

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLE: Quarterly Report Filing Requirements RULE NO.: 3D-40.022

PURPOSE AND EFFECT: The purpose of the rule is to prescribe the procedure for filing the quarterly reports required by Sections 494.004(6) and 494.0067(9), F.S., that identify those persons who became or ceased being an associate of the business during the previous quarter.

SUBJECT AREA TO BE ADDRESSED: Quarterly reports to be filed by each mortgage brokerage business, correspondent mortgage lender, mortgage lender and mortgage lender licensed pursuant to the savings clause.

SPECIFIC AUTHORITY: 494.0011(2), 494.004(6), 494.0067(9) FS.

LAW IMPLEMENTED: 494.004(6), 494.0067(9) 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., July 18, 2000

PLACE: Room 550, 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, IF AVAILABLE, IS: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-40.022 Quarterly Report Filing Requirements.

(1) Each mortgage brokerage business, correspondent mortgage lender, mortgage lender, and mortgage lender licensed pursuant to the savings clause, that was licensed with the Department on or before March 31, 2000, shall file an initial quarterly report on or before April 30, 2000 as required by subsection 494.004(6), F.S., and subsection 494.0067(9), F.S. Thereafter, a quarterly report shall be filed as required by subsection 494.004(6), F.S., and subsection 494.0067(9), F.S., within 30 days of the end of each calendar quarter.

(2) Each mortgage brokerage business, correspondent mortgage lender, mortgage lender and mortgage lender licensed pursuant to the savings clause, that becomes licensed with the Department after March 31, 2000, shall file an initial quarterly report within 30 days of the end of the calendar

quarter in which the original license is issued, and thereafter shall file a quarterly report as required by subsection 494.004(6), F.S., and subsection 494.0067(9), F.S.

(3) The report may be filed electronically on Form DBF-MX-QR-E by accessing the Department's website at www.dbf.state.fl.us, or the report may be filed on Form DBF-MX-QR in a typed format. Forms DBF-MX-QR and DBF-MX-QR-E are hereby incorporated by reference and are available from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(4) All reports, written or electronic, shall be received by the Department in Tallahassee within thirty (30) days after the last day of each calendar quarter. If the 30th day falls on a weekend or official holiday such reports will be considered timely received on the next business day.

(5) If a correct initial report or correct quarterly report thereafter is not timely received (incidental and isolated clerical errors or omissions shall not be considered a violation) as required by subsection 494.004(6), F.S., or subsection 494.0067(9), F.S., the penalty shall be the issuance of a "notice of noncompliance" for the first offense. Any subsequent finding of a violation of this rule shall be a fine of \$500. The penalty for any intentional violations of this rule shall be a fine of \$500 and suspension of the license.

Specific Authority 494.0011(2), 494.004(6), 494.0067(9) FS. Law Implemented 494.004(6), 494.0067(9) FS. History--New

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLES: Mortgage Brokerage Business License and Branch Office License Renewal RULE NOS.: 3D-40.053

Change of Name, Change of Entity and Change in Control or Ownership 3D-40.099

Mortgage Lender License, Mortgage Lender License Pursuant to Savings Clause, and Branch Office License Renewal 3D-40.205

Correspondent Mortgage Lender License and Branch Office License Renewal 3D-40.225

and Reactivation 3D-40.225

PURPOSE AND EFFECT: The purpose of the proposed amendments is to allow mortgage brokerage businesses, mortgage lenders, mortgage lenders pursuant to the savings clause, correspondent mortgage lenders and their branch offices to renew their licenses by submitting the renewal forms directly on the Department's website.

SUBJECT AREA TO BE ADDRESSED: Renewal of licenses under Chapter 494, F.S., on the Department's website.

SPECIFIC AUTHORITY: 494.0011, 494.0032, 494.0036 FS.

LAW IMPLEMENTED: 494.0031, 494.032, 494.036, 494.0061, 494.0062, 494.0064, 494.0065 FS.

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

TIME AND DATE: 2:00 p.m., July 18, 2000

PLACE: Room 550, 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, IF AVAILABLE, IS: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-40.053 Mortgage Brokerage Business License and Branch Office License Renewal.

(1) Each active mortgage brokerage business license shall be renewed for the biennial period beginning September 1 of each even-numbered year upon submission of the statutory renewal fee required by Section 494.032, F.S., and a completed renewal form. Form DBF-MB-707, Mortgage Brokerage Business License Renewal and Reactivation Form, revised 10/99, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350. In lieu of filing the paper version of the renewal form, the licensee may file the required information on Form DBF-MB-707E on the Department's website (www.dbf.state.fl.us).

(2) A mortgage brokerage business license that is not renewed as required in Subsection (1) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive license may be renewed within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0032, F.S., and submission of a completed reactivation form. In lieu of filing the paper version of the renewal form, the licensee may file the required information on Form DBF-MB-707E on the Department's website (www.dbf.state.fl.us).

(3) Each active mortgage brokerage business branch office license shall be renewed in conjunction with the mortgage brokerage business license renewal upon submission of the statutory renewal fee required by Section 494.032, F.S. and a completed renewal form. Form DBF-MB-708, Mortgage Brokerage Business Branch Office License Renewal and Reactivation Form, revised 10/99, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350. In lieu of filing the

paper version of the renewal form, the licensee may file the required information on Form DBF-MB-708E on the Department's website (www.dbf.state.fl.us).

(4) A mortgage brokerage business branch office license that is not renewed as required in Subsection (3) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive branch office license may be renewed within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0032, F.S., and submission of a completed reactivation form. In lieu of filing the paper version of the renewal form, the licensee may file the required information on Form DBF-MB-708E on the Department's website (www.dbf.state.fl.us).

(5) No change.

Specific Authority 494.0011(2), 494.0032(2),(3), 494.0036(2) FS. Law Implemented 494.0032, 494.0036 FS. History--New 11-2-86, Amended 2-8-90, 10-1-91, 12-12-99, _____.

3D-40.099 Change of Name, Change of Entity and Change in Control or Ownership.

(1) through (5) No change.

(6) Upon approval of an application, a letter informing the applicant of the Department's intent to approve the application will be sent to the applicant's mailing address as indicated on the application. Upon the Department's receipt of the original license issued to the former owners, notification that the change in ownership or control has been finalized and the effective date of closing, a license will be issued, effective the later of the date of closing or the date of notice of intent to approve, for the remainder of the biennial licensure period. Failure to respond to the Department's notice of intent to approve within thirty (30) days of the date of that letter will result in the application being withdrawn.

Specific Authority 494.0011(2) FS. Law Implemented 494.0031, 494.0061, 494.0062, 494.0065 FS. History--New 1-10-93, Amended 5-14-95, 9-3-95, 12-12-99, _____.

3D-40.205 Mortgage Lender License, Mortgage Lender License Pursuant to Savings Clause, and Branch Office License Renewal.

(1) Each active mortgage lender license and mortgage lender license pursuant to the savings clause shall be renewed for the biennial period beginning September 1 of each even-numbered year upon submission of the statutory renewal fee required by Section 494.0064, F.S., a completed renewal form, ~~and a copy of the lenders most recent audited financial statements.~~ Form DBF-ML-R, Mortgage Lender License Renewal and Reactivation Form, revised 05/00 ~~40/99~~ and Form DBF-ML-RS, Mortgage Lender License Pursuant to Saving Clause Renewal and Reactivation Form, revised 05/00 ~~40/99~~, are hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350. In lieu of filing the paper version of the renewal

form, the licensee may file the required information on Form DBF-ML-R-E or Form DBF-ML-RS-E on the Department's website (www.dbf.state.fl.us).

(2) A license that is not renewed as required in Subsection (1) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within 6 months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form. In lieu of filing the paper version of the renewal form, the licensee may file the required information on Form DBF-ML-R-E or Form DBF-ML-RS-E on the Department's website (www.dbf.state.fl.us).

(3) Each active mortgage lender branch office license shall be renewed in conjunction with the mortgage lender license renewal upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed branch office license renewal form. Form DBF-ML-RB, Mortgage Lender and Correspondent Mortgage Lender Branch Office License Renewal and Reactivation Form, revised 10/1/99, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350. In lieu of filing the paper version of the renewal form, the licensee may file the required information on Form DBF-ML-RB-E on the Department's website (www.dbf.state.fl.us).

(4) A mortgage lender branch office license that is not renewed as required in Subsection (3) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon, payment of the statutory renewal and reactivation fees and submission of a completed license reactivation form. In lieu of filing the paper version of the renewal form, the licensee may file the required information on Form DBF-ML-RB-E on the Department's website (www.dbf.state.fl.us).

(5) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.0064 FS. History—New 10-1-91, Amended 9-3-95, 8-5-96, 12-12-99,_____.

3D-40.225 Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation.

(1) Each active correspondent mortgage lender license shall be renewed for the biennial period beginning September 1 of each even-numbered year upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed renewal form, ~~and a copy of the lender's current audited financial statements.~~ Form DBF-CL-R, Correspondent Mortgage Lender License Renewal and Reactivation Form, revised 05/00 ~~10/99~~, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350. In lieu of filing the paper

version of the renewal form, the licensee may file the required information on Form DBF-CL-R-E on the Department's website www.dbf.state.fl.us).

(2) A correspondent mortgage lender license that is not renewed as required in Subsection (1) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form. In lieu of filing the paper version of the renewal form, the licensee may file the required information on Form DBF-CL-R-E on the Department's website (www.dbf.state.fl.us).

(3) Each active correspondent mortgage lender branch office license shall be renewed in conjunction with the correspondent mortgage lender license renewal upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed branch office license renewal form. Form DBF-ML-RB, Mortgage Lender and Correspondent Mortgage Lender Branch Office License Renewal and Reactivation Form, revised 10/99, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350. In lieu of filing the paper version renewal form, the licensee may file the required information on Form DBF-ML-RB-E on the Department's website (www.dbf.state.fl.us).

(4) A correspondent mortgage lender branch office license that is not renewed as required in Subsection (3) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be renewed within six (6) months after becoming inactive, payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed license reactivation form. In lieu of filing the paper version of the renewal form, the licensee may file the required information on Form DBF-ML-RB-E on the Department's website (www.dbf.state.fl.us).

(5) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.0064 FS. History—New 10-1-91, Amended 9-5-95, 7-25-96, 12-12-99,_____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Financial Statements and Reports RULE NO.: 3E-300.002

PURPOSE AND EFFECT: The purpose of the proposed amendments is to eliminate, in most instances, the requirement for dealers that are current members of the National Association of Securities Dealers to file financial statements with the Department.

SUBJECT AREA TO BE ADDRESSED: Filing of financial statements.

SPECIFIC AUTHORITY: 517.03 FS.
 LAW IMPLEMENTED: 517.081, 517.12 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., July 18, 2000
 PLACE: Room 664, 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, IF AVAILABLE, IS: David Haynes, Financial Examiner/Analyst Supervisor, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 3E-300.002 Financial Statements and Reports.
 - (1) through (2) No change.
 - (3) Requirements for Dealers.
 - (a) Every dealer applicant, unless exempted under paragraphs (3)(b) or (3)(e) of this Rule, shall file financial statements as of a date within ninety (90) days prior to the date of filing for registration, ~~which~~ These financial statements need not be audited provided that there shall also be filed audited financial statements as of said applicant's most recent fiscal year end.
 - (b) Those dealer applicants which have been in operation for a period of time less than twelve (12) months, and for whom an audited financial statement has not been prepared or is not available, shall be permitted to file unaudited financial statements provided the following conditions are met:
 - 1. Such financial statements are as of a date within thirty (30) days prior to the date of filing for registration, and are prepared in accordance with the provision of paragraphs (2)(b),(2)(d) and (3)(c) of this Rule; and
 - 2. Such applicant is effectively registered with the Securities Exchange Commission or National Association of Securities Dealers, Inc.
 - (c) No change.
 - (d) The Department shall deem those financial statements and reports, prepared and filed in accordance with the provisions of ~~SEC S.E.C.~~ Rule 17a-5 (17 CFR 240.17a-5) and ~~SEC S.E.C.~~ Rule 17a-10 (17 CFR 240.17a-10) (as such provisions existed on March 1, 1999), to be in compliance with, and fulfill the requirements of, this Rule as applicable to a dealer.
 - (e) The financial statements and reports required by subparagraphs (a) through (e) ~~and~~ (d) are not required to be filed with the Department, unless specifically requested by the Department, by a dealer applicant or registrant if the dealer

registrant is a current member of a securities association registered pursuant to Section 15A of the Exchange Act and such association requires financial reports to be filed with it.

(4) through (7) No change.

