renewal Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 45, issue of the Florida Administrative Weekly. The change is in response to comments received from the Joint Administrative Procedures Committee, and was approved by the Electrolysis Council, and by the Board of Medicine at its meeting held on February 5, 2000 in Jacksonville, Florida.

The rule shall now read as follows:

64B8-54.0021 Exemption of Spouse of Armed Forces Member from License Renewal Requirements.

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse’s duties with the Armed Forces. The licensee must document the absence and the spouse’s military status to the Board.

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-27.830  
 RULE TITLE: Standards of Practice – Drug Therapy Management

**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. 26, No. 1, January 7, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee and by the members at its regularly scheduled meeting held on February 7-8, 2000. The Board voted to change to rule to read as follows:

64B16-27.830 Standards of Practice – Drug Therapy Management.

(1) “Prescriber Care Plan” means an individualized assessment of a patient and orders for specific drugs, laboratory tests, and other pharmaceutical services intended to be dispensed or executed by a pharmacist. The Prescriber Care Plan shall be written by a physician licensed pursuant to Chapter 458, 459, 461, or 466, F.S., or similar statutory provision in another jurisdiction, and may be transmitted by any means of communication. The Prescriber Care Plan shall specify the conditions under which a pharmacist shall order laboratory tests, interpret laboratory values ordered for a patient, execute drug therapy orders for a patient, and notify the physician.

(2) “Drug Therapy Management” means any act or service by a pharmacist in compliance with orders in a Prescriber Care Plan.

(3) A pharmacist may provide Drug Therapy Management services for a patient, incidental to the dispensing of medicinal drugs or as a part of consulting concerning therapeutic values of medicinal drugs or as part of managing and monitoring the patient’s drug therapy. A pharmacist who provides Drug Therapy Management services for a patient shall comply with orders in a Prescribe Care Plan, insofar as they specify:

(a) drug therapy to be initially dispensed to the patient by the pharmacist; or

(b) laboratory values or tests to be ordered, monitored and interpreted by the pharmacist, or

(c) the conditions under which the duly licensed practitioner authorizes the execution of subsequent orders concerning the drug therapy for the patient.

(d) the conditions under which the pharmacist shall contact or notify the physician

(4) A pharmacist who provides Drug Therapy Management services shall do so only under the auspices of a pharmacy permit that provides the following:

(a) a transferrable patient care record that includes:

1. a Prescriber Care Plan that includes a section noted as "orders" from a duly licensed physician for each patient for whom a pharmacist provides Drug Therapy Management services;

2. progress notes; and

(b) a pharmaceutical care area that is private, distinct, and partitioned from any area in which activities other than patient care activities occur, and in which the pharmacist and patient may sit down during the provision of Drug Therapy Management services; and

(c) a continuous quality improvement program that includes standards and procedures to identify, evaluate, and constantly improve Drug Therapy Management services provided by a pharmacist.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program Office**

RULE NO.: 65A-33.001                      RULE TITLE: Purpose and Legal Base

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the proposed amendment of the above rule, as published in Vol. 25, No. 43, October 29, 1999, Florida Administrative Weekly, has been withdrawn.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE NO.: 68A-15.061                      RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – South Region

**NOTICE OF CHANGE**

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraphs 68A-15.061(14)(a)6. and (d)5. of this

proposed rule which was published in Vol. 25, No. 52, Florida Administrative Weekly, December 30, 1999, so that when adopted, it will read as follows:

(14) Fisheating Creek Wildlife Management Area

(a) Open season:

6. General gun hog – December 9-10, west of U.S. Highway 27 only.

(d) General regulations:

5. Hunting with dogs is prohibited

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE NO.: 68A-25.002                      RULE TITLE: General Provisions for Taking, Possession and Sale of Reptiles  
**NOTICE OF CHANGE**

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subsection 68A-25.002(18) of this proposed rule which was published in Vol. 25, No. 52, Florida Administrative Weekly, December 30, 1999, so that when adopted, it will read as follows:

(18) No leopard tortoise (*Geochelone pardalis*) or African spurred tortoise (*Geochelone sulcata*) shall be imported or transported into this state, without a special permit issued by the Commission. The basis for the issuance of such permit shall include:

(a) that each shipment is accompanied by a veterinary certificate stating that all specimens are free from external parasites;

(b) that all shipping containers used to transport such tortoises are incinerated within 24 hours;

(c) such other conditions as may be necessary to insure that no tortoise infested with ticks capable of transmitting the Heartwater disease is imported into Florida.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE NO.: 68B-46                      RULE CHAPTER TITLE: Horseshoe Crabs  
RULE NOS.: 68B-46.002                      RULE TITLES: Horseshoe Crabs Harvest Restrictions; License Requirements, Gear Restrictions, Daily Bag and Possession Limits

**NOTICE OF CHANGES TO PROPOSED RULES**

The Fish and Wildlife Conservation Commission announces changes to proposed new Rule Chapter 68B-46, F.A.C., as published in the December 30, 1999 issue of the Florida

Administrative Weekly. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on February 3, 2000, in Jacksonville, Florida. Proposed Rule 68B-46.001 was not changed. Proposed new Rule 68B-46.002 was changed to read:

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

(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)(a) Except as provided in paragraph (b), 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. No such person shall possess more than 25 horseshoe crabs while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters.

(b)1. The following bag and possession limits apply to a person with a valid saltwater products license with a marine life endorsement:

a. No such person shall harvest in any one day, within or without the waters of the state, land, or possess while in or on the waters of the state more than 100 horseshoe crabs.

b. No such person shall possess more than 100 horseshoe crabs while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters.

2. The following bag and possession limits apply to a person with a valid saltwater products license and a valid permit to harvest eels commercially in the freshwaters of the state:

a. No such person shall harvest in any one day, within or without the waters of the state, land, or possess while in or on the saltwaters of the state more than 100 horseshoe crabs.

b. No such person shall possess more than 100 horseshoe crabs while in, on, or above the saltwaters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New \_\_\_\_\_.

**Section IV  
Emergency Rules**

**NONE**

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

**DEPARTMENT OF TRANSPORTATION**

NOTICE IS HEREBY GIVEN that, on February 8, 2000, the Florida Department of Transportation issued an order denying the petition of National Advertising Company, seeking a variance from the provisions of Rule Chapter 14-10.007(1) F.A.C. The petition was received by the Department on November 16, 1999. The Department published its notice of receipt of the petition in the January 21, 2000, edition of the Florida Administrative Weekly. Rule Chapter 14-10 provides guidance for outdoor advertising sign regulation and the highway beautification program. The Department's order, issued in DOT Case, denied National's request that the Department allow its sign's height above ground level (HAGL) to be increased without causing the sign to become illegal. The subject sign corresponds to State Permit Numbers AZ346 and AZ347, located in Palm Beach County, adjacent to I-95. The sign is subject to the provisions of Chapter 479, Florida Statutes, and Rule Chapter 14-10, Florida Administrative Code.

In pertinent part, Section 479.24, Florida Statutes, provides that a legal nonconforming sign will lose its nonconforming status, and become illegal, if it is not maintained in accordance with all applicable laws. As such, where applicable law, specifically Rule 14-10.007(1), Florida Administrative Code, precludes an increase in the height above ground level (HAGL), such an increase would cause the sign to become illegal. Additionally, Federal law precludes the Department from granting a waiver, as a nonconforming sign must remain substantially the same as it was on the date it became nonconforming.

A copy of the Department's order may be obtained from: Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458.

For additional information, contact: James C. Myers, (850)414-5393.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

The Department of Highway Safety and Motor Vehicles hereby gives notice that it received a Petition for Partial Waiver of Rule 15A-10.0141, on January 19, 2000 from the

Pinellas County DUI program, National Safety Council, Suncoast Chapter. In the petition, which will be treated as a petition for variance, the petitioner seeks to charge an amount less than that specified in rule 15A-10.0141 for DUI programs. A copy of the petition may be obtained by contacting: Patricia Armstrong, Bureau of Driver Education and DUI Programs, Department of Highway Safety and Motor Vehicles.

Any interested person or other agency may submit written comments on the petition for a variance within 14 days after this notice to: Patricia Armstrong, Bureau of Driver Education and DUI Programs, 2900 Apalachee Parkway, Room B214, MS 88, Tallahassee, Florida 32399-0571.

#### **PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN that on January 24, 1999, the Florida Public Service Commission received a Petition from ITC^DeltaCom (Docket No. 000080-TI), seeking waiver of Rule 25-24.490(2), Florida Administrative Code. The rule requires that an IXC be bonded prior to collecting deposits and advance payments for services. The rule further provides for waiver of the bonding requirement if the IXC can demonstrate that it possesses the financial resources and income to provide assurance of continued operation under its certificate over the long term. Comments on this Petition should be filed with the Commission's Division of Records and Reporting, Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0863, within 14 days of publication of this notice.

A copy of the Petition may be obtained from the Commission's Division of Records and Reporting, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0850, or by calling (850)413-6770.

For additional information, contact: Lee Fordham, Division of Legal Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862 or telephone (850)413-6226.

NOTICE IS HEREBY GIVEN that on January 24, 2000, the Florida Public Service Commission received a Petition from Sprint Payphone Services, Inc. (Docket No. 000092-TC), seeking exemption from Rule 25-24.515(13), Florida Administrative Code. The rule requires that all pay telephones receive incoming calls. The location of the pay telephone station is as follows: 3407 W. Highway 98, Panama City, Florida 32401. Comments on this Petition should be filed with the Commission's Division of Records and Reporting, Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0863, within 14 days of publication of this notice.

A copy of the Petition may be obtained from the Commission's Division of Records and Reporting, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0850, or by calling (850)413-6770.

For additional information, contact: Marlene Stern, Division of Legal Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862 or telephone (850)413-6230.

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Southwest Pay Telephone Corporation's petition for exemption from Rule 25-24.515(13), Florida Administrative Code, filed October 13, 1999, in Docket No. 991614-TC was approved by the Commission at its December 21, 1999, Agenda Conference. Order No. PSC-00-0079-PAA-TC, issued January 10, 2000, memorialized the decision. The Order was not protested. The rule requires that all pay telephones receive incoming calls. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on November 5, 1999.

A copy of the Order can be obtained from: Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

## **Section VI Notices of Meetings, Workshops and Public Hearings**

#### **DEPARTMENT OF STATE**

The **Department of State, Division of Cultural Affairs** announces the following public meetings, to which all persons are invited:

**DATE AND TIME:** Thursday, March 2, 2000, 10:00 a.m.

**PLACE:** St. Lucie County Health Department, 714 Avenue "C", Ft. Pierce, FL 34954, (561)462-3920

**PURPOSE:** To hold a Slide Review meeting to select artwork for Art in State Buildings Project No. DOH 9420/9700, St. Lucie County Health Department, Port St. Lucie, Florida

**COMMITTEE:** Art Selection Committee

**DATE AND TIME:** Tuesday, March 7, 2000, 9:30 a.m.

**PLACE:** Department of Management Services, Conference Room 335-N, Building 4030, 4050 Esplanade Way, Tallahassee, FL 32399-0950, (850)488-2774

**PURPOSE:** To hold a Slide Review meeting to select artwork for Art in State Buildings Project No. DMS 9803/6000, Shared Resource Center, Capital Circle Office Center, Leon County, Florida

**COMMITTEE:** Art Selection Committee

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

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: Kirby Mole, (850)487-2980, Ext 133. If you are hearing or speech impaired, please contact the agency by calling TT (850)488-5779.

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#### DEPARTMENT OF LEGAL AFFAIRS

The Legislative Reporting Committee of the **Florida Commission on the Status of Women** will hold a conference call:

DATE AND TIME: February 29, 2000, 1:30 p.m.

PLACE: Please call (850)414-3300, for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW, in writing, at least five days in advance at: Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

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The Legislative Reporting Committee of the **Florida Commission on the Status of Women** will hold a conference call:

DATE AND TIME: March 10, 2000, 10:30 a.m.

PLACE: Please call (850)414-3300, for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW, in writing, at least five days in advance at: Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050.

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The **Florida Commission on the Status of Women** will hold a meeting on:

DATES AND TIMES: March 13, 2000, 1:00 p.m. – 5:00 p.m.; March 14, 2000, 9:00 a.m. – 2:00 p.m.

PLACE: Turlington Building, Florida Education Center, 325 West Gaines Street, 17th Floor, Room 1706, Tallahassee, FL 32399, (850)487-2310

PURPOSE: To discuss general issues.

Please call (850)414-3300 for instructions on participation.

If you need an accommodation because of disability in order to participate, please notify FCSW, in writing, at least five days in advance at: Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The **Florida Elections Commission** announces a meeting. Parts of the meeting are confidential.

DATE AND TIME: Thursday, February 24, 2000, 10:00 a.m. – 5:00 p.m.

PLACE: Room 2002, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes.

For a copy of the agenda call: Steve Christensen, (850)922-4539.

If you need an accommodation because of disability in order to participate, please call Steven Christensen at least 48 hours before the meeting.

If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made.

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a meeting of the Viticulture Advisory Council.

DATE AND TIME: February 22, 2000, 9:00 a.m.

PLACE: James B. and Margaret H. Gahn Conference Room, University of Florida, IFAS, Department of Entomology and Nematology, Gainesville, Florida

PURPOSE: Welcome Guests, Progress reports on promotion, research and spending Increase acreage review, Grant proposal guidelines, Election of officers.

A copy of the agenda can be obtained by contacting: George Demetree, Room 423, Mayo Building, 407 South Calhoun Street, Tallahassee, FL 32399-0800 or calling (850)488-4131.

If special accommodations are needed to attend this meeting, because of a disability, please contact George Demetree as soon as possible.

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The **Department of Agriculture and Consumer Services** announces two meetings of the Citrus Production Research Advisory Council.