Specific Authority 517.03 FS. Law Implemented 517.081, 517.12 FS. History-- New 12-5-79, Amended 9-20-82, Formerly 3E-300.02, Amended 6-28-93, 11-22-93, 12-24-95, _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:	RULE NOS.:
Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser	3E-600.001
Application for Registration as Associated Person	3E-600.002
Central Registration Depository System	3E-600.0091
Notice of Civil, Criminal or Administrative Action	3E-600.010
Licenses to be Displayed	3E-600.018

PURPOSE AND EFFECT: The purpose of the proposed amendments is to revise the registration process to allow broker dealers that can evidence current membership in the National Association of Securities Dealers ("NASD") to file the appropriate forms and fees with the Department through the Central Registration Depository ("CRD"). Dealers that are current members of the NASD will no longer be required to designate a qualifying principal. Current NASD members and persons registered with the NASD will electronically file disciplinary updates through the CRD. Responses to requests for additional information made by the Department will be filed directly with the Department. The proposed amendments will also eliminate the requirement for registrants to display licenses evidencing registration with the Department.

SUBJECT AREA TO BE ADDRESSED: Filing of dealer registration applications, renewals and terminations, disciplinary updates, and display of licenses.

SPECIFIC AUTHORITY: 517.03(1), 517.12 FS.

LAW IMPLEMENTED: 517.12, 517.1205, 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: 1:00 p.m., July 18, 2000
 PLACE: Room 664, 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, IF AVAILABLE, IS: David Haynes, Financial Examiner/Analyst Supervisor, Division of Securities and Finance, 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 a Dealer, Issuer/Dealer, or Investment Adviser.

(1)(a) Applications for initial and renewal registration of dealers, issuer/dealers, and investment advisers shall be filed on the forms prescribed by the Department in Rule 3E-301.002(7), FAC., 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. Except as otherwise provided in Rule 3E-600.0091, FAC., ~~t~~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 members of the National Association of Securities Dealers (NASD), such application shall be filed with the Department through the Central Registration Depository (CRD) of the NASD in accordance with Rule 3E-600.0091, FAC.

(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). For dealers that are members of the NASD, such application shall be filed with the Department through the CRD in accordance with Rule 3E-600.0091, FAC. For registration as an investment adviser, a Uniform Application for Investment Adviser Registration, Form ADV (Revised 1/99);

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), to register at least one principal as set forth in Rule 3E-600.002, FAC. Evidence of current membership as a dealer with the NASD shall satisfy this requirement. ~~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, FAC. 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 statements and reports required under Rules 3E-300.002, 3E-600.015, 3E-600.016, and 3E-600.017, FAC.;

5. Proof of SEC effective registration with the Securities and Exchange Commission (SEC). Where 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. Evidence of current membership as a dealer with the NASD shall satisfy this requirement;

6. through 8. No change.

9. When specifically requested by the Department, a copy of the ~~a~~Articles of ~~i~~ncorporation and ~~a~~Amendments thereto, ~~or~~ if a ~~p~~Partnership, a copy of the ~~p~~Partnership ~~a~~Agreement, or if a limited liability company, a copy of the articles of organization.

(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 applicants and registrants that are ~~a~~ members of the NASD, each such amendment, including those required by Rule 3E-600.007, FAC., 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, FAC., 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, 5-10-00,_____.

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), 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. Except as otherwise provided in Rule 3E-600.0091, FAC., ~~t~~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~~ members of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Department through the Central Registration Depository ("~~CRD~~") of the NASD in accordance with Rule 3E-600.0091, FAC.

(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). 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~~ members of the NASD, such application shall be filed with the Department through the CRD ~~Central Registration Depository~~ of the NASD.

- 2. through 3. No change.
- 4. Evidence of examinations/disqualifications set forth in Rule 3E-600.005(2), FAC.
- 5. No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6),(7),(10) 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-600.0091 Central Registration Depository System.

Wherever the Rules of this Department require the filing of applications, fees, and other documents with the Department, in lieu thereof, all dealers registered with this state who are members of the National Association of Securities Dealers, Inc. (NASD) shall file such items as hereinafter specifically provided:

(1) All NASD member dealers requesting initial registration, renewal or termination of registration in this state shall file the appropriate Form BD or BDW and the assessment fee required by Sections 517.12(10) or (11), F.S., with the Central Registration Depository System (“CRD”) of the NASD. However, responses to requests by the Department for additional information shall be filed directly with the Department.

~~(2)(4)~~ All NASD member dealers registered in this state requesting initial registration, renewal, reaffiliation or termination of an associated person of such member dealer shall file the appropriate Form U-4 or U-5 and the assessment fee required by Sections 517.12(10) or (11), F.S. Florida Statutes, with the ~~Central Registration Depository System (CRD) of the National Association of Securities Dealers (NASD).~~ However, requests for additional information shall be filed directly with the Department ~~when requested by the Department.~~

~~(3)(2)~~ Any application for registration as an associated person of an NASD member dealer filed with the Department via the CRD shall be deemed received by the Department on the date designated in the “Status Date” field on the line notated “FL” with a “Registration Status” of “pending” as indicated on the CRD “Registrations with Current Employers” screen indicated on the CRD ST-ALL screen as the “pending since” date on the line notated “FL”.

~~(4)(3)~~ Any application for registration as a dealer filed with the Department via the CRD shall be deemed received by the Department upon receipt of the Form BD and the application fee. The application fee shall be deemed received by the Department on the “payment date” reflected on the CRD “disbursement detail” report. TAT REGISTRATIONS Except as otherwise provided herein, a dealer who is a member of the NASD and who has signed an undertaking with the NASD for participation in the Temporary Agent Transfer (“TAT”) program may register associated persons with the Department pursuant to the TAT program provided that the associated person is eligible and qualifies for registration through the

TAT program and provided further that the dealer has timely complied with all requirements of the TAT program with respect to the associated person's registration.

~~(a) Except as provided herein, the effective date of a TAT registration shall be the date indicated on the Central Registration Depository (“CRD”) ST-ALL screen as the “Conditional On” date on the line notated “FL”. No person seeking registration as a manager or a resident agent in charge of a branch office located in Florida shall act in the capacity of manager or resident agent in charge of a branch office located in Florida while the CRD ST-ALL screen indicates a “Conditional” registration on the line notated “FL”.~~

~~(b) Any associated person who has applied for registration pursuant to the TAT program and whose TAT registration expires for failure to comply with the requirements of the TAT program or whose registration is terminated based upon ineligibility to register pursuant to the TAT program, agrees that in return for the privilege of utilizing the expedited registration provisions afforded by the TAT program such person waives the applicability of the provisions of Section 120.60, F.S., to any temporary registration obtained pursuant to the TAT program and such person further agrees to voluntarily terminate any registration obtained through the TAT program which registration has expired or been terminated by the NASD for the reasons stated above. In lieu of filing a Form U-5 with the Department to effectuate a termination under these circumstances, the associated person and the Department agree that notice by the NASD that the associated person's TAT registration has expired or terminated after a conditional period without such person's registration being immediately notated in the CRD as “APPROVED”, shall be accepted by the Department as notice of voluntary termination of the associated person's registration with the Department and such notice shall be considered an effective termination pursuant to Rule 3E-600.008. Such voluntary termination shall be effective the date the NASD notifies the Department through the CRD system that the TAT registration has expired or been terminated, notwithstanding the associated person's failure to file a Form U-5 with the Department.~~

~~(c) Any applicant who attempted to register with the Department through the TAT program and who failed to comply with the requirements of the TAT program and thereby voluntarily terminated the registration temporarily granted may file an application for registration with the Department pursuant to the provisions of Rule 3E-600.002.~~

~~(d) It shall be considered a violation of Section 517.301(1)(c), Florida Statutes, for any dealer or associated person to execute or file an application with the Department for registration pursuant to the TAT program when the applicant is ineligible for registration pursuant to the TAT program. Persons under examination or investigation by the Department shall be ineligible for registration through the TAT program.~~

(e) The Department may deny the use of the TAT program to any associated person that is the subject of an investigation or examination by the Department if the Department has reason to believe that such person has or is about to violate any provision of Chapter 517, Florida Statutes, or the Rules promulgated thereunder. Whenever the Department exercises its discretion pursuant to this section, it shall notify the associated person or the dealer of the Department's decision to deny use of the TAT program to the associated person. Upon receiving notice from the Department, either orally or in writing, of the Department's denial of use of the TAT program, such person agrees to voluntarily terminate any temporary registration granted to such person by the Department and to pursue any registration still desired by filing an application in accordance with the provisions of Rule 3E-600.002. In lieu of filing a Form U-5 with the Department to effectuate a termination under these circumstances, the associated person and the Department agree that such person's TAT registration will be deemed to have been voluntarily terminated by such person effective the earlier of: (1) notice by the NASD that the associated person's TAT registration has expired after a conditional period without such person's registration being immediately notated "APPROVED", or (2) the date the NASD determines such person is ineligible for registration pursuant to the TAT program. Upon the earlier of these two dates, such associated person shall have been deemed to have voluntarily terminated its registration with the Department and the Department shall consider such termination effective termination pursuant to Rule 3E-600.008 notwithstanding the associated person's failure to file a Form U-5 with the Department.

Specific Authority 517.03, 517.12(15) FS. Law Implemented 517.12(10),(11),(15) FS. History-New 8-29-83, Formerly 3E-600.091, Amended 8-1-91, 6-16-92, 4-30-96, _____.

3E-600.010 Notice of Civil, Criminal or Administrative Action.

(1) through (2) No change.

(3) Any applicant or registrant in this state who is a member of the National Association of Securities Dealers, Inc. ("NASD") shall file such notifications with the Department through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 3E-600.0091, FAC. However, responses to requests by the Department for additional information shall be filed directly with the Department.

Specific Authority 517.03 FS. Law Implemented 517.12(6),(12), 517.161 FS. History-New 12-5-79, Amended 9-20-82, Formerly 3E-600.10, Amended _____.

3E-600.018 Licenses to be Displayed.

Specific Authority 517.03 FS. Law Implemented 517.12(1),(11) FS. History-New 12-5-79, Formerly 3E-600.18, Repealed _____.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Rules of Procedure and Practiced	
Pertaining to Developments of	
Regional Impact	9J-2
RULE TITLES:	RULE NOS.:
Part I General	
Definitions	9J-2.001
Part II Procedures Pertaining to Developments	
of Regional Impact	
Subpart A General Procedures	
Forms	9J-2.010
Clearance Letters	9J-2.015
Binding Letters of Interpretation	9J-2.016
Preliminary Development Agreements	9J-2.0185
Subpart B Development of Regional	
Impact Procedures	
Preapplication Conferences and Conceptual	
Agency Review Procedures	9J-2.021
Filing the Application for Development Approval	9J-2.022
Public Hearing	9J-2.023
Regional Report and Recommendations	9J-2.024
Local Government Development Orders	9J-2.025
Abandonment of Development Orders	9J-2.0251
Development of Regional Impact Review Fee Rule	9J-2.0252
Hurricane Preparedness Policy Rule	9J-2.0256
Special Hurricane Preparedness Districts	
for Developments of Regional Impact	9J-2.0257
Appeals	9J-2.026
Aggregation Rule	9J-2.0275
Master Development Approval Alternative	
Review Procedure	9J-2.028
Part III Development of Regional Impact	
Uniform Standard Rules	
The Application of State, Regional and Local	
Plans in DRI Uniform Standard Rules	9J-2.040
Listed Plant and Wildlife Resources Uniform	
Standard Rule	9J-2.041
Archaeological and Historical Resources	
Uniform Standard Rule	9J-2.043
Hazardous Material Usage, Potable Water,	
Wastewater, and Solid Waste Facilities	
Uniform Standard Rule	9J-2.044
Transportation Uniform Standard Rule	9J-2.045
Air Quality Uniform Standard Rule	9J-2.046
Adequate Housing Uniform Standard Rule	9J-2.048
PURPOSE AND EFFECT: To modify the rules to comply with	
Section 120.536(2)(b), F.S. as amended by Chapter 99-379,	
§ 3, Laws of Florida, and update the rules.	
SUBJECT AREA TO BE ADDRESSED: Rule 9J-2.001 is	
revised to change the Division name. The revision to Rule	
9J-2.010 pertains to a change in address where various forms	

related to the development of regional impact (DRI) program can be obtained. Revisions to Rule 9J-2.016 pertain to changes to the procedures and process for obtaining a binding letter of interpretation regarding whether a development must undergo a DRI review. Rule 9J-2.018 is revised to change the distance from 5 miles to 1/2 mile, within which each land owner included in the project or the developer must submit additional documentation and information for a proposed preliminary development agreement. A reference to the state land development plan was deleted from Rule 9J-2.0185.

Revisions to Rules 9J-2.021 through 9J-2.0252, 9J-2.0256 through 9J-2.075, pertain to changes related to the DRI submittal, review and approval procedures, including binding letters of interpretation and abandonment procedures. Regional hurricane plan references are also updated. A reference to the state land development plan was deleted from Rule 9J-2.021. Rule 9J-2.022 is revised to delete a reference to a third request for additional information.