DATES AND TIME: March 14, 2000; March 28, 2000, 9:00 a.m.

PLACE: Citrus Research and Education Center, 700 Experiment Station Road, Lake Alfred, Florida

PURPOSE: For the Council to take oral presentations from each scientist on each proposed Citrus Research Project for 2000-2001 and any other issues as needed.

If special accommodations are needed to attend this meeting because of a disability, please contact: Pleas Strickland, (850)488-5831.

**DEPARTMENT OF EDUCATION**

The Florida **Department of Education** announces the convening of the Occupational Forecasting Conference to which all persons are invited:

DATE AND TIME: February 28, 2000, 9:00 a.m.

PLACE: Turlington Building, Room 1703, 325 West Gaines Street, Tallahassee, Florida 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Occupational Forecasting Conference meets periodically to develop official information on occupational employment opportunities in Florida. The Conference is required by s. 216.136, Florida Statutes.

Principal conferees specified in s. 216.136 includes the Commissioner of Education, the Executive Office of the Governor, the Secretary of Commerce, the Secretary of Labor and the Director of the Division of Economic and Demographic Research of the Joint Legislative Management Committee or their designees. Public suggestions regarding the development of a list of targeted occupations offering sound employment opportunities for training in Florida will be considered along with employment projections, earning potentials and training program placement histories.

This Conference will identify high wage, high skill occupations for various workforce development initiatives in Florida including limited access degree programs for the university system.

A copy of the agenda may be obtained by contacting: Jay Pfeiffer, (850)487-0900.

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The **Department of Education**, Building Construction Industry Advisory Committee announces a meeting and all interested people are invited.

DATES AND TIMES: March 28, 2000, 3:00 p.m.; March 29, 2000, 8:00 a.m.

PLACE: Quality Inn & Suites, 2020 Apalachee Parkway, Tallahassee, Florida 32301, (850)877-4437

PURPOSE: To review research and continuing education proposals from universities and community colleges with building construction programs. To review research and continuing education priorities and the operation of BCIAC and other new business that may come before the Committee.

A copy of the agenda may be obtained at the meeting or by contacting: Patty Barritt, Sr. Secretary, BCIAC, School of Building Construction, P. O. Box 115703, University of Florida, Gainesville, Florida 32611, Telephone (352)392-9045.

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

DATES AND TIME: Thursday, March 30, 2000; Friday, March 31, 2000, 8:30 a.m.

PLACE: Department of Education, Turlington Building, Conference Room 1703/07, 325 West Gaines Street, Tallahassee, Florida 32399

PURPOSE: Members of the Education Standards Commission will meet and discuss issues related to the Commission's charge.

To obtain a copy of the agenda, please call or write: Florida Education Standards Commission, 325 West Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399, Telephone (850)488-1523 or Suncom 278-1523.

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

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The **Board of Regents** announces a public meeting of the Leadership Board for Applied Research and Public Service to which all persons are invited:

DATE AND TIME: February 29, 2000, 2:00 p.m. – 4:00 p.m.

PLACE: Florida Education Center, Turlington Building, Room 1704, 325 West Gaines Street, Tallahassee, Florida 32399-1950

GENERAL SUBJECT MATTER TO BE CONSIDERED: On-going projects of the Leadership Board for Applied Research and Public Service.

A copy of the agenda may be obtained by contacting: Carolyn Renfroe, (850)645-4965.

Any person requiring a special accommodation to participate in the meeting because of a disability should contact Carolyn Renfroe, (850)645-4965, at least five (5) business days in advance to make appropriate arrangements.

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The **State Board of Independent Colleges and Universities** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 28, 2000, 10:30 a.m.

PLACE: University of Phoenix, South Orlando Campus, 5750 North Major Boulevard, Suite #3000, Orlando, FL

PURPOSE: Special Committee Meeting to Review Board's Operations.

The Board welcomes participation from any interested members of the public. Any person who desires a copy of the proceedings should arrange to tape the meetings.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meetings is requested to advise the Board at least five calendar days before the meetings by contacting: Mary Cook, (850)488-8695.

The Florida **Community Colleges System** announces the State Board of Community Colleges' Legislative Conference Calls to which all persons are invited.

DATES AND TIME: February 25, 2000; March 10, 2000; March 17, 2000; March 24, 2000; March 31, 2000; April 7, 2000; April 14, 2000; April 21, 2000; April 28, 2000; May 5, 2000, 2:00 p.m. – 3:00 p.m.

PLACE: 325 West Gaines Street, Suite 1360, Tallahassee, Florida 32399-0400 (DIAL-IN NUMBERS: (850)410-0967 or Suncom 210-0967, NUMBER OF LINES: 60 Lines)

PURPOSE: To discuss legislative issues and updates.

NOTE: If you need special services to attend the meeting or need additional information write: Division of Community Colleges, 325 West Gaines Street, Suite 1314, 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: March 3, 2000, 8:00 a.m.

PLACE: Turlington Building, 17th Floor, 325 West Gaines Street, Tallahassee, Florida 32399

PURPOSE: Regular business meeting of the Board.

COMMITTEE: Legislative Audit Review Workshop

DATE AND TIME: March 2, 2000, 9:00 a.m. – 10:00 a.m.

COMMITTEE: Foundation for Florida's Community Colleges

DATE AND TIME: March 2, 2000, 10:00 a.m. – 11:00 a.m.

COMMITTEE: EA/EO Advisers

DATE AND TIME: March 2, 2000, 10:00 a.m. – 11:30 a.m.

COMMITTEE: Program, Economic Development, Equity and Policy Committee

DATE AND TIME: March 2, 2000, 12:30 p.m. – 2:45 p.m.

COMMITTEE: Finance Committee

DATE AND TIME: March 2, 2000, 3:00 p.m. – 5:15 p.m.

NOTE: 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.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The Florida **Department of Community Affairs** announces the next scheduled meeting of the Governor's Task Force on Domestic Violence to which all persons are invited.

DATE AND TIME: February 28, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Hilton Garden Inn Orlando Airport, 7300 Augusta National Drive, Orlando, Florida 32822, Telephone (407)240-3725

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Task Force priorities for the coming year.

A copy of the agenda may be obtained by contacting: Prevention of Domestic and Sexual Violence Section, Department of Community Affairs, (850)921-2168.

**DEPARTMENT OF LAW ENFORCEMENT**

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 8, 2000, 8:30 a.m. – 5:00 p.m.

PLACE: The Radisson Inn, 12635 Cleveland Avenue, Fort Myers, Florida 33907, Telephone (941)936-4300

PURPOSE: To hear presentations and discuss issues relating to a proposed Florida Violent Crime Summit, Digital Imaging in Law Enforcement Applications, Fugitive Task Forces and other items of interest.

A copy of the agenda may be obtained by writing: Senior Management Analyst, Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Investigations and Forensic Sciences Program, Post Office Box 1489, Tallahassee, Florida 32302, or by telephoning (850)410-7778.

Accommodations are made for individuals with disabilities as defined by the Americans With Disabilities Act (ADA).

**DEPARTMENT OF TRANSPORTATION**

The **Florida Transportation Commission** announces a public meeting to which all persons are invited:

DATE AND TIME: March 6, 2000, 11:00 a.m. – conclusion of agenda

PLACE: Department of Transportation, Executive Conference Room, 5th Floor, 605 Suwannee Street, Tallahassee, Florida. There will be a lunch break from 12:00 Noon – 1:00 p.m. The afternoon session begins at 1:00 p.m. in the Department of Transportation Auditorium, ground level, same street address.

PURPOSE: Regular meeting of the Florida Transportation Commission.

Statewide public hearing on the Department of Transportation Tentative Work Program for 2000/2001 through 2004/2005 at which time the Commission will hear comments offered by the public relating to compliance of the Tentative Work Program with all applicable laws and departmental policies.

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, Telephone (850)414-4105.

The **Commission on the Future of Aeronautics and Space** in Florida announces a meeting to which all persons are invited.

DATE AND TIME: March 16, 2000, 10:00 a.m.

PLACE: Secretary's 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 taskings from last meeting.

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.

#### STATE BOARD OF ADMINISTRATION

The Investment Committee of The **Florida Prepaid College Program Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Wednesday, March 1, 2000, 10:00 a.m., or soon thereafter

PLACE: 1801 Hermitage Blvd., The Hermitage Room, First Floor, Tallahassee, Florida 32308

PURPOSE: To conduct the regular business of the Investment Committee of the Florida Prepaid College Program Board to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

If any 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 will include the testimony and evidence upon which the appeal is based.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The **Florida Prepaid College Program Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Wednesday, March 1, 2000, 11:00 a.m. or soon thereafter

PLACE: 1801 Hermitage Blvd., The Hermitage Room, First Floor, Tallahassee, Florida 32308

PURPOSE: To conduct the regular business of the Florida Prepaid College Program Board to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

If any 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 will include the testimony and evidence upon which the appeal is based.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

#### PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida **Public Service Commission** will consider at its February 29, 2000, Agenda Conference, in Docket No. 000089-GU, Gulf Power Company's (Gulf) application for authority to receive common equity contributions and to issue and sell securities during the 12 months ending March 31, 2001. Gulf seeks authority to receive equity funds from the Southern Company (Southern), Gulf's parent company, to issue and sell long-term debt and equity securities and to issue and sell short-term debt securities. The maximum amount of common equity contributions received from Southern, the maximum amount of equity securities issued and the maximum principal amount of long-term debt securities issued will total not more than \$300 million. The maximum principal amount of short-term debt at any one time will total not more than \$190 million.

DATE AND TIME: Tuesday, February 29, 2000, 9:30 a.m. (the Agenda Conference begins at 9:30 a.m., although the specific time at which this item will be heard cannot be determined at this time)



PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida  
PURPOSE: To take final action in Docket No. 000089-GU.

Pursuant to the provisions of the Americans With Disabilities Act, any person requiring special accommodations to participate in this agenda is asked to advise the agency at least 48 hours before the Agenda Conference by contacting the Division of Records and Reporting, (850)413-6770. If you are hearing or speech impaired, please contact the agency by calling the Florida Relay Service at 1(800)955-8771 (TDD).

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### EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor** announces the next meeting of the Water Advisory Panel to which all interested persons are invited.

DATE AND TIME: February 21, 2000, 6:00 p.m. – 9:00 p.m.

PLACE: Room 117, Knott Building, Tallahassee, Florida

PURPOSE: The Water Advisory Panel will review and discuss Wastewater and Surface Water applications and supporting documentation to determine if they meet the threshold criteria in Section 3, of Executive Order 99-288. The completed project applications and supporting documents are submitted to the Panel by the Department of Environmental Protection. The Water Advisory Panel shall then submit a list of surface water restoration projects and a list of wastewater projects to the Governor and the Legislature for funding consideration.

The **Executive Office of the Governor** announces the next meeting of the Water Advisory Panel to which all interested persons are invited.

DATE AND TIME: February 24, 2000, 6:00 p.m. – 9:00 p.m.

PLACE: Room 117, Knott Building, Tallahassee, Florida

PURPOSE: The Water Advisory Panel will review and discuss Wastewater and Surface Water applications and supporting documentation to determine if they meet the threshold criteria in Section 3, of Executive Order 99-288. The completed project applications and supporting documents are submitted to the Panel by the Department of Environmental Protection. The Water Advisory Panel shall then submit a list of surface water restoration projects and a list of wastewater projects to the Governor and the Legislature for funding consideration.

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### REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: February 24, 2000, 6:00 p.m.

PURPOSE: To conduct the regular business of the Executive Committee.

MEETING: Regional Planning Committee

DATE AND TIME: February 24, 2000, 6:00 p.m.

PURPOSE: To prepare an Evaluation and Appraisal Report for the North Central Florida Regional Planning Council.

MEETING: Clearinghouse Committee

DATE AND TIME: February 24, 2000, 6:30 p.m.

PURPOSE: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: February 24, 2000, 8:00 p.m.

PURPOSE: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Holiday Inn West, Gainesville, Florida

Any person deciding to appeal any decision of the Council or its committees with respect to any matter considered at the meeting, may need to ensure that a verbatim record of the proceedings is made.

A copy of any of these agendas may be obtained by writing: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

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The District Six, Local Emergency Planning Committee (LEPC) For Hazardous Materials at the **East Central Florida Regional Planning Council** announces public meetings to which all persons are invited, as follows:

DATES AND TIME: Thursday, February 17, 2000; Thursday, March 16, 2000; Thursday, April 20, 2000, 10:00 a.m.

PLACE: ECFRPC Offices, 631 North Wymore Road, Suite 100, Maitland, Florida 32751

PURPOSE: Business Meeting of the District Six, Local Emergency Planning Committee's (LEPC) Hazardous Materials Commodity Flow Study Working Group.

In the event a quorum is not present, a workshop will be convened to discuss the business of the Committee.

A copy of the agenda and more information may be obtained by writing: Ms. Teri Hunalp, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

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The District Six, Local Emergency Planning Committee (LEPC) For Hazardous Materials at the **East Central Florida Regional Planning Council** announces public meetings to which all persons are invited, as follows:

DATES AND TIME: Tuesday, March 7, 2000; Tuesday, April 4, 2000, 10:00 a.m.

PLACE: ECFRPC Offices, 631 North Wymore Road, Suite 100, Maitland, Florida 32751

PURPOSE: Business Meeting of the District Six, Local Emergency Planning Committee's (LEPC) Hazardous Materials Community Outreach Subcommittee.

In the event a quorum is not present, a workshop will be convened to discuss the business of the Committee.

A copy of the agenda and more information may be obtained by writing: Ms. Teri Hunalp, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751

The District Six, Local Emergency Planning Committee (LEPC) For Hazardous Materials at the **East Central Florida Regional Planning Council** announces public meetings to which all persons are invited, as follows:

**DATES AND TIME:** Tuesday, March 14, 2000; Tuesday, April 11, 2000, 10:00 a.m.

**PLACE:** ECFRPC Offices, Second Floor Conference Room, 631 North Wymore Road, Suite 100, Maitland, Florida 32751

**PURPOSE:** Business Meeting of the District Six, Local Emergency Planning Committee's (LEPC) Hazardous Materials Training Subcommittee.

In the event a quorum is not present, a workshop will be convened to discuss the business of the Committee.

A copy of the agenda and more information may be obtained by writing: Ms. Teri Hunalp, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

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

**DATE AND TIME:** Monday, March 6, 2000, 10:30 a.m.

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

**PURPOSE:** Development of Regional Impact Assessment Report for Miami International Airport – Miami-Dade County; Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendment for Tamarac; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

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

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

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

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

The **Treasure Coast Regional Planning Council** announces a meeting of the Council's Budget/Personnel Committee to which all persons are invited:

**DATE AND TIME:** February 28, 2000, 11:30 a.m.

**PLACE:** Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, FL 34994

**GENERAL SUBJECT MATTER:** To conduct a meeting of the Council's Budget/Personnel Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

**DATE AND TIME:** March 2, 2000, 10:30 a.m. Eastern Time, 9:30 a.m. Central Time

**PLACE:** The Clarion Capital Hotel, 316 W. Tennessee Street, Tallahassee, Florida

**PURPOSE:** To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 314 East Central Avenue, Blountstown, FL 32424 or calling (904)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings. For such purpose, he/she will

need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

**REGIONAL TRANSPORTATION AUTHORITIES**

The **Central Florida Regional Transportation Authority (LYNX)** announces the following public meeting of the Governing Board of the Authority to which all persons are invited.

DATE AND TIME: February 25, 2000, 7:30 a.m.  
 PLACE: Portofino Bay Hotel at Universal Studios, Venetian Rooms 1, 2 & 3, 5601 Universal Boulevard, Orlando, FL 32819  
 PURPOSE: Board Retreat.

AGENDA/GENERAL SUBJECT MATTER TO BE DISCUSSED:

1. Mobility Services and Products
2. Customer Services and Market Research
3. Strategic Planning
4. Organizational Priorities, Rules and Procedures

A copy of the detailed agenda may be obtained by contacting: Sandy Bazinet, Assistant Secretary, Central Florida Regional Transportation Authority, 445 W. Amelia Street, Suite 800, Orlando, Florida 32801, (407)841-2279.

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

In accordance with the Americans With Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Ron Jones, (407)841-2279, at least 48 hours before the meeting. If hearing impaired, contact the Authority, (407)423-0787 (TDD).

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

Public Hearing  
 DATE AND TIME: March 6, 2000, 8:30 a.m.  
 PLACE: County Center, 601 East Kennedy Boulevard, 18th Floor, Planning Commission Board Room, Tampa, FL  
 PURPOSE: Public Hearing.

Regular Board Meeting  
 DATE AND TIME: March 6, 2000, immediately following Public Hearing  
 PLACE: County Center, 601 East Kennedy Boulevard, 18th Floor, Planning Commission Board Room, Tampa, FL

PURPOSE: Regularly Scheduled Board meeting  
 AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to order
2. Approval of Minutes
3. Introductions, Recognition and Awards
4. Consumer Advisory Committee Report
5. Public Comment on Action Items
6. Consent Action Items
7. Other Action Items
8. Chairman's Report
9. Reports from HART Representatives
10. HART Committee Reports
11. Other Board Member's Report
12. General Counsel's Report
13. Executive Director's Report
14. Employee Comment
15. General Public Comment
16. Discussion and Presentations
17. Monthly Information Reports
18. Other Information Items
19. Other Business

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

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

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

**DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

The **State Apprenticeship Council** announces meetings of the Council Planning/Rules Committee, the Council Marketing Committee, the Council Expansion Committee, and a regular Council meeting to which all interested parties are invited.

DATES AND TIMES: March 15, 2000, 1:00 p.m. – Rules/Planning Committee meeting; 2:00 p.m. – Marketing Committee meeting; 3:00 p.m. – Expansion Committee meeting; March 16, 2000, 8:30 a.m. – State Apprenticeship Council meeting.

PLACE: Room 100, Atkins Building, 1320 Executive Center Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE DISCUSSED: Issues and concerns that affect Florida's registered apprenticeship program sponsors and the apprenticeship community. Council Committees report to the full Council. The Council, which represents both employees and management, considers issues and makes recommendations to the Division of Jobs and Benefits regarding apprenticeship matters.

Issues to be considered as agenda items must be submitted to a member of the State Apprenticeship Council or to Mr. Joseph Stephens, Administrator, Apprenticeship Section, by February 10. A list of Council members can be obtained from the Division's Apprenticeship Section. Issues and requests for information should be faxed to the Division of Jobs and Benefits, Apprenticeship Section, (850)488-0249 or mailed to 1320 Executive Center Drive, Atkins Building, Room 200, Tallahassee, Florida 32399-0667. An agenda will be available on March 6.

The **Department of Labor and Employment Security, Division of Vocational Rehabilitation (VR)** and the Occupational Access and Opportunities Commission (OAOC) in partnership with the Florida Rehabilitation Council (FRC) announce the following public forums.

DATE AND TIME: February 25, 2000, 3:00 – 6:00 p.m.

PLACE: Ocala Policy Department Auditorium, 402 South Pine Avenue, Ocala, Florida 34474

PURPOSE: The purpose is to receive comments, suggestions and recommendations concerning the OAOC Transition Plan (organizational structure and design for service delivery) and the State Plan to provide Vocational Rehabilitation services to the citizens of Florida. Copies for review may be obtained through the contact persons below.

CONTACT: Dr. Lorrene Aranzeta, (350)732-1290

Interpreters for the deaf will be available. Individuals requiring other accommodations or assistance should contact the individual listed above no later than 2 days prior to the forum. Written comments may be sent to: Michael Moore, Acting Director, Division of Vocational Rehabilitation, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696.

**WATER MANAGEMENT DISTRICTS**

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

ALTERNATIVE WATER SUPPLIES GRANTS ADVISORY COMMITTEE MEETING

DATE AND TIME: Tuesday, February 29, 2000, 10:00 a.m.

PLACE: Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Review and rank alternative water sources projects.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida only), Extension 4604, TTD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

NOTICE OF CORRECTION – The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: February 24, 2000, 9:30 a.m. – 4:00 p.m.

PLACE: Pompano Beach Civic Center, 1801 N. E. 6th Street, Pompano Beach, Florida

PURPOSE: A meeting of the Lower East Coast Regional Water Supply Plan Advisory Committee to discuss computer modeling results and draft 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, (561)682-6649.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: February 25, 2000, 9:30 a.m. – 12:30 p.m.

PLACE: Lorida Community Center, 1909 Oak Avenue, Lorida, Florida

PURPOSE: A meeting of the Kissimmee Basin Water Supply Advisory Committee to review and gather public input on the 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: Chris Sweazy, (407)858-6100.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

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

PLACE: B-1 Headquarters Building, Storch Room, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: The Environmental Advisory Committee will meet to discuss and take positions on environmental issues on which it will advise the Governing Board.

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: Woodie Van Voorhees, (561)682-6332.

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The **South Florida Water Management District** announces a regular public workshop/meeting which may be conducted by means of or in conjunction with communications technology, specifically by telephonic conference, to which all interested parties are invited:

DATE AND TIME: March 8, 2000, 9:00 a.m.

PURPOSE: Governing Board workshop to discuss and consider District business, including regulatory and non-regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members. In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference in order to take action on items listed on the Thursday, March 9th, 2000, meeting agenda, including regulatory and non-regulatory items.

DATE AND TIME: March 8, 2000, 1:00 p.m.

PURPOSE: Human Resources Committee meeting to discuss regular committee business.

DATE AND TIME: March 8, 2000, 2:00 p.m.

PURPOSE: Audit Committee meeting to discuss regular committee business.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

DATE AND TIME: To be determined.

PLACE: To be determined.

PURPOSE: Possible off-site dinner with Governing Board members after workshop/meeting. No discussion of the Governing Board's business or activities shall occur between or among Board members at this dinner site.

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

PLACE: To be determined.

PURPOSE: Breakfast workshop with Governing Board members and senior management.

DATE AND TIME: March 9, 2000, 8:30 a.m.

PURPOSE: Governing Board meeting for consideration of regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

PLACE: District Headquarters B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact: Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Darryl Bell, Governing Board/Business Operations Coordinator, (561)682-2529.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: March 9, 2000, 8:50 a.m.

PLACE: District Headquarters B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: To consider the purchase of lands or property rights generally described in the South Florida Water Management District 1999 Save our Rivers Five Year Plan.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact: Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Blair R. Littlejohn III, Director, Real Estate Division, (561)682-6842.

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### COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces an Ombudsman Committee Meeting to which all persons are invited.

DATE AND TIME: Friday, March 3, 2000, 10:00 a.m. – completion

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

PURPOSE: To discuss improvements to the Ombudsman Program.

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.

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### REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, March 1, 2000, 10:00 a.m.

PLACE: Sarasota County Administration Center, 1660 Ringling Boulevard, Sarasota, FL

PURPOSE: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

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### AGENCY FOR HEALTH CARE ADMINISTRATION

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, February 24, 2000, 10:00 a.m.

PLACE: AvMed Health Plan, 4300 N. W. 89th Blvd., Gainesville, FL 32606, (352)337-8708

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)922-5587, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Connie Cobia, Information Technology, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

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The Probable Cause Panel of the Florida **Board of Nursing** will hold the following meeting to which all persons are invited:

DATE AND TIME: Tuesday, February 29, 2000, 9:00 a.m.

PLACE: 2727 Mahan Drive, Tallahassee, FL 32308, Telephone conference

PURPOSE: To reconsider cases which are a matter of public record.

A list of cases to be reconsidered may be obtained through written request to: Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox #3 Building, Tallahassee, Florida 32308, Attn.: Reginald D. Dixon, Staff Attorney.

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 proceeding is made, which record includes the testimony and evidence upon which the appeal to be based.

A copy of any item on the agenda may be obtained by writing: Ms. Ruth Steihl, Executive Directory, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207. You will be charged \$ .15 per page for the number of copies desired.

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The **Agency for Health Care Administration** announces a meeting of the Florida Statewide Organ and Tissue Procurement and Transplantation Advisory Board meeting in Tampa, Florida to which all persons are invited.

DATE AND TIME: March 3, 2000, 10:00 a.m.

PLACE: Agency for Health Care Administration, North Park Center, Suite 200, Conference Room, 6800 North Dale Mabry Highway, Tampa, FL 33607

**PURPOSE:** To review revisions to Ch. 59A-1, Florida Administrative Code; funeral home charges to procurement agencies and to donor families; consolidation of the Organ Transplant Advisory Council, Organ and Tissue Procurement and Transplantation Advisory Board and the Organ and tissue Donor Education Panel; accessing funds for educational initiatives of the Donor Education Panel; and to conduct the normal business of the advisory board.

**Note:** If you need a special accommodation in order to attend this meeting because of a disability, please notify the Agency for Health Care Administration in writing at 2727 Mahan Drive, Tallahassee, FL 32308 or by phone, call Jo Ann Linch, (850)487-2717.

The **Agency for Health Care Administration** announces a meeting of the Health Care Risk Manager Advisory Council to which all interested parties are invited.

**DATE AND TIME:** Friday March 10, 2000, 9:00 a.m.

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building 1, Office of Plans and Construction Conference Room, Tallahassee, Florida 32308, (850)487-1709

**PURPOSE:** To study and make recommendations on issues related to criteria for licensure as Health Care Risk Manager and related topics.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Susan Buchan, (850)921-4314, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Susan Buchan, Agency for Health Care Administration, Division of Managed Care and Health Quality, Office of Risk Management, 2727 Mahan Drive, Tallahassee, Florida 32308.

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

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

**DATE AND TIME:** March 30, 2000, 1:00 p.m.

**PLACE:** Port of Panama City, 5321 West Highway 98, Panama City, Florida

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

**DATE AND TIME:** March 31, 2000, 9:00 a.m. (CST)

**PLACE:** Best Western Bayside Inn, 711 West Beach Drive, Panama City, Florida 32401, (850)763-4622

**PURPOSE:** Rate Hearing for the Port of Panama City.

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

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the board office, (850)488-0698, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation** announces the following meetings to be conducted by the Florida **Board of Architecture and Interior Design** (Board):

**MEETING:** Interior Design Committee

**DATE AND TIME:** March 8, 2000, 9:30 a.m.

**PURPOSE:** To review issues regulating the practice of interior design in the State of Florida.

**MEETING:** Architecture & Interior Design/Rule Development Workshop

**DATE AND TIME:** March 8, 2000, 1:30 p.m.

**PURPOSE:** To review rules regulating the practices of architecture and interior design in the State of Florida.

**MEETING:** Board of Architecture and Interior Design

**DATE AND TIME:** March 9, 2000, 9:00 a.m.

**PURPOSE:** To conduct an official meeting of the Board to review issues associated with regulation of both architecture and interior design professions.

**PLACE:** The Essex House, 1001 Collins Avenue, Miami Beach, FL 33139, (305)534-2700

Agenda copies may be obtained by writing the Board, 1940 North Monroe Street, Tallahassee, FL 32399-0751.

Any person deciding to appeal a decision made with respect to any matter considered at the meeting must ensure a verbatim record of the proceeding is made. Such record must include the testimony and evidence upon which an appeal is to be based.