Changes to Rules 9J-2.040 through 9J-2.048 delete unnecessary references to sections of Chapter 380, Florida Statutes, incorporates revised statute citations and referenced documents, revises the definition of "listed species", updates the lists of plant species designated as critically imperiled, imperiled and rare, and deletes references to the state land development plan.

Statute citations for rule making authority and law implementation references have also been updated in the rules. SPECIFIC AUTHORITY: 380.032(2)(a), 380.06(15)(c)4., (19)(f),(21)(c),(23)(a),(c),(26), 380.0651(4)(f) FS.

LAW IMPLEMENTED: 120.536(2)(b) FS., as amended by Chapter 99-379, §3, Laws of Florida., 120.569, 380.021, 380.031, 380.031(13), 380.032(2),(3), 380.06(1),(2), (4)(i),(4)-(10),(13),(14),(15),(17),(18),(19),(20),(21),(22),(23), (25),(26), 380.061, 380.065, 380.0651(4), 380.07(2) FS.

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

TIME AND DATE: 9:00 a.m. – 11:00 a.m., July 26, 2000

PLACE: Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Jeff Bielling, Senior Management Analyst, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone number (850)922-1760, Suncom 292-1760 at least seven days before 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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jeff Bielling, Senior Management Analyst, Division of Community Planning,

Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Telephone number (850)922-1760

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9J-2.001 Definitions.

(1) No change.

(2) "Division" means the Division of Community Resource Planning and Management of the Department of Community Affairs, which is the "state land planning agency" referred to in Chapter 380, Florida Statutes.

(3) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.031, 380.06(1),(23) FS. History--New 4-12-81, Amended 5-4-83, Formerly 27F-1.01, 9B-16.01, Amended 11-20-90, _____.

9J-2.010 Forms.

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

(2) These forms may be obtained without cost from the appropriate regional planning agency or by making written request to:

Division of Community Resource Planning and Management
Bureau of State Planning
2555 Shumard Oak Boulevard 2740 Centerview Drive
Tallahassee, Florida 32399-2100

Specific Authority 380.032(2)(a), 380.06(15)(c)4.,(19)(f)1.,(23)(a),(c)2.,(26) FS. Law Implemented 380.031(13), 380.06, 380.06(4)-(10), (15)(c)4.,(18),(19),(23)(c)2.,(26) FS. History--New 4-12-81, Amended 5-4-83, Formerly 27F-1.31, 9B-16.17, 9J-2.017, Amended 11-20-90, 3-23-94, _____.

9J-2.015 Clearance Letters.

(1) through (3) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a), 380.0651(4)(f) FS. Law Implemented 380.032(2), 380.06(4)(i), 380.0651(4) FS. History--New 11-20-90.

9J-2.016 Binding Letters of Interpretation.

(1) If any developer is in doubt whether his proposed development is required to undergo DRI review or whether his development rights have vested pursuant to Subsection 380.06(20), Florida Statutes, or whether a proposed substantial change to a development of regional impact previously vested pursuant to Subsection 380.06(20) would divest such rights, the developer may file an application for a Binding Letter of Interpretation with the Division. Prior to submitting a formal application, the developer is encouraged to consult with the Division staff to insure that appropriate information is presented. The developer shall submit an application for a binding letter of interpretation by completing and filing with the Division Form RPM-BSP-BLID-1 (development of

regional impact status), RPM-BSP-BLIVR-1 (vested rights), or RPM-BSP-BLIM-1 (substantial modification to a previously vested development), as appropriate.

These forms may be obtained upon request to any regional planning agency or to the Division of Community Resource Planning and Management, Bureau of State Planning, whose address is 2555 Shumard Oak Boulevard 2740 Centerview Drive, Tallahassee, Florida 32399-2100. The completed form shall be submitted to the Division of Community Resource Planning and Management, Bureau of State Planning.

(2)(a) through (8)(b) No change.

~~(c) The Division shall not consider any information submitted as part of an application for a binding letter of interpretation which is considered by the Division to be mitigation of the development's material adverse impacts to regionally significant resources or facilities. The intent of the binding letter process is to determine whether a development will have significant adverse impacts to regionally significant resources or facilities. Making a determination about the suitability of, or need for, mitigation is the role of the regional planning agency and other review agencies during the course of DRI review. Negotiation regarding mitigation needed to address impacts is not appropriate during the binding letter process and is not a function assumed by the Division during that process.~~

(9) through (13) No change.

(14) A Binding Letter of Interpretation shall contain findings of fact and conclusions of law which shall specify the factual, legal, and policy grounds supporting the Division's determination. The Binding Letter of Interpretation shall be final agency action unless, within thirty (30) days of the date of filing of said determination, the applicant requests in writing a reconsideration of the Binding Letter of Interpretation including an opportunity to present additional testimony, evidence or written statements pursuant to Subparagraph 120.57(2)(a)2., Florida Statutes, and Subsection (15) of this rule.

~~(15) Within fifteen (15) days of receipt of a request for reconsideration, the Division shall render to the applicant, the local government, and the appropriate regional planning agency a written notification granting or denying the request.~~

~~(a) A request for reconsideration of a binding letter shall be granted by the Division if the applicant's request: alleges and details the Division's findings of fact which are substantially inaccurate; alleges and details additional material facts not previously considered by the Division; or alleges and details the Division's conclusions of law which are substantially incorrect. However, the additional material facts offered by the applicant for reconsideration shall not include significant alterations in the plan of development of the project or offsite improvements committed to by the applicant. A significant alteration in the plan of development may be considered through the submittal of a new binding letter~~

~~application but shall constitute the basis for denial of the request for reconsideration. Offsite improvements will be considered mitigation by the Division and shall constitute the basis for denial of the request for reconsideration. If the request for reconsideration is granted, all additional information or evidence shall be submitted to the Division by the applicant within 90 days of the date the request for reconsideration is received by the Division and shall also be provided to the entities specified in Subsection 9J-2.016(3). Within 45 days after the Division receives written notice from the applicant that all information or evidence to be considered has been submitted, the Division shall issue a final binding letter of interpretation which shall constitute final agency action, subject to Chapter 120, Florida Statute.~~

~~(b) If a request for reconsideration is not timely filed with the Division or does not meet the requirements of Paragraph (a), the Division shall deny in writing the request for reconsideration. Denial of a request for reconsideration shall constitute final agency action, subject to Chapter 120, Florida Statutes, regarding the application for a binding letter.~~

~~(16) Binding Letters of Interpretation, and any reconsiderations thereof, shall be issued by the Division within the periods of time specified by these rules and after any informal proceedings held pursuant to Subsection 120.57(2), Florida Statutes. However, at any time before the initial binding letter is issued, or within 30 days after reconsideration of a binding letter is completed and a final binding letter issued, if the applicant believes the determination involves a disputed issue of material fact which requires a full evidentiary hearing, the applicant may request a formal hearing by filing a petition specifying the disputed material facts, in compliance with Subsection 120.57(1), Florida Statutes, and the Model Rules, Chapter 28-5, Florida Administrative Code.~~

~~(15)(17) Every binding letter issued by the Division determining that a proposed development is not required to undergo DRI review, but not including binding letters of vested rights or of modification of vested rights, shall expire and become void unless the plan of development has been substantially commenced within:~~

~~(a) Three years from October 1, 1985 for binding letters issued prior to October 1, 1985; or~~

~~(b) Three years from the date of issuance of binding letters issued on or after October 1, 1985.~~

The expiration date of a binding letter shall begin to run after final disposition of all administrative and judicial appeals of the binding letter and may be extended by mutual agreement of the Division, the local government with jurisdiction, and the developer. Comments from the regional planning agency will be solicited by the Division when any request for an extension of the expiration date is made.

~~(16)(18) Rights which have vested pursuant to Paragraph 380.06(20)(a), Florida Statutes, and for which the notification requirements of Paragraph 380.06(20)(a), Florida Statutes,~~

have been met, shall expire and become void after June 30, 1990, unless development of the vested plan has commenced prior to that date upon the property that the Division has determined has acquired vested rights following the notification or in a binding letter of interpretation. When the notification requirements of Paragraph 380.06(20)(a), Florida Statutes, have not been met, vested rights authorized by Paragraph 380.06(20)(a), Florida Statutes, expired June 30, 1986, unless development commenced prior to that date.

~~(17)~~(19) Copies of the binding letter shall be provided to the applicant, the local government, the regional planning agency, and appropriate state agencies. The Division shall request such governments or agencies to notify the Division of potential violations of Section 380.06, Florida Statutes. In addition, notice of the issuance of a binding letter shall be given to persons who have requested notice. Pursuant to Paragraph 380.06(4)(d), Florida Statutes, Binding Letters of Interpretation issued by the Division shall bind all state, regional and local agencies as well as the developer.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 120.569, 380.031, 380.032, 380.06(1),(2)(c),(d),(e),(4),(20), 380.0651 FS. History—New 4-12-81, Amended 5-4-83, Formerly 27F-1.16, 9B-16.16, Amended 11-20-90,_____.

9J-2.0185 Preliminary Development Agreements.

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

1. A disclosure by the developer and each owner of any parcel of real property which is included in the total proposed development of any interest in any other parcel or development located within 1/2 ~~5~~ miles of any boundary of the total proposed development and a map depicting the location of any parcel or other development in which the developer or any owner has an interest within one mile of any boundary of the total proposed development.

2. A description of any deed or other instrument of conveyance by which the owner or developer acquired a property interest in the total proposed development or parcel within 1/2 ~~5~~ miles of the same, with reference being made to the book and page of any such deed or instrument recorded in the public records.

3. Development plans setting forth number of dwelling units, number of square feet, number of boat slips, total acreage, and other descriptive information regarding the development of each parcel within 1/2 ~~5~~ miles of the total proposed development in which the developer or each owner of the total proposed development has an interest.

4. A legal description of each parcel within 1/2 ~~5~~ miles of the total proposed development in which the developer or each owner of the total proposed development has an interest.

5. Sufficient documentation and information to allow the Division to determine that the lands on which preliminary development is proposed are suitable for such development, including consistency with the State Comprehensive Plan, Strategic Regional Policy Plan ~~State Land Development Plan,~~

~~regional comprehensive policy plan,~~ and local government comprehensive plan, and that existing resources and existing and planned facilities expected to be affected by the preliminary development will not be materially, adversely impacted.

6. No change.

(e) through (6)(d) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.032(3), 380.06(8), 380.0651(4) FS. History—New 1-29-86, Amended 7-2-86, 11-20-90,_____.

9J-2.021 Preapplication Conferences and Conceptual Agency Review Process.

(1)(a) Before filing an application for development approval, the developer shall contact the regional planning agency with jurisdiction over the proposed development to arrange a preapplication conference. The regional planning agency shall make available to the developer information about the DRI process and the use of preapplication conferences to encourage cooperation and mutually beneficial solutions to problems, identify issues, coordinate appropriate state and local agency requirements, and otherwise promote a proper and efficient review of the proposed development. The information shall include copies of the Strategic Regional Policy Plans ~~any regional issues list adopted pursuant to Subsection 380.06(23), Florida Statutes,~~ and other appropriate material indicating issues of regional significance in the region, or containing regional policies. It shall include material describing planning, permitting or review requirements of state, regional or local agencies that has been obtained by the regional planning agency. Such information shall be made available before or during the preapplication conference.

(b) through (c) No change.

~~(d) When a DRI also requires an environmental impact statement, affected agencies should conduct one or more meetings in coordination with the regional planning agency for the purpose of considering the feasibility of integrating the DRI review process and report with the Environmental Assessment or Environmental Impact Statement review processes and reports.~~

~~(d)~~(e) In order to increase the effectiveness of agency participation and to more closely fulfill the intent of the preapplication conference, the applicant shall provide the participants in the preapplication conference with the information identified in Form RPM-BSP-PREAPP INFO-1 at least ten (10) working days before the scheduled preapplication conference, or a longer period if so stipulated by the regional planning agency. At a minimum, this information shall include an identification of the project location relative to any existing urban service areas and regional activity centers, whether a local comprehensive plan amendment will be required, the type and magnitude of land uses, preliminary site and environmental information, preliminary phasing and buildout dates of the projects, and specific methodology proposals. If

this information is not made available within the allotted time prior to the preapplication conference, the conference will be rescheduled.

~~(f) In order to increase the effectiveness of developer and agency participation in the preapplication conference, in 1983 and every three years thereafter, the Department, as the state land planning agency, shall request state and regional agencies which participate in DRI or binding letter application reviews to prepare brief descriptions of their programs, responsibilities and policies that may substantially affect proposed DRIs during planning or permitting reviews. Such descriptions may include goals and objectives, review criteria, procedures, information requirements, jurisdiction, rule or statute numbers, addresses, contact names, and other information considered useful to applicants entering the DRI review process. The Department shall work closely with agencies to ensure that the descriptions are reasonably uniform. Upon completion of the descriptions, as determined by the Department, copies shall be provided to regional planning agencies for use in preapplication conference proceedings.~~

~~(e)(g) As a part of the preapplication conference, the regional planning agency shall state the objectives to be achieved in the proceedings, help distinguish between DRI application and state or regional permit reviews, provide information about any local government review procedures that may apply, provide opportunities for the developer and affected agencies to obtain and comment on information of significance to the project, provide information about state land planning agency rules, the State Comprehensive Plan, State Land Development Plan, and the Strategic Regional Policy Plan Comprehensive Regional Policy Plan, and regional issues pursuant to Chapter 9B-20, Florida Administrative Code, and seek to promote expeditious and well-coordinated processing of DRI applications.~~

~~(f)(h) Within 35 days following the preapplication conference, the regional planning agency shall document the findings and agreements made by the participants, including a summary of all assumptions and methodologies agreed upon at the conference. This documentation shall be provided to all participants at the preapplication conference and regional and state agencies involved in the DRI review, who shall have a time period specified by the regional planning agency, but not less than 14 days, to comment, agree, or disagree in writing with the summary. After agreement has been reached regarding assumptions and methodologies, reviewing agencies may not subsequently object to the assumptions and methodologies, unless subsequent changes to the project or information obtained during the review make those assumptions and methodologies inappropriate. If agreement cannot be reached, then the regional planning agency may designate an assumption or methodology to be used, but reviewing agencies are not bound by such assumption or methodology in their reviews.~~

~~(g)(i) Pursuant to Paragraph 380.06(7)(b), Florida Statutes, each regional planning agency shall establish by rule a preapplication procedure by which a developer may enter into binding written agreements with the regional planning agency to eliminate questions from the application for development approval where those questions are found to be unnecessary for DRI review. Elimination of questions shall be consistent with the stated legislative intent contained in Subsection 380.06(7), Florida Statutes, and shall not preclude consideration of, recommendations regarding, or appeal on those issue areas. Any reference to State Comprehensive Plan goals and policies in the application is intended to provide guidance to the applicant as to general applicability of, and consistency with, the State Comprehensive Plan. Such references are not exclusionary or limiting in any way. The elimination of questions in the application for development approval does not eliminate the applicability of any State Comprehensive Plan goal or policy to the proposed development. Consistency of the proposed plan of development with a local comprehensive plan should be a factor taken into consideration when agreeing to the elimination of certain questions from the application for development approval.~~

(2) through (3) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.06(7),(9),(23) FS. History--New 5-4-83, Formerly 9B-16.21, Amended 11-20-90,_____.

9J-2.022 Filing the Application for Development Approval.

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

(c) If the regional planning agency determines that the application is insufficient to begin review, the regional planning agency shall provide written notice by regular mail or hand delivery to the appropriate local government and the applicant within 30 days of receipt of the application stating that the application contains insufficient information for the regional planning agency to discharge its responsibilities under Subsection 380.06(12), Florida Statutes, and requesting additional information. Comments and questions not referenced or included within the written notice and rendered to the applicant after the regional planning agency's 30-day review period has expired may not be used as the basis for additional sufficiency questions and may be answered at the applicant's discretion. Within five working days of the receipt of the statement the applicant shall provide written notice to the local government and the regional planning agency that the requested information will be supplied, or will not be supplied, in whole or in part. Within 30 days after receipt of the requested information, the regional planning agency shall review it and may only request any additional information needed to clarify the information received or to answer new questions raised by, or directly related to, the information received. The regional planning agency may request additional

~~information no more than twice, unless the developer waives this limitation.~~ If the applicant does not provide information requested by the regional planning agency within 120 days of the regional planning agency's request, or within a time agreed upon by the applicant and the regional planning agency, the application shall be considered withdrawn. The applicant may request that the regional planning agency arrange a conference with the appropriate reviewing agencies after the applicant has received the second request for additional information from the regional planning agency and prior to the submission by the applicant of information in response to that request. The purpose of such a conference is to resolve any reviewing agency's informational needs ~~in an effort to eliminate a third request for additional information.~~

~~(c)(4)~~ When the regional planning agency determines that the application is sufficient to begin review or receives notification from the applicant that additional information requested will not be supplied, the regional planning agency shall provide written notice within ten (10) days to the appropriate local government pursuant to Subsection 380.06(10)(c), Florida Statutes, stating that the application contains sufficient information for the regional planning agency to begin review pursuant to the criteria of Subsection 380.06(12), Florida Statutes, or that no additional information will be provided by the applicant, and that a public hearing date may be set. Notice of such determination shall also be provided to all reviewing agencies.

~~(d)(6)~~ The regional planning agency shall keep all affected agencies informed of the progress of the DRI review process and otherwise coordinate reviews of DRIs.

1. through 2. No change.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.06(5)-(7),(9),(10),(21),(22),(25), 380.061 FS. History—New 7-7-76, Amended 5-4-83, Formerly 27F-1.20, 9B-16.22, Amended 11-20-90, _____.

9J-2.023 Public Hearing.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.06(11) FS. History—New 7-7-76, Amended 5-4-83, Formerly 27F-1.21, 9B-16.23, Amended 11-20-90, Repealed.

9J-2.024 Regional Report and Recommendations.

(1) Upon receipt of the notice of public hearing issued pursuant to Subsection 380.06(11), Florida Statutes, the appropriate regional planning agency shall prepare a report and recommendations on the regional impact of the proposed development in accordance with the criteria identified in Subsection 380.06(12), Florida Statutes. In preparing the regional report, the regional planning agency shall identify and make recommendations on regional issues. ~~Lists of R~~regional issues to be used in reviewing DRI applications are included in the applicable local government comprehensive plans, the Development of Regional Impact Uniform Standards Rule, the State Comprehensive Plan, and Sections 380.06(12)(a)1., 2., and 3., Chapter 9B-20, Florida Administrative Code, pursuant

~~to Paragraph 380.06(22)(b),~~ Florida Statutes. In addition, Strategic Regional Policy Plans ~~comprehensive regional policy plans~~ adopted by regional planning councils pursuant to Sections 186.507 and .508, Florida Statutes, are a long-range policy guide for the development of the region and shall be used as the basis for regional review of DRIs. ~~The list of regional issues identifies regional resources, facilities, and other issues of importance within the region that may be pertinent in a review of a DRI, whereas comprehensive regional policy plans contain policy guidelines for decisions on such issues.~~ The regional planning agency may also identify and make recommendations on other local issues. However, local issues shall not be grounds for or be included as issues in a regional planning agency recommendation for appeal of a local government development order.

(2) through (5) No change.

(6)(a) When the proposed DRI lies within the review jurisdiction of two or more regional planning agencies, the regional planning agencies should designate a lead agency from among themselves. ~~If they are unable to reach a decision, then the Division may designate a lead agency.~~ The regional planning agencies should discuss and determine the method for handling procedural matters involved in the review of the DRI, who will assume responsibility for determining the sufficiency of information contained in the application for development approval, and how the regional report and recommendations will be prepared. To the extent possible, a single joint report and recommendations should be prepared.

(b) through (c) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(b) FS. Law Implemented 380.06(12) FS. History—New 7-7-76, Amended 5-4-83, Formerly 27F-1.22, 9B-16.24, Amended 11-20-90, _____.

9J-2.025 Local Government Development Orders.

(1) through (11)(b) No change.

(c) Pursuant to Subparagraph 380.06(19)(f)~~4.3~~, Florida Statutes, the Division ~~or and~~ the appropriate regional planning agency shall review the proposed change, and ~~either may, in its discretion and~~ within 45 ~~30~~ days of submittal of Form RPM-BSP-PROPCHANGE-1, unless that time is extended by the developer, shall advise notify the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer of its intent to participate at the public hearing.

(d) through (f) No change.

Specific Authority 380.032(2)(a), 380.06(19)(f)1,(23)(a) FS. Law Implemented 380.06(5)(a)1,(13),(14),(15),(17),(18),(19), 380.07(2) FS. History—New 7-7-76, Amended 5-4-83, 7-7-85, Formerly 22F-1.23, 27F-1.23, 9B-16.25, 9J-2.25, Amended 11-20-90, _____.

9J-2.0251 Abandonment of Development Orders.

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

~~(b) In such cases the local government shall issue a resolution affirming the continued effectiveness of the existing development order.~~

(5) through (6)(b) No change.

Specific Authority ~~380.032(2)(a), 380.06(23)(a),(26) FS. Law Implemented 380.06(2),(26) FS. History—New 3-10-91, Amended _____.~~

9J-2.0252 Development of Regional Impact Review Fee Rule.

(1) through (3) No change.

(a) The applicant shall be liable to the regional planning agency for 100% of the actual costs, both direct and indirect, of coordinating or reviewing an application for development approval, an application for development approval of a substantial deviation, an application for development designation, or an application for development designation of a substantial change. ~~The regional planning agency shall keep accurate records of the actual costs associated with coordinating and reviewing the project and shall charge the project's account in the same manner as all other regional planning agency accounts are charged. Such records shall be reasonably itemized and reflect generally acceptable accounting procedures and practices which sufficiently and properly reflect expenditure of funds. Such records shall be made available to the applicant during regular business hours with reasonable notice to the regional planning agency. All costs, direct and indirect, associated with the coordination of the preapplication conference and issue methodology meetings up through the review of the final development order shall be charged to the project's account or cost center.~~ Costs associated with an appeal filed pursuant to Section 380.07, F.S., shall not be charged to an applicant.

(b) through (c) No change.

(d) Upon completion of the review process, if the actual costs exceed the total amount deposited in the project's account or cost center, but are less than \$75,000, the regional planning agency shall bill the applicant within 90 days. The applicant shall pay the amount due to the regional planning agency within 30 days after receipt of the bill. Any dispute regarding expenses included in a final bill which is less than \$75,000 shall be submitted directly to the regional planning agency and handled by that agency in the same manner as other types of expense disputes. Upon completion of the review process, if the actual costs exceed the total amount deposited in the project's account or cost center, but are greater than \$75,000, the regional planning agency shall bill the applicant within 90 days. ~~The applicant shall pay the amount due, less any disputed expenses, to the regional planning agency within 30 days of receipt of the bill.~~ If the applicant disputes any of the expenses included in a final bill which exceeds \$75,000, the applicant shall notify the Department and the regional planning agency within 15 days of receipt of the bill in accordance with subsection (4) below.

(4) No change.

(a) through (b) No change.

(5) REFUNDS. If the applicant's deposit exceeds the final fee total, any remaining balance shall be refunded to the applicant within sixty days of the final charge to the project's account or cost center. Should the applicant notify the regional planning agency, in writing, at any time during the review process that he wishes to withdraw the application and discontinue the review process, the regional planning agency shall, within 60 days, refund to the applicant any remaining balance in the project's account or cost center, excluding the non-refundable \$5,000 deposit, after deducting all costs incurred prior to receipt of written notification of withdrawal of the application. ~~Failure to make any applicable refunds within sixty days shall require the regional planning agency to pay a one percent per month interest charge.~~

(6) No change.

~~(7) LATE CHARGES. Fees not remitted within 30 days of receipt of the final bill of the regional planning agency, or within 15 days of receipt of the Department of Community Affairs' determination regarding any disputed expenses, shall accrue a one percent per month interest charge.~~

~~(7)(8) APPLICABILITY AND EFFECTIVE DATE.~~ This rule shall be effective on 11-14-90, and shall supersede any existing regional planning agency rules pertaining to development of regional impact review fees. This rule shall apply to all projects for which an application for development approval or development designation has not yet been filed and to all projects for which a development order has been rendered but for which a substantial deviation determination, a substantial change determination, an application for development approval of a substantial deviation, an application for development designation of a substantial change or a supplemental plan or review request is not already in the review process as of 11-14-90. If a preapplication conference or issue methodology meeting has been held and review fees have been paid pursuant to an adopted regional planning agency rule prior to 11-14-90, such fees shall be converted to a project account or cost center pursuant to this rule and credited towards the deposit required pursuant to subsection (2).

Specific Authority ~~380.032(2)(a), 380.06(23)(a),(d) FS. Law Implemented 380.06(23)(d) FS. History—New 11-14-90, Amended _____.~~

9J-2.0256 Hurricane Preparedness Policy Rule.

(1) through (2) No change.

(a) ~~“Strategic Comprehensive regional policy plan”~~ means those plans developed according to Section 186.507, Florida Statutes, and adopted pursuant to Section 186.508, Florida Statutes.

(b) through (f) No change.

(g) “Inland shelter study” or “inland shelter plan” means the studies produced by the Department and the state's regional planning councils which detail regional public hurricane shelter availability according to various simulated regional hurricane events. The following studies are incorporated by reference:

~~Central Florida Regional Hurricane Shelter Plan Study Update, 1989;~~
 East Central Florida Inland Shelter Plan (1989);
~~North Central Florida Regional Hurricane Shelter Study (1984); and the~~
~~Withlacoochee Inland Hurricane Shelter Study Phase II (1984).~~
 These studies are available at the respective regional planning councils.