Any person requiring special accommodations because of a disability or physical impairment should contact Gregory Spence, Regulation Supervisor, 1940 North Monroe Street, Tallahassee, Florida 32399-0751 or call (850)488-6685, Extension 3, at least forty-eight (48) hours prior to the meeting. Hearing or speech impaired respondents please contact Kari McIlvaine using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

**DATE AND TIME:** February 23, 2000, 9:00 a.m. and 11:00 a.m. or soon thereafter

**PLACE:** Dept. of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, FL 32301, (850)413-0623

PURPOSE: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Cathleen O'Dowd, Lead Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, FL 32399-2202, or by Telephone (850)413-0623.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Department of Business and Professional Regulation** announces the following meetings to be conducted by the Florida **Board of Landscape Architecture** (Board) via telephone conference call:

MEETING: Board

DATE AND TIME: March 2, 2000, 10:00 a.m. – 12:00 p.m.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399-0751, Telephone (850)921-5400, Suncom 291-5400

PURPOSE: To conduct an official meeting of the Board in order to review issues associated with regulation of the landscape architecture profession.

Agenda copies may be obtained by writing the Board, 1940 North Monroe Street, Tallahassee, FL 32399-0751.

Any person deciding to appeal a decision made with respect to any matter considered at the meeting must ensure a verbatim record of the proceeding is made. Such record must include the testimony and evidence upon which an appeal is to be based.

Any person requiring special accommodations because of a disability or physical impairment should contact: Gregory Spence, Regulatory Supervisor, 1940 North Monroe Street, Tallahassee, Florida 32399-0751 or call (850)488-6685, Extension 3, at least forty-eight (48) hours prior to the meeting. Hearing or speech impaired respondents please contact Kari McIlvaine using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation** announces the following meeting to be conducted by the Florida **Board of Landscape Architecture** (Board) via telephone conference call:

MEETING: Probable Cause Panel

DATE AND TIME: March 2, 2000, 11:00 a.m. – 1:00 p.m.

PLACE: The Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399, Telephone (850)921-6433, Suncom 291-6433

PURPOSE: To conduct an official meeting of the Probable Cause Panel of the Florida Board of Landscape Architecture. Only that portion of the meeting wherein probable cause has previously been found on noted cases will be open to the public.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, Department of Business and Professional Regulation, Board of Architecture and Interior Design, (850)488-6754, at forty eight (48) hours prior to the meeting.

If you are hearing or speech impaired, please call Kari McIlvaine at the Florida Board of Architecture and Interior Design using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: March 8, 2000, 8:00 a.m.

PLACE: Sheraton Ft. Lauderdale Airport, 1825 Griffin Road, Dania, Florida 33004, (954)920-3500

PURPOSE: General Board and Business 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: Monday, March 20, 2000, 10:00 a.m. Eastern Time

PLACE: Via Conference Call



**PURPOSE:** To discuss CPA Examination applications, applications for Licensure and Firm applications and requests for information relating to Continuing Education. Disciplinary action may also be taken.

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.

Anyone wishing to participate in the conference call should notify June Carroll no later than March 1, 2000 at (352)955-2165, Ext 122.

**NOTE:** 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.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

**NOTICE OF CHANGE – The Governor’s Commission for the Everglades** announces a change to a public meeting to which all persons are invited.

**DATE AND TIME:** February 28, 2000, 8:00 a.m. – 7:00 p.m. (A tentatively scheduled meeting for February 18, 2000 has been canceled)

**PLACE:** This meeting had previously been advertised to take place in Tallahassee. The meeting will be held instead in South Florida in a location to be announced. Please contact the Commission office for the meeting location.

**PURPOSE:** The Commission will meet to discuss and finalize recommendations on funding the Comprehensive Everglades Restoration Plan (Restudy) to be presented to Governor Bush. If an accommodation is needed for a disability in order to participate in this activity, please notify the Commission at least seven days prior to the event.

Further information may be obtained by writing or calling: Elizabeth Elliott, Governor’s Commission for the Everglades, 1550 Madruga Ave., Suite 412, Coral Gables, FL 33146, Telephone (305)669-6973.

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The **Department of Environmental Protection** announces a teleconference meeting of the Technical Advisory Committee for Petroleum Storage Tanks to which all person are invited:

**DATE AND TIME:** Wednesday, March 8, 2000, 10:00 a.m. Eastern Standard Time – ending no later than 2:00 p.m.

**PLACE:** Call (850)410-0960 or 210-0960 using a state Suncom line

**GENERAL SUBJECT MATTER:** Some or all of the following topics may be discussed in this or some other order: Standard Assessment Protocol Reviews, Use of Models, Existing DEP Guidance Memos, Free Product Recovery, Technical Considerations of Cost Share Negotiations, Innovative Technology Evaluations, Expedited Site Assessment Guidance, Soil Sampling and Conditional Closures.

A copy of the agenda may be obtained by writing: Roger Rook, Bureau of Petroleum Storage Systems, FL Dept. of Environmental Protection, 2600 Blair Stone Rd., MS 4575, Tallahassee, FL 32399-2400, by calling Mr. Rook, (850)921-0896 or e-mail roger.rook@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this teleconference meeting is asked to advise the agency at least 48 hours before the teleconference by contacting Mr. Rook or the Personnel Service Specialist in the Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

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The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited:

**DATE AND TIME:** Thursday, March 9, 2000, 6:00 p.m.

**PLACE:** St. Johns County Auditorium, 4020 Lewis Speedway, St. Augustine, FL 32095

**PURPOSE:** The sixteen member Management Advisory Group (MAG) for the Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR) meets regularly on the second Thursday of the third month of each quarter. The MAG is composed of eight citizens, who were appointed by the three state legislators with overlapping jurisdictions with the reserve boundaries and eight representatives of the local, state and federal government entities with authority and responsibility in the reserve. They are the St. Johns River Water Management District; the Flagler County Board of County Commission; the St. Johns County Board of County Commission; the National Park Service; the Florida Park Service; the Florida Fish and Wildlife Conservation Commission; the St. Augustine Port, Waterway and Beach Authority and the City of St. Augustine. The MAG will work with the Florida Department of Environmental Protection (DEP) to implement the management plan adopted by the Governor and Cabinet for the GTMNERR.

The meeting agenda will include consideration of adding a representative of the Town of Marineland and another citizen representative to the MAG, the status of any appointments by the legislative delegation to fill two vacant seats on the MAG and a progress report on GTMNERR activities.

A copy of the agenda may be obtained by contacting: Mr. Ken Berk, Post Office Box 840069, St. Augustine, Florida 32084-0069, (904)461-4053 or (904)540-5599.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey, (850)488-0450, 1(800)955-8771 (TDD), at least seven days prior to the event.

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

DATE AND TIME: Monday, February 28, 2000, 7:00 p.m. (EST)

PLACE: Ravine State Gardens, Civic Center, 1600 Twigg Street, Palatka, Florida 32178-1096

PURPOSE: To present the current management plan for Ravine State Gardens to the public.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 3 Administration, 1800 Wekiwa Circle, Wekiwa Springs, Florida 32712.

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

DATE AND TIME: Tuesday, February 29, 2000, 9:00 a.m. (EST)

PLACE: Ravine State Gardens, Civic Center, 1600 Twigg Street, Palatka, Florida 32178-1096

PURPOSE: To discuss the current management plan for Ravine State Gardens with the DEP Advisory Group.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 3 Administration, 1800 Wekiwa Circle, Wekiwa Springs, Florida 32712.

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

DATE AND TIME: Wednesday, March 8, 2000, 7:00 p.m. (EST)

PLACE: Homosassa Springs State Wildlife Park, Homosassa Springs Visitor Center, The Florida Room, 4150 South Suncoast Boulevard, Homosassa, Florida 34446

PURPOSE: To present the current management plans for Crystal River State Archaeological Site and Yulee Sugar Mill Ruins State Historic Site to the public.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 2 Administration, 4801 Southeast 17th Street, Gainesville, Florida 32641-9299.

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

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

PLACE: Homosassa Springs State Wildlife Park, Homosassa Springs Visitor Center, The Magnolia Room, 4150 South Suncoast Boulevard, Homosassa, Florida 34446

PURPOSE: To discuss the current management plans for Crystal River State Archaeological Site and Yulee Sugar Mill Ruins State Historic Site with the DEP Advisory Group.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 2 Administration, 4801 Southeast 17th Street, Gainesville, Florida 32641-9299.

#### DEPARTMENT OF HEALTH

The Florida **Department of Health**, Office of Rural Health will be holding a Florida KidCare Rural Health Outreach Task Force Meeting.

DATE AND TIME: March 2, 2000, 10:00 a.m. (EST)

PLACE: Department of Health, 4025 Esplanade Way, 3rd Floor, Rm. 301, Tallahassee, FL 32311, telephone (850)245-4340

PURPOSE: To discuss and develop priorities of the Florida KidCare Rural Health Outreach Task Force.

An agenda may be obtained by contacting: Mike Walsh or Susan Gay, Office of Rural Health, (850)245-4043.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Office of Rural Health, (850)245-4340, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Office of Rural Health using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For further information, write: Mike Walsh, 2020 Capital Circle, S. E., Bin #C15 (HEMSCHR), Tallahassee, Florida 32399-1735 or call (850)245-4340.

The **Board of Clinical Laboratory Personnel** will hold a conference call meeting to which all persons are invited to attend.

DATE AND TIME: Wednesday, March 8, 2000, 10:00 a.m.

PLACE: Department of Health, 1940 North Monroe Street, Tallahassee, Florida at Meet Me Number (850)921-2470

PURPOSE: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)487-3052, at least 48 hour prior to the meeting. If you are hearing or speech impaired, please call the Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 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 or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra W. Causey, Board of Clinical Laboratory Personnel, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257.

**The Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces Probable Cause Panel meeting for the mental health counseling profession to be held via telephone conference call. Several cases in which a finding of probable cause has already been found will be reconsidered. All interested parties are invited to attend.

DATE AND TIME: Thursday, March 16, 2000, 3:00 p.m.

PLACE: Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 1940 North Monroe Street, Tallahassee, FL 32399

PURPOSE: Probable Cause Panel Meeting and Reconsideration of probable cause cases.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 1940 North Monroe Street, Tallahassee, FL 32399.

If any person decides to appeal any decision made by the Panel with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is made.

Those who are hearing impaired using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster by Thursday, March 2, 2000.

The Florida **Board of Medicine**, Legislative Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, February 25, 2000, 1:00 p.m.

PLACE: The Radison Hotel Orlando Airport, 6555 Hazeltine National Drive, Orlando, Florida 32812, (407)856-0100

PURPOSE: To conduct general business of the Committee.

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

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

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

The Florida **Board of Medicine**, Surgical Care Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, February 26, 2000, 9:00 a.m.

PLACE: The Radison Hotel Orlando Airport, 6555 Hazeltine National Drive, Orlando, Florida 32812, (407)856-0100

PURPOSE: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)488-3622, at least five (5) calendar days prior to the meeting.

If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

Please note that if a person decides to appeal any decision made by the 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.

The Florida **Board of Medicine**, Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, March 18, 2000, 8:00 a.m. or soon thereafter

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

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 **Board of Optometry** will hold a probable cause panel meeting to which all persons are invited to attend.

DATE AND TIME: Monday, February 28, 2000, 12:00 Noon

PLACE: Department of Health, 1940 North Monroe Street, Tallahassee, Florida

PURPOSE: Reconsideration of cases previously heard by the panel.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)487-3052, at least 48 hour prior to the meeting. If you are hearing or speech impaired, please call the Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 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 or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra W. Causey, Board of Optometry, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257.

The **Board of Orthotists and Prosthetists**, Educational Programs Task Force will hold a meeting to which all persons are invited to attend.

DATE AND TIME: Monday, February 28, 2000, 9:00 a.m.

PLACE: Department of Health, 1940 North Monroe Street, Tallahassee, FL 32399 (Meet Me Number (850)488-5778)

PURPOSE: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)487-3052, at least 48 hours prior to the meeting.

If you are hearing or speech impaired, please call the Board using the Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 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 or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Orthotists and Prosthetists, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, FL 32399-3257.

The **Board of Orthotists and Prosthetists** will hold a conference call meeting to which all persons are invited to attend.

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

PLACE: Department of Health, 1940 North Monroe Street, Tallahassee, Florida at Meet Me Number (850)410-0960

PURPOSE: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)487-3052, at least 48 hour prior to the meeting. If you are hearing or speech impaired, please call the Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 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 or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra W. Causey, Board of Orthotists and Prosthetists, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257.

The **Department of Health** and the **Board of Physical Therapy Practice** announces a conference call to which all persons are invited.

DATE AND TIME: March 9, 2000, 8:30 a.m. or soon thereafter

PLACE: 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)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 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.

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The **Board of Podiatric Medicine** will hold a meeting to which all persons are invited to attend.

DATE AND TIME: Friday, March 10, 2000, 11:00 a.m.

PLACE: Clarion Hotel, 2101 Dixie Clipper Road, Jacksonville, Florida, (904)741-1997

PURPOSE: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)487-3052, at least 48 hour prior to the meeting. If you are hearing or speech impaired, please call the Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 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 or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra W. Causey, Board of Podiatric Medicine, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257.

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The **Department of Health, Board of Psychology**, Probable Cause Panel announces a conference call to which all persons are invited:

DATE AND TIME: February 29, 2000, 8:00 a.m. or soon thereafter

PLACE: (850)487-9552 or Suncom 277-9552

PURPOSE: Reconsideration of cases previously heard by the Probable Cause Panel.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 2020 Capital Circle, S. E., BIN #C05, Tallahassee, FL 32399-3299 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.

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The **Department of Health** and the **Board of Psychology** announces a meeting to which all persons are invited.