(h) through (j) No change.

(k) "Local Comprehensive Emergency Management Plan ~~Peacetime emergency plan~~" means those plans developed by a county according to the provisions of Rules 9G-6 and 9G-7, Florida Administrative Code, under the authority provided in Section 252.3835, Florida Statutes.

(l) through (m) No change.

(n) "Regional hurricane evacuation study" or "regional hurricane evacuation plan" means the studies produced by the Department, the state's regional planning councils, the U.S. Army Corps of Engineers, or the Federal Emergency Management Agency, which detail regional hurricane evacuation clearance times and public hurricane shelter availability according to various simulated regional hurricane events. The following studies are incorporated by reference:

- Central Florida Regional Hurricane Evacuation Study Update, 1995, Central Florida Regional Planning Council;
- South Florida Regional Hurricane Evacuation Study, 1996, South Florida Regional Planning Council;
- ~~Treasure Coast Region Hurricane Evacuation Study Update, 199488;~~ U.S. Army Corps of Engineers;
- Hurricane Evacuation Study, Southwest Florida, Update, 199587, Southwest Florida Regional Planning Council;
- East Central Florida Regional Hurricane Evacuation Study Update, 1989, East Coast Florida Regional Planning Council;
- ~~Lower Southeast Florida Hurricane Evacuation Study (1983);~~
- ~~North Central Florida Hurricane Evacuation Study (1985);~~
- Northeast Florida Hurricane Evacuation Study 1988 Update, 1988 Northeast Florida Regional Planning Council;
- ~~1988 Tampa Bay Region Hurricane Evacuation Study, 1992~~ Tampa Bay Regional Planning Council;
- ~~Tri-State Hurricane Evacuation Study, (1986), U.S. Army Corps of Engineers;~~
- Cedar Key Basin Hurricane Evacuation Study, 1996, U.S. Army Corps of Engineers, (applicable to Withlacoochee and North Central Florida regions) ~~Withlacoochee Hurricane Evacuation Study, Technical Data Report Update;~~ and the Apalachee Bay Region 1984 Hurricane Evacuation Study Plan, 1997, U.S. Army Corps of Engineers ~~Apalachee Regional Planning Council.~~

These studies are available at the respective regional planning councils.

(o) through (5)(b)2. No change.

3. Provision of roadway capacity improvements committed to by the developer above and beyond the improvements required by Rule 9J-2.045255, Florida Administrative Code, when those regional roadways anticipated to be impacted by the proposed development are also identified hurricane evacuation routes. Such provisions shall be consistent with adopted state, regional, and local infrastructure policies.

4. through (6) No change.

(7) Construction of Rule. The rule shall not be construed to limit the ability of ~~the regional planning councils~~ or local governments to adopt more stringent mitigative measures than those delineated in this rule.

Specific Authority 380.032(2)(a), 380.06(23)(a),(c)1, FS. Law Implemented 380.06, 380.06(23)(b) FS. History--New 11-30-88, Amended 7-11-90, _____.

9J-2.0257 Special Hurricane Preparedness Districts for Developments of Regional Impact.

(1) through (4) No change.

(5) Designation of Southwest Florida as a Special Hurricane Preparedness District for Developments of Regional Impact. Based on a written request supported by data and information received from the Southwest Florida Regional Planning Council, the Department designates the area contained within the category three hurricane flood zone as identified in the Hurricane Evacuation Study Update, 1995 ~~1987~~ Southwest Florida Regional Planning Council within the counties of Sarasota, Charlotte, Lee, and Collier as a special hurricane preparedness district for developments of regional impact. More specifically, the area that is designated as a special hurricane preparedness district for developments of regional impact is that portion of Southwest Florida that lies outside of areas subject to the impacts of a category two storm but within the area anticipated to be impacted by a category three hurricane as identified in the Hurricane Evacuation Study Update, 1995 ~~1987~~ Southwest Florida Regional Planning Council. The Department's designation is based on the following facts regarding the coastal counties of Southwest Florida:

(a) through (6)(e) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(b),(c)1, FS. Law Implemented 380.06, 380.06(23)(b) FS. History--New 11-30-88, Amended 7-11-90, _____.

9J-2.026 Appeals.

Specific Authority 380.032(2), 380.06(23) FS. Law Implemented 380.032(2), 380.06(19)(f), 380.07(2) FS. History--New 5-4-83, Formerly 9B-16.26, Amended 11-20-90, Repealed _____.

9J-2.0275 Aggregation Rule.

(1) through (2) No change.

(a) "Physically proximate" means that any portion of two or more developments is located:

1. No more than one-fourth (1/4) mile apart in areas designated as urbanized areas in the latest decennial census, as revised, by the 1980 U.S. Department of Commerce, Bureau of Census publication, Census of Population and Housing Block Statistics (PHC80-1) maps, Report No. 11 for the State of Florida, incorporated herein by reference. [This information These maps may be obtained from the U.S. Department of Commerce or viewed at the appropriate Regional Planning Council offices]; or

2. No more than one-half (1/2) mile apart in areas that are not designated as urbanized areas by the Census Bureau in the 1980 PHC80-1 maps. When any portion of the two or more developments is located within an area not designated as urbanized, the criteria in Subparagraph (2)(a)2. shall apply. Notwithstanding anything in this rule to the contrary, two or more developments will be considered physically proximate when they are separated by property contiguous to the developments that are owned or controlled by the same person or entity who owns or controls a significant legal or equitable interest in those developments sought to be aggregated, so long as the distance between the developments does not exceed two miles.

(b) through (4) No change.

(a) Request a binding determination from the Division of Community Resource Planning and Management. The developer shall submit his application for a binding letter of interpretation by completing and filing part I of Form RPM-BSP-BLID-1 BLWM-01-83, incorporated herein by reference, effective May 4, 1983 (Development of Regional Impact Status) along with supporting documentation sufficient to determine the applicability of Subsection 380.0651(4), Florida Statutes to the particular projects, with the Division Bureau of State Planning. This form may be obtained upon request to any regional planning agency or to:

Division of Community Resource Planning and Management

Bureau of State Planning

2555 Shumard Oak Boulevard 2740 Centerview Drive

Tallahassee, Florida 32399-2100; or

(b) Request an informal determination in the form of a clearance letter by submitting a written request along with supporting documentation sufficient to determine the applicability of Subsection 380.0651(4), Florida Statutes, with the Division of Community Resource Planning and Management, Bureau of State Planning. The Division shall, if it feels the issue is debatable, decline to issue a clearance letter.

Specific Authority 380.032(2)(a), 380.06(23)(a), 380.0651(4)(f) FS. Law Implemented 380.0651(4) FS. History—New 2-2-89, Amended _____.

9J-2.028 Master Development Approval Alternative Review Procedure.

(1) through (5) No change.

Specific Authority 380.032(2)(a), 380.06(21)(c),(23)(a) FS. Law Implemented 380.06(21) FS. History—New 7-7-76, Amended 5-4-83, Formerly 27F-1.24, 9B-16.28, Amended 11-20-90.

9J-2.040 The Application of State, Regional and Local Plans in DRI Uniform Standard Rules.

(1) through (a) No change.

(b) Sections 186.002, 186.007, 186.009, and 186.021, 187.101, 380.031, and 380.07, Florida Statutes, establish the State Comprehensive Plan and the State Land Development Plan as the long-range, state land development policy guides to be considered in the DRI review process, pursuant to Subsections 380.06(3),(4),(12),(13),(14),(15),(25), and 380.065(3), Florida Statutes.

(c) Sections 186.503, 186.505, 186.507, and 380.07, Florida Statutes, establish the Comprehensive Regional Policy Plan, until adoption of the Strategic Regional Policy Plan as the long-range, regional land development policy guide to be considered in the DRI review process, pursuant to Subsections 380.06(3),(12),(13),(14),(15),(25), and 380.065(3), Florida Statutes.

(d) No change.

(e) It is the intent of the Department to set forth in this rule the manner in which the applicable state, regional and local plans will be utilized to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a),(b),(d),(e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1. and 2., Subsection 380.06(13), Paragraphs 380.06(14)(a),(e) and (d), Paragraph 380.06(15)(e),(d) and (e), Subsection 380.06(16), Paragraph 380.06(19)(a), Paragraphs 380.06(19)(e) and (e), Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21), Subsection 380.06(22), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Paragraphs 380.065(3)(b) and (c), and Section 380.07, Florida Statutes.

(e)(f) The statutory authority to promulgate and establish this rule is derived from Subsections 380.032(2) and 380.06(23), Florida Statutes.

(2) No change.

(a) No change.

(b) “Applicable Regional Plan” means the Regional Planning Council’s adopted Comprehensive Regional Policy Plan prior to the adoption of a Strategic Regional Policy Plan pursuant to Section 186.508, F.S., and thereafter means an adopted Strategic Regional Policy Plan.

(c) “Applicable State Plan” means the State Comprehensive Plan and the State Land Development Plan.

(d) through (3) No change.

(a) A resource or facility specific DRI Uniform Standard rule shall be utilized in development reviews wherever a rule explicitly establishes the planning standards to be utilized for a specific regional or state significant facility or resource issue. For the purposes of this rule, Rule 9J-2.0256 (Hurricane

Preparedness Policy Rule) and 9J-2.0257 (Special Hurricane Preparedness Districts for Developments of Regional Impact) shall be considered as DRI Uniform Standard rules.

~~1. For the purposes of this rule, Rules 9J-2.0256 (Hurricane Preparedness Policy Rule) and 9J-2.0257 (Special Hurricane Preparedness Districts for Developments of Regional Impact) shall be considered as DRI Uniform Standard rules until superseded by a Hurricane Preparedness Uniform Standard Rule adopted into Part III of 9J-2, Florida Administrative Code.~~

~~2. Upon the adoption of Rule 9J-2.045 (Transportation Uniform Standard Rule), the applicable provisions of existing Rule 9J-2.0255 (Transportation Policy Rule) shall remain available as a mitigation option for minor transportation development impacts created by a non-substantial deviation change to a DRI project whose original ADA was submitted and authorized after January 20, 1987, and prior to the effective date of Rule 9J-2.045, as long as the resulting amended development order is consistent with the applicable local government comprehensive plan.~~

(b) through (5)(c) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(c)1, FS. Law Implemented 380.021, 380.06, 380.06(23)(b),(c)1, 380.065, 380.07 FS. History—New 3-23-94, Amended.

9J-2.041 Listed Plant and Wildlife Resources Uniform Standard Rule.

(1) No change.

(a) The Legislature established Chapter 380, Florida Statutes, in order to protect the natural resources and environment of Florida, by authorizing the state land planning agency to establish land management policies to guide local decisions relating to growth and development. Sections 186.002, 186.007, 186.009, ~~186.021, and~~ 187.101, ~~380.031, and~~ 380.07, Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process in order to ensure orderly growth in Florida, pursuant to Subsections 380.06(3),(4),(12),(13),(14),(15),(25), and 380.065(3), Florida Statutes.

(b) Consistent with the land management policies delineated in the State Comprehensive Plan ~~and the State Land Development Plan~~, it is the intent of the Department to set forth in this rule the specific listed plant and wildlife review guideline standards and criteria to be utilized. ~~to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a),(b),(d),(e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1. and 2., Subsection 380.06(13), Paragraphs 380.06(14)(a),(e) and (d), Paragraph 380.06(15)(e), Paragraphs 380.06(19)(a) and (c), Subparagraph 380.06(19)(b)16., Subsubparagraph 380.06(19)(e)5.b., Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21), Subsection 380.06(22), Subsection~~

~~380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Paragraphs 380.065(3)(b) and (c), and Section 380.07, Florida Statutes.~~

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

(d) “Applicable Regional Plan” means the Regional Planning Council’s adopted ~~Comprehensive Regional Policy Plan prior to the adoption of a~~ Strategic Regional Policy Plan pursuant to Section 186.508, F.S., ~~and thereafter means an adopted Strategic Regional Policy Plan.~~

(e) “Applicable State Plan” means the State Comprehensive Plan ~~and the State Land Development Plan.~~

(f) “Critically Imperiled Plant” means a state or federally listed plant species that is ranked S1 by the Florida Natural Areas Inventory, consistent with Paragraph 259.041(14)(c) 253.025(15), F.S., and is therefore considered as critically imperiled in Florida because of extreme rarity or because of extreme vulnerability to extinction due to some natural or man-made factor. When a plant species has a compound rank such as S1S2, the second listed rank will be utilized for the purposes of this rule.

(g) through (j) No change.