DATES AND TIME: March 3, 2000, 9:00 a.m. or soon thereafter, continuing as needed on March 4, 2000

PLACE: The Radisson Hotel Tallahassee, 415 N. Monroe St., Tallahassee FL 32301, (850)229-6000

PURPOSE: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 2020 Capital Circle, S. E., BIN #C05, Tallahassee, Florida 32399-3255 or by contacting 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)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 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.

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The **Department of Health** and the **Board of Respiratory Care** announces a conference call to which all persons are invited.

DATE AND TIME: February 28, 2000, 10:00 a.m. or soon thereafter

PLACE: Nonsuncom (850)488-5776, Suncom 278-5776

PURPOSE: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 2020 Capital Circle, S. E., BIN #C05, Tallahassee, Florida 32399-3255, or by calling the Board Office, (850)487-2098.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise

the department at least 48 hours before the workshop/hearing/meeting by contacting: Kaye Howerton, Executive Director, (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 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.

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The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATE AND TIME: February 24, 2000, 1:30 p.m. – 3:00 p.m.

PLACE: Bureau of Emergency Medical Services, Capital Circle Office Center, Esplanade Way, Third Floor, Room No. 325D, Tallahassee, FL 32301-4881 and conference call at 1(888) 860-6808

PURPOSE: A committee appointed by the Bureau of Emergency Medical Services is holding its second meeting to assist the Department of Health in implementation of the 1999 trauma legislation and continuation of the study to improve the state's trauma system through expanding the number of trauma agencies statewide.

A copy of the agenda may be obtained by writing: Department of Health, Bureau of Emergency Medical Services, 2020 Capital Circle, S. E., BIN #C18, Florida 32399-1738 or by calling Fred Williams, (850)245-4440, Ext. 2727.

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 by February 21, 2000 by contacting: Fred Williams, (850)245-4440, Ext. 2727. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Purchase Order Number XOO699

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The **Tobacco-Free Partnership of Bay County** will hold a public meeting to which all persons are invited to attend.

DATE AND TIME: Wednesday, February 23, 2000, 4:00 p.m.

PLACE: Bay County Health Dept., 597 West 11th St., Panama City, Florida 32401

PURPOSE: Elect new officers; discuss activities for the balance of the fiscal year.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Tobacco-Free Partnership, (850)872-4455, Extension 136 at least 48 hours prior to the meeting. If you are hearing or

speech impaired, please call the above number using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda may be obtained by writing: Tobacco Prevention Coordinator, Bay County Health Department, 597 West 11th Street, Panama City, Florida 32401.

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## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, Refugee Programs Administration Office announces the following public meetings to which all interested persons are invited.

MEETING: District 4/Duval County Refugee Task Force

DATE AND TIME: Wednesday, March 22, 2000, 1:00 p.m. – 3:00 p.m.

PLACE: Lutheran Social Services, 421 West Church Street, Suite 322, Jacksonville, Florida 32202, Contact person: Juel Kamke, (850)413-8217

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Duval County/Children and Family Services, District 4 area.

A copy of the agenda may be obtained by writing: Juel Kamke, Refugee Programs Administration Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

MEETING: Districts 5, 6 and 14 – Tampa Bay Area Refugee Task Force

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

PLACE: Lutheran Services of Florida, 7901 Fourth Street, Suite 308, St. Petersburg, FL 33702, Contact person: Osman Uzun, (850)413-4200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to Refugee resettlement in the Tampa Area/Children and Family Services, District(s) 5, 6 and 14.

A copy of the agenda may be obtained by writing: Osman Uzun, Refugee Programs Administration Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

MEETING: District 7/Orlando Refugee Task Force

DATE AND TIME: Wednesday, March 8, 2000, 1:30 p.m. – 3:30 p.m.

PLACE: Catholic Charities of Orlando, 1771 N. Samoran Blvd., Orlando, Florida, Contact person: C. J. Patel, (850)488-3791

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Discussion of issues relevant to Refugee resettlement in the Palm Beach County/Children and Family Services, District 9 area.

A copy of the agenda may be obtained by writing: C. J. Patel, Refugee Programs Administration Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

**MEETING:** District 9/Palm Beach County Refugee Task Force  
**DATE AND TIME:** Wednesday, March 15, 2000, 1:30 p.m. – 3:30 p.m.

**PLACE:** Naval and Marine Corps Reserve Center, 1227 Marine Drive, West Palm Beach, Florida, Contact person: Deirdre Williams, (850)488-3791

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Discussion of issues relevant to Refugee resettlement in the Palm Beach County/Children and Family Services, District 9 area.

A copy of the agenda may be obtained by writing: Deirdre Williams, Refugee Programs Administration Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

**MEETING:** District 10/Broward County Refugee Task Force  
**DATE AND TIME:** Tuesday, March 28, 2000, 9:00 a.m. – 12:00 p.m.

**PLACE:** First Lutheran Church, 441 N. E. 3rd Ave., Ft. Lauderdale, Florida 33301, Contact person: Cheraka Thomas, (850)414-0067

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Discussion of issues relevant to Refugee resettlement in the Broward County/Children and Family Services, District 10 area.

A copy of the agenda may be obtained by writing: Cheraka Thomas, Refugee Programs Administration Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

**MEETING:** District 11/Miami Area Refugee Task Force  
**DATE AND TIME:** Friday, March 10, 2000, 10:00 a.m. – 12:00 p.m.

**PLACE:** Lindsey Hopkins Technical Education Center, Faculty Dining Room, 750 Northwest 20th Street, Miami, Florida 33127, Contact person: Taddese Fessehaye or Susan Sullivan, (850)488-3791

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Discussion of issues relevant to Refugee resettlement in the Miami Area/Children and Family Services, District 11.

A copy of the agenda may be obtained by writing: Taddese Fessehaye or Susan Sullivan, Refugee Programs Administration Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

Pursuant to the Provisions of the American's with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting at the Refugee Programs Administration Office, (850)488-3791 or Fax (850)487-4272. If you are hearing or speech impaired, please contact the agency by calling TDD Number (850)922-4449 and reference the specific Refugee Task Force Meeting by location and date.

**The Florida Commission on Mental Health and Substance Abuse** announces two related meetings to which all persons are invited.

**DATE AND TIME:** Sunday, February 27, 2000, 7:00 p.m. – 9:00 p.m.

**PLACE:** Ramada Inn Conference Center, 5865 Arlington Expressway, Jacksonville, FL 32211

**PURPOSE:** Presentation by Howard H. Goldman, M.D., Ph.D., Senior Scientific Editor, Surgeon General's Report on Mental Health, followed by open discussion.

**DATE AND TIME:** February 28, 2000, 9:00 a.m. – 3:00 p.m.

**PLACE:** Roberts Building Auditorium, 5920 Arlington Expressway, Jacksonville, FL 32211

**PURPOSE:** The agenda will provide for public testimony on the functioning, staffing, financing, quality and effectiveness of the publicly supported mental health and substance abuse system and the behavioral health needs of Floridians. This meeting's focus will be Mental Health: the State of the Science. Written testimony may also be sent to: Dr. David Shern, Chair, Florida Commission on Mental Health and Substance Abuse, 13301 Bruce B. Downs Blvd., Tampa, FL 33612-3807.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Denise Putnal prior to the meeting at the Department of Children and Family Services, 1317 Winewood Boulevard, Building 3, Room 102, Tallahassee, FL 32399-0700, Telephone (850)413-0936 or call via the Florida Relay Service, 1(800)955-8771 (TDD).

A copy of the preliminary agenda may be obtained by calling (813)974-1991.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**NOTICE OF CANCELLATION** – The Florida **Fish and Wildlife Conservation Commission** has canceled the public workshop scheduled for February 22, 2000, which was published in the February 11, 2000, Florida Administrative Weekly.

The **Fish and Wildlife Conservation Commission** announces a series of public workshops concerning spotted seatrout to which all interested persons are invited:

DATE AND TIME: March 7, 2000, 6:00 p.m. – 8:00 p.m.

PLACE: Ft. Myers Beach Town Hall, Council Chambers, 2523 Estero Blvd. (Nations Bank Building), Ft. Myers Beach, Florida

DATE AND TIME: March 8, 2000, 6:00 p.m. – 8:00 p.m.

PLACE: Sarasota County Terrace Building, 10th Floor, Room 1001, U.S. Highway 301 and Ringling Blvd., Sarasota, Florida

DATE AND TIME: March 15, 2000, 6:00 p.m. – 8:00 p.m.

PLACE: Broward County Cooperative Center, 3245 College Avenue, Davie, Florida

DATE AND TIME: March 16, 2000, 6:00 p.m. – 8:00 p.m.

PLACE: Volusia County Mobility Management Center, Votran Building, 950 Big Tree Road, South Daytona Beach, Florida

PURPOSE: The Fish and Wildlife Conservation Commission is interested in receiving public comment on a proposal for statewide recreational spotted seatrout rules that would set a 15-inch minimum to 20-inch maximum size limit (with one fish larger allowed) and a five-fish recreational daily bag limit. The Northwest Region (Pasco through Escambia Counties) and a new Southeast Region (Volusia through Dade Counties) would have a February closed season, the Southwest region (Monroe through Pinellas Counties) would have a December through February closed season, and the Northeast Region (Flagler through Nassau Counties) would have no closure. The Commission is no longer considering proposals to change the commercial harvest season to occur from May through July each year or to allow commercial harvesters to retain one spotted seatrout larger than 24 inches in length each day during the open season. The Commission encourages all knowledgeable and interested people to attend and participate in these workshops.

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.

For further information, contact: Dr. Russell Nelson, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301, (850)487-0554.

**FLORIDA INDEPENDENT LIVING COUNCIL**

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

MEETING: Budget Workshop

DATE AND TIME: Monday, February 21, 2000, 9:00 a.m. EDT

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

PURPOSE: To conduct the regular business of the council.

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

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

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

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

**CHILD CARE EXECUTIVE PARTNERSHIP BOARD**

The **Child Care Executive Partnership Board** would like to announce its meeting to all who would like to attend.

DATE AND TIME: February 22, 2000, 10:00 a.m. – 1:00 p.m.

PLACE: The Capitol, PL-05, Tallahassee, FL

**INDIAN RIVER COMMUNITY COLLEGE**

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

DATE AND TIME: February 24, 2000, 10:00 a.m.

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

PURPOSE: Update Council members on Criminal Justice Standards and Training Commission information, advanced training programs available through Indian River Community College and reviewing the academy policy manual.



**FLORIDA HEALTH REINSURANCE PROGRAM**

The **Florida Health Reinsurance Program** announces a teleconference to which all persons are invited:

DATE AND TIME: February 25, 2000, 11:00 a.m.

PLACE: Public access will be provided at the Florida Health Reinsurance Program's office, 2012 North Point Boulevard, Suite E, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Florida Small Employers Health Reinsurance Program Board.

A copy of the agenda may be obtained by contacting: Minnie Green, Florida Health Reinsurance Program, (850)422-7766.

**FLORIDA REHABILITATION ADVISORY COUNCIL**

The **Florida Rehabilitation Advisory Council** announces the following meeting:

MEETING: Florida Rehabilitation Council

DATE AND TIME: Friday, February 25, 2000, 10:00 a.m.

PLACE: Division of Vocational Rehabilitation, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696

PURPOSE: To conduct a conference call for the council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Advisory Council, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696, Telephone (850)487-3431.

Any interested parties that need further information may contact: Vicki Welch, Extension 150, or her Assistant, Shawnee Sumpter, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Advisory Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Susan Mason at the Council address.

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

**FLORIDA MARTIN LUTHER KING, JR. INSTITUTE FOR NONVIOLENCE**

The **Florida Martin Luther King, Jr. Institute For Nonviolence** announces its Advisory Board Meeting where all interested parties are invited:

DATE AND TIME: Friday, February 25, 2000, 10:00 a.m.

PLACE: Florida Education Center, 325 West Gaines Street, Room 1701 (17th Floor), Tallahassee, FL

PURPOSE: Advisory Board Meeting/Business.

A copy of the agenda may be obtained by writing: Florida Martin Luther King, Jr. Institute For Nonviolence, Miami Dade Community College, North Campus, Scott Hall, Room 1328, 11380 N. W. 27th Avenue, Miami, Florida 33167.

If any person decides to appeal any decision made by the Advisory Board with respect to any matter considered at this meeting, 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 made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771.

Persons requiring special accommodations due to disability or physical impairment should contact: John T. Jones, Jr., by Wednesday, February 16, 2000.

**PINELLAS WAGES COALITION**

The **Pinellas WAGES Coalition** announces the following meeting of the Bylaws Committee:

DATE AND TIME: Thursday, February 28, 2000, 10:00 a.m.

PLACE: 13770 58th Street, North, Suite 304, Clearwater, Florida

PURPOSE: Regular meeting of the Bylaws Committee.

ISSUES TO BE DISCUSSED: Review of Coalition Bylaws.

Members of the public are invited to attend and to be heard. Agendas can be obtained 7 days in advance of the meeting at 13770 58th Street, North, Suite 304, Clearwater, FL 33760 or by calling (727)507-6197.

Any person wishing to appeal any decision made by the Pinellas WAGES Coalition's Bylaws Committee with respect to any matter considered at such meeting will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. The inclusion of this statement does not create or imply a right to appeal any decision made at this meeting if the right to an appeal does not exist as a matter of law or policy.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the agency sending the notice no later than three working days prior to the proceeding at the address given on the notice, telephone (727)507-6197.

The **Pinellas WAGES Coalition** announce the following meeting on:

DATE AND TIME: Wednesday, March 1, 2000, 8:30 a.m.

PLACE: Children and Family Services Building, 3151 3rd Avenue, North, 300 Plaza West, Rm. 143, St. Petersburg, FL 33711

DATES AND TIME: Thursday, March 2, 2000; Friday, March 3, 2000, 12:00 p.m.