(k) “Imperiled Plant” means a state or federally listed plant species that is ranked S2 by the Florida Natural Areas Inventory, consistent with Paragraph 259.041(14)(c) 253.025(15), F.S., and is therefore considered as imperiled in Florida because of rarity or because of vulnerability to extinction due to some natural or man-made factor. When a plant species has a compound rank such as S1S2 or S2S3, the second listed rank will be utilized for the purposes of this rule.

(l) No change.

(m) “Listed Species” means an animal species identified as a state endangered, threatened, or species of special concern in Chapter ~~68 39~~, Florida Administrative Code, a plant species identified as a state endangered or threatened ~~in Rule 5B-40.0055, Florida Administrative Code~~, or a federally listed plant or animal species in 50 CFR 17.11-12, effective the date of this rule.

(n) through (s) No change.

(t) “Rare Plant” means a state or federally listed plant species that is ranked S3 by the Florida Natural Areas Inventory, consistent with Paragraph 259.041(14)(c) 253.025(15), F.S., and is therefore considered as either very rare and local throughout its range in Florida, is found locally within Florida in a restricted range, or is vulnerable to extinction because of other factors. When a plant species has a compound rank such as S2S3 or S3S4, the second listed rank will be utilized for the purposes of this rule.

(u) through (5)(a)3.b. No change.

c. The critically imperiled listed plant species covered by these provisions are:

Acacia choriophylla (Tamarindillo)

Actaea pachypoda (Banberry; White banberry)

- Actinostachys pennula [Schizaea germanii] (Ray fern)
 Adiantum melanoleucum (Fragrant maidenhair fern)
Alvaradoa amorphoides (Everglades leaf lace)
 Amorpha crenulata [Amorpha herbacea var crenulata]
 (Crenulate Miami lead plant)
~~Anemonella thalictroides (Rue anemone)~~
Anemia wrightii (Wright's anemia)
Aquilegia canadensis (Colubine)
 Aquilegia canadensis var. australis (Wild columbine, Marianna
columbine)
 Arabis canadensis (Sicklepod)
Aristolochia pentandra (Dutchman's pipe)
 Asimina tetramera (Four-petal pawpaw)
 Asplenium monanthes (San Felasco spleenwort, Single-sorus
spleenwort)
Asplenium myriophyllum [Asplenium verecundum] (Delicate
spleenwort)
 Asplenium pumilum (Dwarf spleenwort)
 Asplenium serratum (Bird's nest spleenwort)
~~Asplenium x biseayneum (Eaton's spleenwort)~~
~~Asplenium x curtissii (Curtiss' spleenwort)~~
~~Asplenium x plenum [Asplenium plenum] (Double~~
~~spleenwort)~~
 Aster hemisphericus (Aster, Tennessee aster)
 Aster spinulosus (Pinewoods aster)
Balduina atropurpurea (Purple balduina)
 Basiphyllaea corallicola (Rockland orchid)
 Bigelovia nuttallii (Nuttall's rayless goldenrod)
 Blechnum occidentale (Sinkhole fern)
~~Botrychium lunarioides (Winter grape fern)~~
 Bourreria cassinifolia (Little strongbark)
Bourreria radula (Rough strongbark)
~~Brassia caudata (Long-tailed spider orchid)~~
 Brickellia eupatorioides var. floridana [=B. mosieri] (Florida
thoroughwort brickell-bush)
 Bulbophyllum pachyrrhachis (Rat-tail orchid)
 Burmannia flava (Fakahatchee burmannia)
Caesalpinia pauciflora (Few-flowered holdback)
Calystegia catesbiana (Trailing bindweed)
 Campanula robinsiae (Robins' bellflower, Brooksville
bellflower)
 Campylocentrum pachyrrhizum (Leafless orchid)
 Campyloneurum angustifolium (Narrow swamp fern,
Narrow-leaved strap fern)
Carex microdonta (Small-toothed sedge)
 Catesbaea parviflora (Small-flowered lily-thorn)
 Catopsis nutans (Nodding Catopsis)
 Celtis iguanaea (Iguana hackberry)
 Celtis pallida (Spiny hackberry)
~~Centrogenium setaceum (Spurred Neottia)~~
 Cereus eriophorus var. fragrans (Fragrant prickly apple)
 Cereus robinii (tree cactus)
Chamaesyce deltoidea ssp adhaerens [Chamaesyce deltoidea]
(Hairy deltooid spurge)
 Chamaesyce deltoidea ssp deltoidea [=Euphorbia, Chamaesyce
deltoidea] (Deltooid spurge)
 Chamaesyce deltoidea ssp serpyllum [Chamaesyce deltoidea]
 (Wedge spurge)
 Chamaesyce garberi [=Euphorbia garberi, Chamaesyce
porteriana var. keyensis] (Garber's spurge)
Chamaesyce pinetorum (Pinelands spurge)
~~Chamaesyce porteriana var. keyensis (Keys hairy podded~~
~~spurge)~~
 Chrysopsis floridana (Florida's golden-aster)
Cienfuegosia yucatanensis (Mexican hibiscus, yellow hibiscus)
 Cladonia perforata (Florida perforate cladonia)
Colubrina cubensis var floridana (Cuban snake-bark)
 Conradina etonia (Etonia rosemary)
 Conradina glabra (Apalachicola rosemary)
 Corallorhiza odontorhiza (Autumn coralroot)
Coreopsis integrifolia (Chipola dye-flower)
 Crataegus phaenopyrum (Washington thorn)
 Crotonia avonensis (Avon Park rabbit-bells harebells)
Cryptotaenia canadensis (Canada honewort)
 Cucurbita okeechobeensis (Okeechobee gourd)
Cucurbita okeechobeensis ssp okeechobeensis (Okeechobee
gourd)
 Cupania glabra (Cupania)
Cuphea aspera (Tropical waxweed)
Cyperus floridanus (Florida flatsedge)
Cyperus fuliginosus (Limestone flatsedge)
 Cyrtopodium punctatum (Cowhorn orchid)
Dalea carthagenensis var floridana (Florida prairie clover)
 Deeringothamnus pulchellus (Beautiful pawpaw)
 Deeringothamnus rugelii (Rugel's pawpaw)
 Delphinium carolinianum (Carolina larkspur)
 Dennstaedtia bipinnata (Hay-scented fern)
Desmodium ochroleucum (Creamflower tick-trefoil)
 Dicerandra christmanii (Garrett's mint)
 Dicerandra cornutissima (Robin's mint)
 Dicerandra frutescens (Lloyd's mint)
 Dicerandra immaculata (Lakela's mint)
Digitaria pauciflora (few-flowered crabgrass)
 Dodecatheon meadia (Shooting-star)
Dodonaea elaeagnoides (Keys hopbush)
Drosera filiformis (Thread-leaf sundew)
Echinacea purpurea (Eastern purple coneflower)
Eleocharis rostellata (Beaked spikerush)
Eltroplectris calcarata [Centrogenium setaceum] (Spurred
neottia)

- Encyclia boothiana* (Dollar orchid)
Encyclia boothiana var. *erythronioides* (Dollar orchid)
Encyclia pygmaea (Dwarf ~~encyclia~~ epidendrum)
Epidendrum acunae [E. blancheanum] (Acuna's epidendrum)
Epidendrum rigidum [E. *strobiliferum*] (Rigid epidendrum)
Eriocaulon nigrobracteatum (Dark-headed hatpins)
Ernodea cokeri (One-nerved ernodea)
Eryngium cuneifolium (Wedge-leaved button-snakeroots)
Eugenia rhombea (Red stopper)
Eupatorium frustratum (Cape Sable thoroughwort)
Euphorbia telephioides (Telephus spurge)
Evolvulus grisebachii (Grisebach's false-morning-glory)
Fothergilla gardenii (Dwarf witch-alder)
Galactia smallii (Small's milkpea)
Galeandra beyrichii (~~Galeandra~~ orehia)
Goodyera pubescens (Downy rattlesnake plantain)
Govenia utriculata (Sheathing govenia)
Harperocallis flava (Harper's beauty)
Harrisia fragrans [*Cereus eriophorus* var. *fragrans*] (Fragrant prickly apple)
Hasteola robertiorum (Florida hasteola)
Hedyotis nigricans var. *pulvinata* (Narrow-leaved bluets)
Hybanthus concolor (Green violet)
Hydrangea arborescens (Wild hydrangea)
Hymenocallis godfreyi (Godfrey's spiderlily)
Hymenocallis henryae (Panhandle spiderlily)
Hypelate trifoliata (Inkwood)
Illicium parviflorum (Star anise)
Indigofera mucronata var. *keyensis* (Decumbent indigo)
Ionopsis utricularioides (Delicate ionopsis)
Isopyrum biternatum (False rue-anemone)
Isotria verticillata (Large whorled pogonia)
Jacquemontia havanensis (Cuban jacquemontia)
Jacquemontia reclinata (Beach jacquemontia)
Lantana depressa var. *depressa* (Florida lantana)
Lantana depressa var. *sanibelensis* (Gulf Coast Florida lantana)
Lechea lakelae (Lakela's pinweed)
Leochilus labiatus (Smooth-lipped leochilus)
Lepanthopsis melanantha (Tiny orchid; Harris' tiny orchid)
Lepuropetalon spathulatum (Little-people)
Licaria triandra (Licaria; Gulf licaria)
Lilium superbum (Turk's cap lily)
Lindera subcoriacea (bog spicebush)
Linum carteri var. *carteri* (Everglades flax; Carter's small-flowered flax)
Lupinus aridorum [*Lupinus westianus* var. *aridorum*] (McFarlin's lupine; Scrub lupine)
Lycopodium dichotomum [*Huperzia dichotoma*] (Hanging club-moss)
Lythrum curtissii (Curtiss' lythrum; Curtiss' loosestrife)
~~*Maebridea alba* (White birds-in-a-nest)~~
~~*Maeradenia lutescens* (Trinidad maeradenia)~~
Magnolia acuminata (Cucumber magnolia)
Magnolia tripetala (Umbrella magnolia)
Marshallia obovata (Barbara's-buttons)
Marshallia ramosa (Barbara's-buttons; Southern marshallia)
Matelea albamensis (Alabama anglepod; Alabama milkweed)
Matelea baldwyniana (Baldwyn's spiny-pod)
Matela flavidula (Carolina milkvine)
Maxillaria crassifolia (Hidden orchid)
Maxillaria parviflora (Minnie-max)
Medeola virginiana (Indian cucumber-root)
Minuartia godfreyi (Godfrey's sandwort)
Monotropa hypopithys (Pine-sap)
Monotropis reynoldsiae (Pygmy-pipes)
Najas filifolia (Narrowleaf naiad)
Oncidium floridanum (Florida oncidium)
Oncidium luridum [*Oncidium undulatum*] (Mule-ear orchid)
Oncidium variegatum [*Tolumnia bahamense*; *Oncidium bahamense*] (Dancing-lady orchid)
Opuntia spinosissima (Semaphore cactus)
Opuntia triacantha (three-spined prickly pear, Keys Joe-jumber)
Pachysandra procumbens (Allegheny-spurge)
Parnassia caroliniana (Carolina grass-of-parnassus)
Paronychia chartacea ssp. *minima* (Crystal Lake Nailwort)
Passiflora multiflora (Whitish passionflower)
Peperomia amplexicaulis (Clasping peperomia)
~~*Peperomia glabella* (Cypress peperomia)~~
Phoradendron rubrum (Mahogany mistletoe)
Physocarpus opulifolius (Ninebark)
Picramnia pentandra (Bitter bush)
Pilosocereus bahamensis (Bahamian treecactus)
Pilosocereus robinii [*Cereus robinii*] (Tree cactus)
Pilosocereus robinii var. *deeringii* (Tree cactus)
Pisonia rotundata (Devil's smoothclaw)
Platanthera clavellata (Little club-spur orchid)
~~*Pleopeltis revoluta* (Star-seale fern)~~
Podophyllum peltatum (May apple)
Polygala smallii (Tiny polygala)
Polymnia laevigata (Tennessee leafcup)
~~*Ponthieva brittoniae* var. *brittoniae* (Bahama shadow-witch; Mrs. Britton's shadow-witch)~~
Prescottia oligantha (Small-flowered prescotia)
Pseudophoenix sargentii (Buccaneer palm; Florida cherry palm)
Psychotria ligustrifolia (Bahama wild coffee)
Rhipsalis baccifera (Mistletoe cactus)
Rhododendron chapmanii (Chapman's rhododendron)
Rhynchosia swartzii (Swartz's snoutbean)

- Rhynchospora crinipes (Hairy-peduncled beakrush)
 Ribes echinellum (Micosukee gooseberry)
 Sachsia bahamensis [Sachsia polycephala] (Bahama sachsia)
 Salix eriocephala (Heart-leaved willow)
 Salvia urticifolia (Nettle-leave sage)
Schizachyrium niveum (Scrub bluestem)
Schizachyrium sericatum (Silky bluestem)
 Schizaea germanii [Actinostachys pennula] (Ray fern; Tropical curly-grass)
 Schwalbea americana (Chaff-seed)
 Scutellaria floridana (Florida skullcap)
Sideroxylon alachuense (Silver buckthorn)
Sideroxylon thornei [Bumelia thornei] (Thorne's buckthorn)
Silene polypetala (Fringed campion; Fringed pink)
Silene virginica (Virginia campion; Fire pink)
 Spigelia gentianoides (Gentian pinkroot)
Spiranthes adnata (Pelexia)
 Spiranthes costaricensis (Reichenbach's orchid)
 Spiranthes elata (Tall neottia)
Spiranthes lanceolata var. paludicola (Ladies' tresses)
 Spiranthes torta [S. tortilis] (Southern ladies' tresses)
 Stachys crenata (Shade betony)
Stachys tenuifolia (Narrow-leaved betony)
 Staphylea trifolia (American bladder-nut)
 Strumpfia maritima (Pride-of-Big-Pine)
 Tephrosia angustissima (Hoary pea; Coastal hoary pea)
Tephrosia angustissima var corallicola (Rockland hoary-pea)
Tephrosia angustissima var curtissii (Coastal hoary-pea)
Tetramiera canaliculata (Grooved tetramiera)
 Thalictrum cooleyi (Cooley's meadowrue)
Thalictrum thalictroides [Anemonella thalictroides] (Rue-anemone)
Thelypteris patens (Grid-scale maiden fern)
Thelypteris reticulata (Lattice-vein fern: Cypress fern)
 Thelypteris sclerophylla (Hard-leaved shield fern)
Thelypteris serrata (Dentate lattice-vein fern)
 Tillandsia pruinosa (Fuzzy-wuzzy air plant)
 Torreya taxifolia (Florida torreyia)
 Trichomanes holopterum (Entire-winged bristle fern)
Trichomanes lineolatum (Winged bristle fern)
Trichomanes punctatum ssp floridanum [Trichomanes punctatum] (Florida bristle fern)
 Triphora craigheadii (Craighead's nodding-caps)
Tropidia polystachya (Young palm orchid)
Uvularia floridana (Florida merry-bells)
Vallesia antillana (Pearl berry)
 Vanilla mexicana [Vanilla inodora] (Scentless vanilla)
 Verbena tampensis [Glandularia tampensis] (Tampa vervain)
 Vicia ocalensis (Ocala vetch)
- Viola hastata [Viola tripartita var. glaberrima] (Halberd-leaved yellow violet)
 Warea amplexifolia (Clasping warea)
 Xanthorhiza simplicissima (Yellow-root)
Xyris chapmanii (Chapman's yellow-eyed grass)
Xyris louisianica (Kral's yellow-eyed grass)
Xyris seabrifolia (Harper's yellow-eyed grass)
Zanthoxylum americanum (Northern prickly ash)
Zanthoxylum coriaceum (Biscayne prickly ash, leathery prickly ash)
 Zanthoxylum flavum (Yellowheart)
 Ziziphus celata (Scrub ziziphus)
 All rediscovered, previously considered to be extirpated or extinct, ranked listed plant species, including:
Amyris balsamifera (Balsam torchwood)
Baptista calycosa var. calycosa [Canby's wild indigo]
Bletia patula (Haitian bletia)
Brassia caudata (spider orchid)
 Cranichis muscosa (Cranefly orchid)
Croton elliotii (Elliott's croton)
Hedyotis nigricans var. pulvinata (Narrow-leaved bluets)
Linum sulcatum (Grooved flax)
Lindera melissifolia (Pondberry; Swamp spicebush)
Macradenia lutescens (Trinidad macradenia)
Peperomia glabella (Cypress peperomia)
Pleopeltis astrolepsis [Pleopeltis revoluta] (Star-scale fern)
Restrepella ophioccephala (Snake orchid)
Rhynchospora culixa (Georgia beakrush)
Rhynchospora punctata (Pineland beakrush)
Salvia micrantha var blodgettii (Blodgett's sage)
Solanum bahamense var rugelii (Rugel's Key West horse-nettle)
 Tectaria amesiana [Tectaria x amesiana] (Ames' halberd fern)
 Tectaria coriandrifolia (Hattie Bauer halberd fern)
Tephrosia angustissima var angustissima (Devil's shoestring)
 Triphora latifolia (Broad-leaved nodding-caps)
Tropidia polystachya (Young-palm orchid)
4. through b. No change.
 c. The imperiled listed plant species covered by these provisions are:
Aeschynomene pratensis var pratensis [Aeschynomene pratensis] (Meadow jointvetch)
Ageratum littorale (Cape Sable ageratum)
Agrimonia incisa (Incised groove-bur)
Aletris bracteata (Bracted colic-root)
 Argythamnia blodgettii (Blodgett's wild-mercury)
Aristida simpliciflora (Southern three-awned grass)
Aristolochia tomentosa (Pipevine)
Arnoglossum diversifolium [Cacalia diversifolium] (Variable-leaved Indian-plantain)

- Asclepias viridula* (Apalachicola milkweed)
Asplenium auritum (Auricled Spleenwort)
Asplenium trichomanes-dentatum [*Asplenium dentatum*] (Slender spleenwort)
~~*Asplenium* x *heteroresiliens* [*Asplenium heteroresiliens*] (Wagner's spleenwort)~~
~~*Baptisia hirsuta* [*Baptisia calycosa* var. *hirsuta*; *Baptisia calycosa* var. *villosa*] (Hairy wild indigo; Pineland wild indigo)~~
Baptisia megacarpa (Apalachicola wild-indigo)
Brickellia cordifolia (Flyr's nemesis; Flyr's brickell-bush)
Bumelia lycioides (Buckthorn)
~~*Cacalia diversifolia* [*Arnoglossum diversifolium*] (Variable-leaved Indian-plantain)~~
Calamovilfa curtissii (Curtiss' sandgrass)
Callirhoe papaver (Poppy mallow)
Calycanthus floridus var. *floridus* (Sweet-shrub)
Calydorea coelestina [*Sphenostigma coelestinum*] (Bartram's ixia)
Calyptanthus zuzygium (myrtle-of-the-river)
Campyloneurum costatum (Tailed strap fern)
Canella winteriana (Wild cinnamon)
Carex baltzellii (Baltzell's sedge)
Carex chapmanii (Chapman's sedge)
Cassia keyensis (Key cassia)
Catopsis berteroniana (Powdery Catopsis)
Catopsis floribunda (Many-flowered Catopsis)
Centrosema arenicola (Sand butterfly pea)
Chamaecrista lineata var. *keyensis* [*Cassia keyensis*] (Big pine partridge pea)
~~*Cereus gracilis* var. *aboriginum* (Aboriginal prickly apple)~~
~~*Cereus gracilis* var. *simpsonii* (Simpson's prickly apple)~~
Chamaesyce cumulicola (sand-dune spurge)
Chamaesyce porteriana var. *porteriana* (Porter's hairy-podded spurge)
Chamaesyce porteriana var. *scoparia* (Porter's broom spurge)
Cheiroglossa palmata [*Ophioglossum palmatum*] (Hand adder's tongue fern)
Chrysopsis godfreyi (Godfrey's golden aster)
Chrysopsis gossypina ssp. *cruiseana* [*Chrysopsis cruiseana*] (Cruise's golden-aster)
Coccothrinax argentata (Silver palm)
Colubrina cubensis (Colubrina)
Conradina breviflora (Short-leaved rosemary)
Cornus alternifolia (Pagoda dogwood)
Croomia pauciflora (Few-flowered croomia)
Crossopetalum ilicifolium (Christmas berry)
Ctenitis sloanei (Comb fern)
Ctenium floridanum (Florida toothache grass)
Cynoglossum virginianum (Wild comphrey)
Dirca palustris (Eastern leatherwood)
Drypetes diversifolia (Milkbark)
Encyclia cochleata [*Encyclia cochleata* var. *triandra*] (Clamshell orchid)
Epidendrum difforme (Umbelled epidendrum)
Epidendrum nocturnum (Night-scented orchid)
Epigaea repens (Trailing arbutus)
Eragrostis tracyi (Sanibel lovegrass)
Erythronium umbilicatum (Dimpled dogtooth-violet; Trout lily)
Euonymus atropurpureus (Burningbush)
Eupatorium villosum [*Koanophyllum villosum*] (Villose fennel)
Euphorbia commutata (Wood spurge)
Euphorbia pinetorum [*Poinsettia pinetorum*] (Rockland painted-leaf)
Guaiacum sanctum (Lignum-vitae tree)
Guzmania monostachia (Fuch's bromeliad)
Gyminda latifolia (False boxwood)
Gymnopogon chapmanianus (Chapman's skeletongrass)
Halophila johnsonii (Johnson's seagrass)
Harrisia aboriginum [*Cereus gracilis* var. *aboriginum*] (Aboriginal prickly apple)
Harrisia simpsonii [*Cereus gracilis* var. *simpsonii*] (Simpson's prickly apple)
Hartwrightia floridana (Florida hartwrightia)
~~*Hedeoma graveolens* (Moek pennyroyal)~~
Helianthus carnosus (Lakeside sunflower)
Hepatica americana [*Hepatica nobilis*] (Liverleaf)
Hippomane mancinella (Manchineel)
Hypericum cumulicola (Highlands scrub hypericum)
Hypericum edsonianum (Edison's ascyrum)
Hypericum lissophloeus (Smooth-barked St. John's-Wart)
Ilex amelanchier (Serviceberry holly)
Ilex krugiana (Krug holly)
Illicium parviflorum (Star anise)
Ipomoea microdactyla (Wild potato morning-glory)
Ipomoea tenuissima (Rocklands morning-glory)
Jacquemontia curtissii (Pineland jacquemontia)
Jacquemontia pentanthos (Skyblue clustervine)
Juncus gymnocarpus (Coville's rush)
Justicia cooleyi (Cooley's justicia; Cooley's water willow)
Justicia crassifolia (Thick-leaved water-willow)
Lachnocaulon digynum (Bog button)
Lantana canescens (Small-headed lantana)
Lantana depressa (Pineland lantana)
Lantana depressa var. *floridana* (Atlantic Coast Florida lantana)
Lechea divaricata (Spreading pinweed; Pine pinweed)
Leiphaimos parasitica (Ghost plant)