PLACE: Pinellas WAGES Coalition, 13770 58th Street, N., Suite 304, Conference Room, Clearwater, Florida 33760

PURPOSE: Review of Responses to Request for Proposals.

SUBJECT MATTER: A review team of selected individuals will review proposals submitted in response to the request for proposal issued by the Pinellas WAGES Coalition for the delivery of services in Pinellas county. Review team members will review and evaluate proposals and recommend programs to the Finance Committee for potential funding.

Bidders and members of the public are invited to attend. Agendas can be obtained seven days in advance of the meeting at Suite 304, Pinellas WAGES Coalition, 13770 58th Street, North, Clearwater or by calling (727)507-6197.

Persons needing special accommodations to participate in the meeting should call at least 3 days in advance at (727)507-6197.

If any person wishes to appeal any decision made by the Pinellas WAGES Coalition with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

**FLORIDA PORTS COUNCIL**

The **Florida Ports Council** (FPC) announces a public meeting in which all interested persons are invited to participate.

DATE AND TIME: March 1, 2000, 10:00 a.m.

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

PURPOSE: General Business Meeting.

A copy of the agenda may be obtained by contacting: Tara Vercellone, Florida Ports Council, 315 South Calhoun Street, Suite 712, Tallahassee, Florida 32301, (850)222-8028.

**FLORIDA MUNICIPAL PENSION TRUST FUND**

The **Florida Municipal Pension Trust Fund** announces a public meeting to which all persons are invited:

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

PLACE: Adams Mark Hotel, 100 North Atlantic Avenue, Daytona Beach, Florida, (904)254-8200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Pension Trust Fund to discuss general business of the Trust.

A copy of the meeting agenda may be obtained by contacting: Michael Madden, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 253.

**FLORIDA MUNICIPAL INVESTMENT TRUST**

The **Florida Municipal Investment Trust** (FMIvT) announces a public meeting to which all persons are invited:

DATE AND TIME: March 2, 2000, 2:00 p.m.

PLACE: Adams Mark Hotel, 100 North Atlantic Avenue, Daytona Beach, FL, (904)254-8200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Investment Trust (FMIvT) to discuss general business of the Trust.

A copy of the meeting agenda may be obtained by contacting: Michael Madden, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 253.

**FLORIDA MUNICIPAL LOAN COUNCIL**

The **Florida Municipal Loan Council** announces a public meeting to which all persons are invited:

DATE AND TIME: March 2, 2000, 4:00 p.m.

PLACE: Adams Mark Hotel, 100 North Atlantic Avenue, Daytona Beach, FL, (904)254-8200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Board of Directors for the Florida Municipal Loan Council to discuss general business of the Council.

A copy of the meeting agenda may be obtained by contacting: Michael Madden, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 253.

**FLORIDA SPORTS FOUNDATION**

The **Florida Sports Foundation** announces a public meeting of the Sports Leaders Annual meeting to which all persons are invited.

DATES AND TIMES: March 3, 2000, 10:00 a.m. – 4:30 p.m.; March 4, 2000, 8:00 a.m. – 12:00 noon

PLACE: Renaissance Orlando Hotel, Orlando Airport, Orlando, FL

Please note that if a person decides to appeal any decision made 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.

#### COMMISSION ON RESPONSIBLE FATHERHOOD

The Florida's **Commission on Responsible Fatherhood** announces the following meeting to which all interested parties are invited to attend.

**DATES AND TIMES:** March 6, 2000, 8:00 a.m. – 7:00 p.m.; March 7, 2000, 8:00 a.m. – 5:00 p.m.

**PLACE:** DoubleTree Inn, 101 S. Adams Street, Tallahassee, Florida 32301, Telephone (850)224-5000, Fax (850)224-1168

**PURPOSE:** Florida's Commission on Responsible Fatherhood will be having a business meeting and will take public testimony on all issues concerning responsible fatherhood. Public Testimony will begin at 6:00 p.m. and will conclude at 7:00 p.m. on March 6, 2000.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Ms. Kathy Collins at the Commission on Responsible Fatherhood, (850)488-4952, at least five calendar days prior to the meeting.

#### NORTHWEST FLORIDA AREA AGENCY ON AGING

The **Northwest Florida Area Agency on Aging, Inc.** announces its bi-monthly board meetings for the year 2000. The public is invited to attend.

**DATES AND TIME:** April 12, 2000; June 14, 2000; August 9, 2000; October 11, 2000; December 13, 2000, 6:00 p.m.

**PLACE:** Meetings for April through October – Area Agency on Aging Conference Room, 6500B Pensacola Blvd., Pensacola, FL 32505; December meeting – Ramada Beach Resort, 1500 Miracle Strip Pkwy., S. E., Ft. Walton Beach, FL

**PURPOSE:** To discuss policy/activities/service provision/funding and/or other information pertinent to the activities of the agency.

A copy of the agenda may be obtained by writing: Northwest Florida Area Agency on Aging, Inc., 6500B Pensacola Blvd., Pensacola, FL 32505, Attn.: Dottie Peoples.

## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

#### DEPARTMENT OF BANKING AND FINANCE

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Securities and Investor Protection, issued a Final Order on February 2, 2000, disposing of the

Petition for Declaratory Statement filed by counsel for Gecko Research LLC (File No. 2898-S-12/99). The Final Order held that, under the facts presented in the petition, the Petitioner would be required to register with the Department as a “dealer” and as an “investment adviser” prior to engaging in its proposed business activities of purchasing and selling securities on behalf of any clients.

A copy of the Final Order can be obtained by writing: Agency Clerk, Department of Banking and Finance, Suite 526, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

#### DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on January 20, 2000, from inmate Dennis St. Lawrence. Petitioner seeks to amend Florida Administrative Code Chapter 33 by adding provisions clarifying the Department's smoking policy and its implementation of Section 944.115, Florida Statutes.

A copy of the petition may be obtained by contacting: Gary L. Grant, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

#### DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement in *In Re: Petition for Declaratory Statement, Landmark Holiday Beach Condominium Association, Inc.*, Petitioner.

The Petitioner requests a declaratory statement as to whether a condominium unit owner may make an irrevocable appointment of proxy notwithstanding the provisions of section 718.112(2)(b)3., Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number CD2000-025, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

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

#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Board of Dentistry has received a Petition for Declaratory Statement regarding section 466.028 and 466.0285, Florida Statutes, and Rule

64B5-17.013, Florida Administrative Code, which was filed on February 9, 2000, by three Florida licensed dentists. Petitioners seek a declaratory statement from the Board interpreting the application of the cited statutes and rule to a practice management arrangement entered by their P. A.

The Board will address this Petition at its regularly scheduled meeting which will be held March 3, 2000, 9:00 a.m. or shortly thereafter at the Marriot Hotel, 4670 Salisbury Road, Jacksonville, Florida.

A copy of the Petition for Declaratory Statement may be obtained by writing: William H. Buckhalt, Executive Director, Board of Dentistry, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256.

**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**

Florida A & M University  
Invitation To Bid

Sealed bids will be received and publicly opened at Florida A & M University.

Bid No. 7221      Opening Date: 2/29/00 Time: 3:00 p.m.

Title:              Laboratory Stools

Bid No. 7224      Opening Date: 2/29/00 Time: 2:00 p.m.

Title:              Air Charter Services

RFP No. 7218      Opening Date: 3/21/00 Time: 2:00 p.m.

Title:              Banking and Credit/Debit Card Services

The University will hold a mandatory Pre-RFP Conference on 2/25/00 at 10:00 a.m. at Florida A & M University, Lee Hall, 4th Floor Conference, Tallahassee, FL 32307. University's representatives will be available to answer questions relative to the Request for Proposal and conduct a site visit. It is the submitter's responsibility to become fully informed as to the nature and extent of the work required and its relation to any other work in the area, including possible interference with academic or other University activities. FAILURE TO ATTEND THIS PRE-RFP CONFERENCE WILL BE CAUSE FOR DISQUALIFICATION OF YOUR PROPOSAL.

University personnel will be Accommodations for Disabilities: Please indicate if special accommodation because of a disability is needed. If an accommodation is needed in order to participate in this activity, please contact the Purchasing Department at least seven days prior to the activity.

RFP Specifications: The RFP document may be obtained at Florida A & M University, Purchasing Department, Foote-Hilyer Adm. Ctr., Room 210, Tallahassee, FL 32307-3200, (850)599-3203, Contact person: Larry J. Mosley, Assist. Purchasing Director.

The University reserves the right to reject any and all proposals.

**NOTICE TO PROFESSIONAL CONSULTANTS**

The University of South Florida, on behalf of the State of Florida, Board of Regents announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-516

Project and Location: Kopp Engineering Building Remodel, University of South Florida, Tampa Campus, Tampa, Florida

The project consists of the remodeling/renovation of the Edgar Kopp Engineering Building. The remodeling/renovation will include building systems upgrades, asbestos abatement and modifications to address Life Safety and Americans with

Disabilities Act issues. 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 \$500,000 and will be provided as a part of Basic Services. Project development, including professional services, is contingent upon availability of funds. The construction budget for the project is approximately \$8,000,000. It is anticipated that this project will utilize a Construction Manager for pre-construction and construction services.

Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; minority participation; volume of work; and distance from project. Finalists will be provided a copy of the approved building program and a copy of the standard Architect/Engineer Agreement.

#### INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated September, 1999. 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.

Six (6) copies of the above requested data bound in the order listed above shall be submitted and addressed to: Sam Spears, Project Manager, Division of Facilities Planning and Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

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

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Ms. Natasha Stewart, Facilities Planning and Construction, University of South Florida, 4202 E. Fowler Avenue, FPC 110, Tampa, Florida 33620-7550, (813)974-0850.

Interested firms are invited to attend a presubmittal meeting at the University of South Florida, Tampa Campus, to be held at 10:00 a.m. on March 8, 2000, at Facilities Planning and Construction, FPC 109, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the short listed applicants and the State University System. Requests for any project information must be in writing to the above address. The Selection Committee may reject all proposals and stop the selection process at any time.

Submittals must be received in the office of Facilities Planning and Construction, University of South Florida, 4202 E. Fowler Avenue, FPC 110, Tampa, Florida, by 2:00 p.m. local time, on March 21, 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: Air Conditioning of Gymnasium at Terry Parker High School No. 86

BID NUMBER: M-86120

SCOPE OF WORK: Add A/C to gymnasium with chilled water stand alone HVAC system utilizing existing boiler and upgrade electrical service for new HVAC equipment.

BIDS: Bids will be received until 2:00 p.m. on Tuesday, March 28, 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 March 17, 2000, 9:00 a.m. local time at Terry Parker High School No. 86, 7301 Parker School Road, Jacksonville, Florida 32211. 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 B-211, 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.

**REGIONAL PLANNING COUNCILS**

INVITATION TO BID

THE TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) IS SEEKING SEALED BIDS FOR THE PRINTING OF THE SEVEN VERSIONS OF THE HURRICANE EVACUATION SURVIVAL GUIDE (TOTAL 970,000 COPIES) IN TWO VERSIONS (ENGLISH AND SPANISH). PRINT SPECIFICATIONS MAY BE OBTAINED FROM: TBRPC, 9455 KOGER BLVD., SUITE 219, ST. PETERSBURG, FLORIDA 33702 OR BY CALLING (727)570-5151, EXT. 212. SEALED BIDS WILL BE RECEIVED BY THE COUNCIL UNTIL 4:30 P.M., MARCH 3, 2000. TBRPC RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS. DATED THIS 9TH DAY OF FEBRUARY 2000.

SIGNED: KAREN LIND, DIRECTOR, PUBLIC INFORMATION & ADMINISTRATIVE SERVICES, FEBRUARY 9, 2000

**DEPARTMENT OF CORRECTIONS**

REQUEST FOR PROPOSAL  
GAINESVILLE SERVICE CENTER

Competitive sealed responses to a Request for Proposal will be received until 2:00 p.m., March 7, 2000, for approximately 32,000 square feet of office space within a 7 mile radius of the Interchange of I-75 and Hwy 26, for the Department of Corrections, Gainesville Service Center, Alachua County, Florida. Desire firm ten-year lease beginning September 1, 2000 with two five-year renewal options.

The RFP may be obtained from: Ray Stanwix-Hay, General Services Manager, 4127 N. W. 27th Lane, Gainesville, Florida 32606, (352)955-6504. Request must be submitted in writing, Fax (352)955-6525 or e-mail (stanwix-hay.ray@mail.dc.state.fl.us) acceptable or may be obtained in person. The RFP package will be available beginning January 31, 2000.

A pre-proposal conference will be held at 2:00 p.m. on Monday, February 14, 2000, in the General Services Conference Room, Gainesville Service Center, Thornebrook location, 4127 N. W. 27th Lane, Gainesville, Florida to answer appropriate legal, administrative or technical questions and convey the Department's concept of the needed space requirements.

**EXPRESSWAY AUTHORITIES**

AMENDED NOTICE TO SUBCONTRACTORS

For Prequalification

Precast Concrete Segmental Bridge(s)

Tampa, Florida

The Tampa-Hillsborough County Expressway Authority ("Authority") is designing new connections to the Lee Roy Selmon Crosstown Expressway in Brandon and Tampa, Florida, and a major expansion of the Expressway in the seven-mile corridor between Interstate 75 and downtown Tampa. The project, which will begin construction by 2001, will include a series of contracts for roadway construction/reconstruction in Brandon and Tampa as well as roadway and conventional bridge construction/reconstruction between Interstate 75 and downtown Tampa.

The project will also include a separate contract for construction of one or more precast concrete segmental bridges 3,300 to 31,000 feet in total length (200,000 sq. ft. to 1.8 million sq. ft.). The number, lengths, and square footage of the precast concrete segmental bridges will be defined by the Authority in Spring 2000, prior to publication of the bid documents.

The Authority previously requested prequalification submittals from prime contractors to construct precast concrete segmental bridge(s). This amended notice does NOT change any term, condition or aspect of the process for prequalification of prime contractors. The Authority is extending the prequalification submittal date for all subcontractors interested in precasting, pile driving, or drilled shaft work. The required prequalification procedures and format will be provided to subcontractors upon written request (by US Mail, hand delivery or fax) received by the Authority on or before 4:00:00 p.m. EST on May 1, 2000. Subcontractor prequalification submittals must be received by 12:00:00 p.m. EST on May 31, 2000, and must be in accordance with the terms and provisions of the Prequalification Package in order to be eligible for consideration. Only entities who provide their name and address to the Authority in writing will be eligible to receive future modifications, notices, and information from the Authority regarding this subcontractor prequalification process.

Address requests for subcontractor prequalification packages to: Ms. Katherine Lake, Contracts Administrator, Tampa-Hillsborough County Expressway Authority, 412 East Madison Street, Suite 800, Tampa, FL 33602, Telephone (813)272-6740, Fax (813)273-3730.

Any entity who has already provided a subcontractor prequalification submittal shall not be required to resubmit.

An Equal Opportunity Public Agency

**NORTHEAST FLORIDA STATE HOSPITAL**

**ADVERTISEMENT FOR BIDS**

LEGAL NOTICE IS HEREBY GIVEN THAT SEALED BIDS ARE REQUESTED FROM QUALIFIED BIDDERS, BY THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN & FAMILY SERVICES, NORTHEAST FLORIDA STATE HOSPITAL, HEREINAFTER REFERRED TO AS THE OWNER, TO PROVIDE ALL MATERIALS, LABOR, EQUIPMENT & INSURANCE TO REPLACE THE SHINGLED ROOF ON TWO (2) BUILDINGS, #15 AND #17.

DATE AND TIME: MARCH 7, 2000 AT 2:00 P.M. LOCAL TIME.

PLACE: PURCHASING AGENT'S OFFICE, BUILDING #19, NORTHEAST FLORIDA STATE HOSPITAL, S.R. 121 SOUTH, MACCLENNY, FLORIDA.

PROPOSAL: BIDS MUST BE SUBMITTED IN FULL IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS, BIDDING CONDITIONS & SPECIAL CONDITIONS, WHICH MAY BE EXAMINED AND OBTAINED FROM:

PURCHASING AGENT: ALVIN GRIFFIS, PURCHASING AGENT III, BUILDING #19, NORTHEAST FLORIDA STATE HOSPITAL, S.R. 121 SOUTH, MACCLENNY, FLORIDA.

TELEPHONE: (904)259-6211, EXT. 1119, FAX (904)259-8497

THE NORTHEAST FLORIDA STATE HOSPITAL RESERVES THE RIGHT TO REFUSE ANY AND ALL BIDS WHEN IN THE BEST INTEREST OF THE STATE OF FLORIDA.

CONTRACT AWARD: THE BID TABULATION & NOTICE OF AWARD WILL BE POSTED MARCH 10, 2000 AT 2:00 P.M. LOCAL TIME AT THE LOCATION WHERE THE BIDS WERE OPENED. IN THE EVENT THAT THE BID TABULATION & NOTICE OF AWARD CANNOT BE POSTED IN THIS MANNER, THEN ALL BIDDERS WILL BE NOTIFIED BY CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED. IF NO PROTEST IS FILED, THE CONTRACT WILL BE AWARDED TO THE QUALIFIED, RESPONSIVE LOW BIDDER IN ACCORDANCE WITH RULE 60D-5 BY THE OWNER.

**ADVERTISEMENT FOR BIDS**

LEGAL NOTICE IS HEREBY GIVEN THAT SEALED BIDS ARE REQUESTED FROM QUALIFIED BIDDERS, BY THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN & FAMILY SERVICES, NORTHEAST FLORIDA STATE HOSPITAL, HEREINAFTER REFERRED TO AS THE OWNER, TO PROVIDE ALL

MATERIALS, LABOR, EQUIPMENT & INSURANCE TO RENOVATE TWO (2) 100,000 GALLON WATER STORAGE TANKS.

DATE AND TIME: MARCH 8, 2000 AT 2:00 P.M. LOCAL TIME

PLACE: PURCHASING AGENT'S OFFICE, BUILDING #19, NORTHEAST FLORIDA STATE HOSPITAL, S.R. 121 SOUTH, MACCLENNY, FLORIDA

PROPOSAL: BIDS MUST BE SUBMITTED IN FULL, IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS, BIDDING CONDITIONS & SPECIAL CONDITIONS, WHICH MAY BE EXAMINED & OBTAINED FROM:

PURCHASING AGENT: ALVIN GRIFFIS, PURCHASING AGENT III, BUILDING #19, NORTHEAST FLORIDA STATE HOSPITAL, S.R. 121 SOUTH, MACCLENNY, FLORIDA.

TELEPHONE: (904)259-6211, EXT. 1119, FAX (904)259-8497

THE NORTHEAST FLORIDA STATE HOSPITAL RESERVES THE RIGHT TO REFUSE AND & ALL BIDS WHEN IN THE BEST INTEREST OF THE STATE OF FLORIDA.

CONTRACT AWARD: THE BID TABULATION & NOTICE OF AWARD WILL BE POSTED MARCH 14, 2000 AT 2:00 P.M. LOCAL TIME AT THE LOCATION WHERE THE BIDS WERE OPENED. IN THE EVENT THAT THE BID TABULATION & NOTICE OF AWARD CANNOT BE POSTED IN THIS MANNER, THEN ALL BIDDERS WILL BE NOTIFIED BY CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED. IF NO PROTEST IS FILED, THE CONTRACT WILL BE AWARDED TO THE QUALIFIED, RESPONSIVE LOW BIDDER IN ACCORDANCE WITH RULE 60D-5 BY THE OWNER.

**Section XII  
Miscellaneous**

**DEPARTMENT OF STATE**

The Division of Historical Resources announces that it is soliciting applications for State Grants-in-Aid assistance for historical museums projects.

Approximately \$500,000 will be available to assist General Operating Support and Public Educational Exhibit activities.

Solicitation begins Monday April 3, 2000.

The deadline for filing applications is Friday June 30, 2000. Application must be delivered to the Historical Museums Grants-In-Aid Program, The Old Capitol, Room 120, 400 South Monroe Street, Tallahassee, Florida by 5:00 p.m. on that date or be clearly postmarked or show evidence of submission to an express mail service on or before that date.

Application forms and more information may be obtained by calling the Grants Manager, (850)487-1902.

Correspondent and Telephone Number: Ed Baranowski, President, (407)277-5045

**DEPARTMENT OF BANKING AND FINANCE**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., March 10, 2000):

**APPLICATION FOR AUTHORITY TO ORGANIZE  
A TRUST COMPANY**

Applicant and Proposed Location: The Trust Company of Florida, 1620 Placida Road (County Road 775), Englewood, Florida 34223

Correspondent: Rod Jones, Esq., Shutts & Bowen LLP, 20 North Orange Avenue, Suite 1000, Orlando, Florida 32801

Received: February 2, 2000

**APPLICATION TO MERGE**

Constituent Institutions: Broward Schools Credit Union, Lauderhill, Florida, and North Miami Beach #195 Federal Credit Union, North Miami Beach, Florida.

Resulting Institution: Broward Schools Credit Union, Lauderhill, Florida

Received: February 2, 2000

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: Coast to Coast Credit Union, 8916 Sabal Industrial Blvd., Tampa, Florida 33619-1326

Expansion Includes: Employees of MedX 96, Inc., and Family Care Specialist.

Received: February 4, 2000

Correspondent and Telephone Number: Charles L. Carpenter, President, (813)621-9631

Name and Address of Applicant: Fairwinds Credit Union, 3075 N. Alafaya Trail, Orlando, Florida 32826

Expansion Includes: Employees of the following employer groups: Micro Design International, Inc., who live or work in Winter Park, Florida; SMP Electronics, who live or work in Orlando, Florida; Kodiak Contracting and Dev., L.L.C., who live or work in Orlando, Florida; Dolphin Press & Design, Inc., who live or work in Apopka, Florida; and Von Schmeling Tae Kwon Do, who work in or are paid from Winter Park, Florida.

Received: February 7, 2000

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No. DCAA00-OR-022

IN RE: KEY WEST LAND DEVELOPMENT  
REGULATION ADOPTED BY KEY WEST  
ORDINANCE NO. 99-26

**FINAL ORDER**

The Department of Community Affairs (“the Department”) hereby issues its Final Order pursuant to Subsections 380.05(6) and (11) and 380.0552(9), Fla. Stat. (1999), which require the Department to enter a final order approving or rejecting land development regulations adopted by the City of Key West (“the City” or “Key West”). This Final Order approves Key West Ordinance 99-26.

**FINDINGS OF FACT**

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Key West is a unit of government within the Florida Keys Area of Critical State Concern.
2. On December 23, 1999, the Department received for review Key West Ordinance No. 99-26, which was adopted by the Key West Board of City Commissioners on December 7, 1999. Ordinance No. 99-26 adds a new section, Section 2.7-25, to the City’s Land Development Regulations which will provide for the transfer of transient units or licenses.
3. Ordinance 99-26 includes details on that section’s purpose, definitions, general regulations, application process and fees. By terms of the ordinance, newly created Section 2.7-25 will provide for the transfer of only existing transient units.
4. The Department has reviewed the land development regulation adopted by Ordinance No. 99-26 for consistency and compliance with the Principles for Guiding Development for the Key West Area of Critical State Concern.
5. The Department finds that the land development regulation adopted by Ordinance No. 99-26 is consistent with the Principles for Guiding Development for the Key West Area of Critical State Concern.

**CONCLUSIONS OF LAW**

1. The City of Key West is a “local government” within the Florida Keys Area of Critical State Concern. Section 380.0552, Fla. Stat.
2. Section 380.0552(9), Fla. Stat., requires the Department to approve or reject land development regulation adopted by the City of Key West within sixty (60) days of receipt of the regulations. Accord, Section 380.05(11), Fla. Stat. This Final Order is issued within the 60-day time period provided by statute.



3. Section 380.031(8), Fla. Stat., defines "land development regulation" as including local zoning, subdivision, building and other regulations controlling the development of land. The regulation adopted by Key West Ordinance No. 99-026 is a land development regulation, as defined by statute.

4. The Department is required to approve or reject land development regulations adopted in Areas of Critical State Concern in a final order. Section 380.05(6), Fla. Stat.

5. The Department's approval or rejection of land development regulations adopted by the City of Key West is based upon whether the regulations are consistent with, and in compliance with, the Principles for Guiding Development in Section 380.0552(7), Fla. Stat., construed as a whole.

6. The land development regulation adopted by Ordinance No. 99-26 is consistent with and complies with, the Principles for Guiding Development construed as a whole.

ACCORDINGLY, IT IS ORDERED that the land development regulation adopted by the City of Key West Ordinance No. 99-26 is consistent with, and complies with, the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is therefore APPROVED. This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED this \_\_\_\_\_ day of February, 2000, in Tallahassee, Florida.

J. THOMAS BECK, DIRECTOR  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

FILING AND ACKNOWLEDGMENT:

FILED on this date with the designated Agency Clerk, receipt of which is hereby acknowledged.

Paula Ford \_\_\_\_\_ Date  
Agency Clerk

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE

PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I hereby certify that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true copies of the foregoing were furnished to the persons named below by U.S. Mail on this \_\_\_\_\_ day of February, 2000.

Paula Ford

The Honorable Jimmy Weekly, Mayor of Key West  
Ty Symroski, Planning Director, City of Key West  
Rebecca Jetton, DCA Keys Field Office

DCA Final Order No. DCA00-OR-030

In re: MONROE COUNTY LAND DEVELOPMENT REGULATIONS (AMENDMENTS TO RESIDENTIAL ROGO) ADOPTED BY MONROE COUNTY ORDINANCE NO. 047-1999

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§380.05(6) and (11), Fla. Stat., and §380.0552(9), Fla. Stat. (1999), which require the Department to enter a final order approving or rejecting land development regulations adopted by Monroe County. This Final Order rejects in part and approves the remainder of Monroe County Ordinance No. 047-1999 as set forth below.

FINDINGS OF FACT

- 1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a unit of government within the Florida Keys Area.
2. On December 22, 1999, the Department received for review Monroe County Ordinance No. 047-1999 which was adopted by the Monroe County Board of County Commissioners on November 10, 1999 ("Ord. 047-1999"). Ord. 047-1999 repeals Monroe County Ordinance No.

006-1997 and amends various provisions of the Monroe County Land Development Regulations codified at Sec. 9.5-4, Secs. 9.5-120 through 9.5-124, and Sec. 9.5-266 of the Monroe County Code (the "County Code").

3. Section 1 of Ord. 047-1999 repeals Monroe County Ordinance 006-1997 (effective May 22, 1998 and revised Secs. 9.5-121 through 9.5-129 of the County Code) in its entirety. Section 2 of Ord. 047-1999 amends Sec. 9.5-4 of the County Code. Section 3 of Ord. 047-1999 completely rewrites Secs. 9.5-120 through 9.124 of the County Code (creating a new Division 1.5 within the Code entitled "Rate of Growth Ordinance" and subdivision therein). Section 4 of Ord. 047-1999 amends Sec. 9.5-266 of the County Code. The foregoing amends the residential ROGO regulations, addresses affordable housing in environmentally sensitive lands, allows pooling of unused affordable housing ROGO allocations, revises points for energy conservation and structural integrity, provides new definitions, modifies qualifying criteria for affordable housing ROGO allocations, and revises the total number of allocations available in unincorporated Monroe County as a consequence of the incorporation of Islamorada, Village of Islands. Sections 5 through 9 of Ord. 047-1999 are general provisions.

4. Further, Ord. 047-1999 creates a new sub-section, Sec. 9.5-120.4(b) of the County Code, entitled "Transfer Off-site." This sub-section permits certain existing transient and residential units and spaces previously counted under ROGO to be transferred off-site and exempts such transfers from residential ROGO compliance. The off-site transfer provisions, as adopted by Ord. 047-1999, set forth incomplete requirements in order for the 'receiver' site to be eligible for transfer (i.e. no negative points in the significant or critical habitat categories). The new off-site transfer provisions do not direct development to locations in a manner consistent with the objectives of the County's comprehensive plan, particularly the point allocation system (for example whether a potential transfer from the 'sender' site to the proposed 'receiver' site will, among other things, encourage the infilling of already platted subdivisions, encourage development to those areas where infrastructure is already existing, discourage development in coastal high hazard areas; discourage development within areas of the Coastal Barrier Resource System, discourage development that impacts offshore islands and conservation land protection areas, and/or encourage the preservation and protection of historic and archaeological resources). In this regard, the off-site transfer provisions contained in Sec. 9-5.120.4(b), as adopted by Ord. 047-1999, are inconsistent with Objectives 101.5, 101.11, 101.13, 101.14, 102.3, 102.8, 104.3 and 217.3 of Monroe County's Comprehensive Plan.

## CONCLUSIONS OF LAW

1. The Department is required to approve or reject any and all land development regulations that are enacted, amended or rescinded by any unit of government in the Florida Keys Area of Critical State Concern within 60 days of receipt by the Department. §§380.05(6) and (11), *Fla. Stat.*, and §380.0552(9), *Fla. Stat.* (1999).

2. Monroe County is a unit of government within the Florida Keys Area of Critical State Concern. §380.0552, *Fla. Stat.* (1999) and Rule 28-29.002 (superseding Chapter 27F-8, *Fla. Admin. Code*) and Chapter 28-30, *Fla. Admin. Code*.

3. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. §380.031(8), *Fla. Stat.* (1999). The regulations adopted by Ord. 047-1999 are land development regulations, as defined by statute.

4. All land development regulations enacted, amended or rescinded by Monroe County must be consistent with the Principles for Guiding Development (the "Principles"). §380.0552(7), *Fla. Stat.*; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 24 Fla. L. Weekly. D1807 (Fla. 3d DCA Aug. 24, 1999). In reviewing the land development regulations for consistency, the Principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions. §380.0552(7), *Fla. Stat.* (1999).

5. The Department has reviewed all provisions of Ord. 047-1999 for consistency with the Principles. In this regard, Ord. 047-1999 affects, in various degrees, all twelve Principles.

6. The first Principle states: "To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation." §380.0552(7)(a) (1999). It follows, *a fortiori*, that any land development regulation proposed by Monroe County that is inconsistent with its own comprehensive plan undermines its capability to manage land use and development. *Rathkamp, supra*. Moreover, a local government in the Florida Keys Area which adopts land development regulations which are inconsistent with its comprehensive plan cannot achieve the objectives described in the other Principles [paragraphs (b) through (l)], and should reasonably expect that the area of critical state concern designation will continue. *Id.* Therefore, land development regulations must also be reviewed for consistency with Monroe County's Comprehensive Plan.

7. Here, the provisions of Sec. 9-5.120(4)(b) of Ord. 047-1999 allowing existing transient and residential units to be transferred from one site (previously approved under ROGO or vested) to a different site(s)--without adequate restrictions on such transfer and without adequate regard for the location and quality of the 'receiver' site--are not consistent with the

Principles as a whole. Specifically, these provisions are not consistent with paragraph (a) of the Principles to the extent that they are inconsistent with the previously referenced objectives of Monroe County's Comprehensive Plan and regulations thereunder. §380.0552(7)(a), *Fla. Stat.* Further, these provisions are not consistent with paragraphs (e), (f), (g), (h), (i), (k) and (l) of the Principles due to their potential to undermine and conflict with the goals, objectives, and policies of residential ROGO, including the discouragement of development in coastal high hazard areas. §§380.0552(7)(e), (f), (g), (h), (i), (k) and (l), *Fla. Stat.* Accordingly, the following provisions of Ord. 047-1999 are deemed not consistent with the Principles:

- Sec. 9.5-120.4(b) (sub-headed "Transfer Off-site"). Ord. 047-1999, at pages 10 and 11.

8. The Department has determined that the remainder of Ord. 047-1999 (excluding those provisions cited in the preceding paragraph) are consistent with the Principles as a whole. Ord. 047-1999 improves upon the residential ROGO regulations in terms of promoting affordable housing in furtherance of paragraphs (a), (d) and (j) of the Principles. §§380.0552(7)(a), (d) and (j), *Fla. Stat.* (1999). Further, Ord. 047-1999 discourages development in significant and critical habitat areas and areas containing threatened or endangered species in furtherance of paragraphs (b) and (c) of the Principles. §§380.0552(7)(b) and (c), *Fla. Stat.* (1999).

WHEREFORE, IT IS ORDERED that the following portions of Ord. 047-1999 are found not to be consistent with the Principles found at §380.0552(7), *Fla. Stat.* (1999) and therefore, are hereby REJECTED: Sec. 9.5-120.4(b) (sub-headed "Transfer Off-site"), at pages 10-11.

Except as referenced above, all other provisions of Ord. 047-1999 are found to be consistent with the Principles found at §380.0552(7), *Fla. Stat.* (1999), as a whole, and are hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED this \_\_\_\_\_ day of February, 2000 in Tallahassee, Florida.

\_\_\_\_\_  
J. THOMAS BECK, DIRECTOR  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

## NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569,

FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_\_ day of February, 2000.

\_\_\_\_\_  
Paula Ford  
Agency Clerk

By U.S. Mail:  
Hon. Wilhelmina Harvey  
Mayor of Monroe County  
500 Whitehead Street  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Timothy J. McGarry, AICP  
Acting Director of Planning  
2798 Overseas Highway  
Suite 400  
Marathon, Florida 33050

By Hand Delivery or Interagency Mail:  
Michael McDaniel, Growth Management Administrator, DCA  
Tallahassee

Rebecca Jetton, DCA Florida Keys Field Office  
Geoffrey T. Kirk, Assistant General Counsel, DCA  
Tallahassee

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#### NOTICE OF FUND AVAILABILITY

The Department of Community Affairs announces funding availability under the Florida Small Cities Community Development Block Grant (CDBG) Program to small non-Entitlement cities and counties for Economic Development job creation/retention activities. DCA has allocated approximately \$9,604,428 of FFY 2000 CDBG funds and deobligated funds from prior years for job creating economic development activities with an initial application deadline of 5:00 p.m. on Friday, March 31, 2000. Pursuant to Rule 9B-43.005(3), Florida Administrative Code, FFY 2000 applications for the initial application deadline may be submitted at any time after the publication of this notice. Should funds remain available after the initial application deadline, applications for economic development funding will continue to be accepted after March 31, 2000. Funds for applications received after March 31, 2000, will be reserved on a first come, first eligible basis pursuant to Rule 9B-43.006(10), Florida Administrative Code.

Fifty-one percent (51%) of the created or retained jobs must be held by, taken by, or made available to low and moderate income persons and at least seventy percent (70%) of the requested funds must benefit low and moderate income persons. Funding is only available to eligible cities and counties and is not available for grants for the sole purpose of planning, designing or administering economic development activities.

Application manuals may be obtained by calling: Department of Community Affairs, CDBG Section, (850)487-3644, or may be obtained on the Department's website: <http://www.dca.state.fl.us/fhcd/programs/cdbgp/index.htm>

DCA cannot execute contracts for the economic development applications until after state fiscal year 2001 budgetary authority is effective on July 1, 2000. Further, timing of the execution of contracts by DCA is subject to completion and acceptance of the FFY 2000-2004 Consolidated Plan and the FFY 2000 Annual Action Plan for the State of Florida's Consolidated Plan by the U.S. Department of Housing and Urban Development (HUD) and the execution by HUD of the contract under which the funding is made available to DCA.

Applications must be submitted on forms required by and in the format specified in Rule Chapter 9B-43, Florida Administrative Code and should be either hand delivered or sent by U.S. Mail or other licensed carrier. Applications must be received in the Community Development Section, Division of Housing and Community Development, Department of Community Affairs, The Sadowski Building, Room 260, 2555

Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Cities and counties interested in applying should contact: Mr. Rick Stauts, Planning Manager, (850)922-1892, for more information.

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#### AGENCY FOR HEALTH CARE ADMINISTRATION

On January 28, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Charlie F. Moore, M.D., license number ME 0010757. This Emergency Restriction Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On February 7, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Julie Ann Townshend Revel, L.P.N. license number PN 0824751. REVEL's last known address is: 1195 North Hagerty Point, Crystal River, Florida 34429. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 455.621(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On February 7, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Angelia Denise Owens, L.P.N. license number PN 1121221. OWEN's last known address is: Post Office Box 9076, Masaryktown, Florida 34609 and 6614 Sutherland Avenue, New Port Richey, Florida 34653. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 455.621(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On February 7, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Donita Nicholson, L.P.N. license number PN 0889821. NICHOLSON's last known address is: Route 2 Box 535, High Springs, Florida 32643. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 455.621(8) and 120.60(8), Florida Statutes. The Secretary determined that

this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On February 7, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Lisa J. Hanna McCoy, L.P.N. license number PN 0890821. MCCOY's last known address is: 1721 Beneva Court, #701, Sarasota, Florida 34232. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 455.621(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF AVAILABILITY**

Florida Categorical Exclusion Notification

**CITY OF KEY WEST**

**CS120465180-MAJOR SEWER REHABILITATION**

**DISTRICT C**

The Florida Department of Environmental Protection has determined that the Key West District C Sewer Rehabilitation project will not adversely affect the environment. The total project cost is estimated at \$5,999,000. The project may qualify for a State Revolving Fund (SRF) loan composed of federal funds and state matching funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Dick Smith, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN February 1, 2000  
 and February 7, 2000

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

5F-2.016	2/4/00	2/24/00	25/49	
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**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid Program Office**

59G-4.197	2/2/00	2/22/00	25/41	25/52
59G-4.260	2/2/00	2/22/00	25/41	25/52

**DEPARTMENT OF MANAGEMENT SERVICES**

**Florida Commission on Human Relations**

60Y-5.001	2/3/00	2/23/00	25/49	
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

61G4-12.006	2/4/00	2/24/00	25/43	25/49
61G4-15.030	2/3/00	2/23/00	25/43	

**Board of Funeral Directors and Embalmers**

61G8-17.0045	2/7/00	2/27/00	25/52	
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**Florida Real Estate Commission**

61J2-1.011	2/4/00	2/24/00	25/45	25/52
61J2-3.020	2/4/00	2/24/00	25/45	25/52
61J2-5.015	2/4/00	2/24/00	25/45	25/52

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-730.020	2/4/00	2/4/00	25/36	
62-730.021	2/4/00	2/4/00	25/36	
62-730.030	2/4/00	2/4/00	25/36	
62-730.160	2/4/00	2/4/00	25/36	
62-730.170	2/4/00	2/4/00	25/36	
62-730.180	2/4/00	2/4/00	25/36	
62-730.181	2/4/00	2/4/00	25/36	
62-730.183	2/4/00	2/4/00	25/36	
62-730.184	2/4/00	2/4/00	25/36	
62-730.185	2/4/00	2/4/00	25/36	
62-730.220	2/4/00	2/4/00	25/36	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance Boards**

64B-1.009	2/1/00	2/21/00	25/39	26/1
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**FLORIDA HOUSING FINANCE CORPORATION**

67-48.001	2/4/00	2/24/00	25/35	
67-48.002	2/4/00	2/24/00	25/35	25/45
67-48.003	2/4/00	2/24/00	25/35	25/45
67-48.004	2/4/00	2/24/00	25/35	25/45
67-48.005	2/4/00	2/24/00	25/35	25/45
67-48.006	2/4/00	2/24/00	25/35	25/45
67-48.007	2/4/00	2/24/00	25/35	25/45
67-48.008	2/4/00	2/24/00	25/35	
67-48.009	2/4/00	2/24/00	25/35	25/45
67-48.0095	2/4/00	2/24/00	25/35	25/45
67-48.010	2/4/00	2/24/00	25/35	25/45
67-48.0105	2/4/00	2/24/00	25/35	
67-48.012	2/4/00	2/24/00	25/35	25/45
67-48.013	2/4/00	2/24/00	25/35	25/45
67-48.014	2/4/00	2/24/00	25/35	
67-48.015	2/4/00	2/24/00	25/35	
67-48.017	2/4/00	2/24/00	25/35	
67-48.018	2/4/00	2/24/00	25/35	
67-48.019	2/4/00	2/24/00	25/35	
67-48.020	2/4/00	2/24/00	25/35	25/45
67-48.0205	2/4/00	2/24/00	25/35	
67-48.021	2/4/00	2/24/00	25/35	25/45
67-48.022	2/4/00	2/24/00	25/35	25/45
67-48.023	2/4/00	2/24/00	25/35	25/45
67-48.025	2/4/00	2/24/00	25/35	
67-48.026	2/4/00	2/24/00	25/35	25/45
67-48.027	2/4/00	2/24/00	25/35	25/45
67-48.028	2/4/00	2/24/00	25/35	25/45
67-48.029	2/4/00	2/24/00	25/35	25/45
67-48.030	2/4/00	2/24/00	25/35	
67-48.031	2/4/00	2/24/00	25/35	25/45
67-48.032	2/4/00	2/24/00	25/35	