- Liatris provincialis* (Godfrey's blazing-star)
Lilium iridollae (Panhandle lily)
Lilium michauxii (Carolina lily)
Linum arenicola (Sand flax)
Linum carteri var. *smallii* (Everglades flax; Carter's large-flowered flax)
Linum westii (West's flax)
Liparis nervosa (Tall twayblade)
Lippia staechadifolia [*Phyla staechadifolia*] (Southern matchsticks)
Litsea aestivalis (Pond-spice)
Lomariopsis kunzeana (Hollyvine fern)
Lupinus westianus (Gulfcoast lupine)
Lythrum flagellare (Lowland loosestrife)
Macbridea alba (White birds-in-a-nest)
Macranthera flammea (Hummingbird flower)
~~*Magnolia acuminata* (Cucumber tree)~~
Magnolia ashei (Ashe's magnolia)
~~*Magnolia pyramidata* (Pyramid magnolia)~~
Matelea floridana (Florida spiny-pod; Florida milkweed)
Melanthera parvifolia (Small-leaved melanthera)
~~*Medeola virginiana* (Indian cucumber root)~~
Nemastylis floridana (Fall-flowering ixia)
Nevrodium lanceolatum (Ribbon fern)
Nolina brittoniana (Britton's bear-grass; Scrub beargrass)
Okenia hypogaea (Burrowing four-o'clock)
~~*Ophioglossum palmatum* (Hand adder's tongue fern)~~
~~*Panicum abscissum* (Cut throat grass)~~
Panicum nudicaule (Naked-stemmed panic grass)
Parnassia grandifolia (Grass-of-Parnassus)
Paronychia chartacea (Papery whitlow-wort)
Passiflora pallens (Pineland passionvine)
Pecluma ptilodon (Swamp plume polypody)
Pellaea atropurpurea (Purple cliff brake fern)
Peperomia humilis (Terrestrial peperomia)
Peperomia obtusifolia [*Peperomia floridana*] (Blunt-leaved peperomia; Florida peperomia; Everglades peperomia)
Phyllanthus liebmannianus ssp. *platylepis* (Pine-wood dainties)
Pinguicula ionantha (Violet-flowered butterwort)
~~*Pinguicula planifolia* (Chapman's butterwort)~~
Pleurothallis gelida (Frost-flower orchid)
~~*Poinsettia pinetorum* (Everglades poinsettia)~~
Polygala lewtonii (Lewton's polygala)
Polygonella macrophylla (Large-leaved jointweed)
Polygonum meisnerianum var. *beyrichianum* [*Polygonum meisnerianum*] (Mexican tear-thumb)
Polypodium dispersum [*Pecluma dispersa*] (A polypoda)
Polypodium plumula [*Pecluma plumula*] (Plume polypoda)
Polyrrhiza lindenii [*Polyradicion lindenii*] (Ghost orchid)
Potamogeton floridanus (Florida pondweed)
Prunus myrtifolia (West Indian cherry)
Psidium longipes (Mangrove berry)
Pteroglossaspis ecrinata [*Eulophia ecrinata*] (Wild coco)
~~*RPhexia parviflora* (Small-flowered *Apalachicola* meadowbeauty)~~
Rhexia salicifolia (Panhandle meadowbeauty)
Rhododendron alabamense (Alabama rhododendron)
Rhododendron chapmanii (Chapman's rhododendron)
Roystonea elata (Florida royal palm)
Rudbeckia nitida var. *nitida* [*Rudbeckia nitida*] (St. John's-Susan)
Ruellia noctiflora (Night-flowering ruellia)
Salix floridana (Florida willow)
~~*Sarracenia rubra* (Red-flowered pitcher plant; sweet pitcher plant)~~
Savia bahamensis (Maiden bush)
Schaefferia frutescens (Yellowwood)
Schisandra glabra [*Schisandra coccinea*] (*Schisandra*)
Scutellaria havanensis (Havana skullcap)
Selaginella eatonii (Eaton's spikemoss)
Sideroxylon lycioides [*Bumelia lycioides*] (*Gopherwood* buckthorn)
~~*Silene polypetala* (Fringed catchfly)~~
~~*Sphenomeris clavata* (Wedget fern; Parsley fern)~~
~~*Sphenostigma coelestinum* [*Salpingostylis coelestina*] (*Bartram's ixia*)~~
Spigelia longanoides (Levy pinkroot; Florida pinkroot)
Spiranthes polyantha (Ft. George ladies-tresses)
Stachydeoma graveolens [*Hedeoma graveolens*] (*Mock pennyroyal*)
Stylosanthes calcicola (Pineland pencil flowers)
Swietenia mahagoni (Mahogany; West Indian mahogany)
Taxus floridana (Florida yew)
~~*Tectaria incisa* (Incised halberd fern)~~
Tectaria fimbriata (least halberd fern)
Tectaria lobata (Lobed halberd fern)
Thelypteris reptans (Creeping fern)
Thrinax radiata (Florida thatch palm)
Tillandsia valenzuelana (Soft-leaved wildpine)
Tragia saxicola (Rocklands noseburn)
Trema lamarckianum (Lamarck's trema)
Trichomanes krausii (Kraus' bristle fern)
~~*Trichomanes petersii* (Plateau bristle fern)~~
~~*Trichomanes punctatum* (Florida bristle fern)~~
Trillium lancifolium (Lance-leaved wake-robin)
~~*Triphora rickettii* (Rickett's nodding caps)~~
Tripsacum floridanum (Florida gamagrass)
Vanilla barbellata (Worm-vine orchid)
Vanilla phaeantha (Leafy vanilla, brown-flowered vanilla)
Veratrum woodii (False hellebore)

- ~~Verbena maritima [Glandularia maritima] (Coastal vervain)~~
Warea carteri (Carter's warea; Carter's mustard)
Xyris isoetifolia (Quillwort yellow-eyed grass)
Xyris longisepala (Karst pond xyris)
~~Zanthoxylum americanum (Prickly ash)~~
Zigadenus leimanthoides (Coastal death camas)
5. through b. No change.
c. The rare listed plant species covered by these provisions are:
- Acrostichum aureum (Golden leather fern)
Adiantum tenerum (Brittle maidenhair fern)
~~Adiantum tetraphyllum (Four-leaved maidenhair fern)~~
Andropogon arcatus (Pine-woods bluestem)
Anemia wrightii (Wright's anemia)
Argusia gnaphalodes [Tournefortia gnaphalodes] (Sea lavender)
Asclepias curtissii (Curtiss' milkweed)
Baptisia calycosa var villosa [Baptisia hirsuta] (Hairy wild indigo)
Baptisia simplicifolia (Scare-weed)
Bletia purpurea (Pink-pink orchid)
Bonamia grandiflora (Florida bonamia)
Byrsonima lucida (locustberry)
Calamintha ashei (Ashe Calamintha; Ashe's savory)
Calamintha dentata (Toothed savory)
Calamovilfa curtissii (Curtiss' sandgrass)
Calopogon multiflorus (Many-flowered grass-pink)
Carex baltzellii (Baltzell's sedge)
Cheilanthes microphylla (Southern lip fern)
Chionanthus pygmaeus (Pygmy fringe-tree)
Chrysophyllum oliviforme (Satin leaf)
Cleistes bifaria [Cleistes divaricata] (Spreading pogonia)
Clitoria fragrans (Pigeon-wing)
Coelorachis tuberculosa (Piedmont jointgrass)
Conradina grandiflora (Large-flowered rosemary)
~~Cordia sebestena (Geiger tree)~~
Crossopetalum rhacoma (rhacoma)
Ctenitis submarginalis (Brown-hair comb fern)
~~Cryptotaenia canadensis (Honewort)~~
Drosera intermedia (Water sundew; Spoon-leaved sundew)
Drypetes lateriflora (Guiana plum)
Epidendrum anceps (Dingy-flowered epidendrum)
Epidendrum rigidum (Rigid epidendrum)
Eriogonum floridanum [E. longifolium var. gnaphalifolium] (Scrub buckwheat)
Erithalis fruticosa (Blacktorch)
Eugenia confusa (Redberry eugenia; Tropical ironwood)
Eugenia simpsonii [Myrcianthes fragrans var. simpsonii] (Simpson eugenia; Twinberry)
Exostema caribaeum (Caribbean princewood)
Forestiera godfreyi (Godfrey's privet)
Gentiana pennelliana (Wiregrass gentian)
Glandularia maritima [Verbena maritima] (Coastal vervain)
Gossypium hirsutum (Wild cotton)
Hexalectris spicata (Crested coral root)
Hexastylis arifolia (Heartleaf)
~~Illicium floridanum (Florida anise)~~
Jacquinia keyensis (Joewood)
Kalmia latifolia (Mountain laurel)
Lechea cernua (Scrub pinweed; Nodding pinweed)
Leitneria floridana (Corkwood)
Liatris ohlingerae (Scrub blazing-star; Florida gayfeather)
Lilium catesbaei (Catesby's lily; Southern red lily)
~~Lomariopsis kunzeana (Holly vine fern)~~
Magnolia pyramidata (Pyramid magnolia)
Malaxis unifolia (Green adder's-mouth)
~~Mallotonia gnaphalodes [Tournefortia gnaphalodes] (Sea lavender)~~
Manilkara bahamensis [Manilkara jaimiqui] (Wild dilly)
Maytenus phyllanthoides (Florida mayten)
Microgramma heterophylla (Climbing vine fern)
Nephrolepis biserrata (Giant sword fern)
Nolina atopocarpa (Florida beargrass)
Oxypolis greenmanii (Giant water-dropwort)
Panicum abscissum (Cut throat grass)
Paronychia chartacea ssp. chartacea (Paper-like nailwort)
Phoebanthus tenuifolius (Narrow-leaved phoebanthus)
Phyllanthus leibmannianus (Pinelands dainties)
Physostegia godfreyi (Apalachicola dragon-head)
Pinguicula lutea (Yellow-flowered butterwort)
Pinguicula planifolia (Swamp butterwort; Chapman's butterwort)
Pinguicula primuliflora (primrose-flowered butterwort)
Pityopsis flexuosa (Panhandle golden aster; bent golden aster)
Polygonella basiramia (Tufted wireweed; Hairy jointweed)
Polygonella myriophylla (Small's jointweed)
Polystachya concreta (Pale-flowered polystachya)
Prunus geniculata (Scrub plum)
Pteris bahamensis (Bahama brake)
Pycnanthemum floridanum (Florida mountain-mint)
Quercus arkansana (Arkansas oak)
~~Remirea maritima (Beach star)~~
Rhododendron austrinum (Orange azalea)
Rhynchospora stenophylla (Narrow-leaved beakrush)
Sarracenia leucophylla (White-top pitcher-plant)
Sarracenia purpurea [S. purpurea ssp. purpurea] (Decumbent pitcher-plant)
Sarracenia rubra (Red-flowered pitcher-plant; Sweet pitcher-plant)
Sphenomeris clavata (Wedgelet fern; Parsley fern)

- Spiranthes lanceolata [Stenorrhynchos lanceolatum] (Leafless beaked orchid)
- Spiranthes longilabris (Long-lip ladies'-tresses)
- Spiranthes ovalis (Lesser ladies-tresses)
- Stewartia malacodendron (Silky camellia)
- Stylisma abdita (scrub stylisma, hidden stylisma)
- Tectaria heracleifolia (Broad halberd fern)
- Tephrosia mohrii (Pineland hoary-pea)
- Tetrazygia bicolor (Tetrazygia)
- Thelypteris augescens (Abrupt-tipped maiden fern)
- Thrinax morrisii (brittle thatch palm)
- Tillandsia balbisiana (Inflated and reflexed wild pine)
- Tillandsia flexuosa (Banded wild pine; Twisted air plant)
- Tillandsia utriculata (Giant wild pine)
- Triphora trianthophora (Three-birds orchid)
- Verbesina chapmanii (Chapman crownbeard)
- Vernonia blodgettii (Blodgett's ironweed)
- Xyris scabrifolia (Harper's yello-eyed grass)
- Zephyranthes simpsonii (Simpson zephyr-lily; Rain lily)

6. through (12) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(c)1, FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History—New 4-25-94, Amended

9J-2.043 Archaeological and Historical Resources Uniform Standard Rule.

(1) No change.

(a) The Legislature established Chapter 380, Florida Statutes, to facilitate orderly and well-planned development, and to protect the quality of life of the residents of Florida, by authorizing the state land planning agency to establish land management policies to guide local decisions relating to growth and development. Sections 186.002, 186.007, 186.009, and 186.021, 187.101, 380.031, and 380.07, Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process in order to ensure orderly growth in Florida, pursuant to Subsections 380.06(3),(4),(12),(13),(14),(15),(25), and 380.065(3), Florida Statutes.

(b) Consistent with the land management policies delineated in the State Comprehensive Plan ~~and the State Land Development Plan~~, it is the intent of the Department to set forth in this rule ~~the~~ specific archaeological and historical site or property DRI review guideline standards and criteria ~~to be utilized to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a),(b),(d),(e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1. and 2., Subsection 380.06(13), Paragraphs 380.06(14)(a),(e) and (d), Paragraph 380.06(15)(e),(d) and (e), Subsection 380.06(16), Paragraph 380.06(19)(a), Paragraphs 380.06(19)(e) and (e), Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21), Subsection 380.06(22), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Paragraphs 380.065(3)(b) and (c), and Section 380.07, Florida Statutes.~~

~~Subsection 380.06(22), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Paragraphs 380.065(3)(b) and (c), and Section 380.07, Florida Statutes.~~

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

(d) “Applicable Regional Plan” means the Regional Planning Council's adopted ~~comprehensive Regional Policy Plan prior to the adoption of a Strategic Regional Policy Plan pursuant to Section 186.508, F.S., and thereafter means an adopted Strategic Regional Policy Plan.~~

(e) “Applicable State Plan” means the State Comprehensive Plan ~~and the State Land Development Plan.~~

(f) through (11) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(c)1, FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History—New 3-23-94, Amended

9J-2.044 Hazardous Material Usage, Potable Water, Wastewater, and Solid Waste Facilities Uniform Standard Rule.

(1) No change.

(a) The Legislature established Chapter 380, Florida Statutes, to protect the natural resources and environment of Florida, facilitate orderly and well-planned development, optimize the utilization of limited water resources, and protect the health, welfare, safety and quality of life of residents of Florida, by authorizing the state land planning agency to establish land and water management policies to guide local decisions relating to growth and development. Sections 186.002, 186.007, 186.009, ~~186.021~~, and 187.101, ~~380.031~~, ~~and 380.07~~, Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process in order to ensure orderly growth in Florida, pursuant to Subsections 380.06(3),(4),(12),(13),(14),(15),(25), and 380.065(3), Florida Statutes.

(b) Consistent with the land and water management policies delineated in the State Comprehensive Plan ~~and the State Land Development Plan~~, it is the intent of the Department to set forth in this rule ~~the~~ specific hazardous material usage and potable water, wastewater and solid waste facility DRI review guideline standards and criteria ~~to be utilized to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a),(b),(d),(e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1. and 2., Subsection 380.06(13), Paragraphs 380.06(14)(a),(e) and (d), Paragraph 380.06(15)(e),(d) and (e), Subsection 380.06(16), Paragraph 380.06(19)(a), Paragraphs 380.06(19)(e) and (e), Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21), Subsection 380.06(22), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Paragraphs 380.065(3)(b) and (c), and Section 380.07, Florida Statutes.~~

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

(b) "Applicable Regional Plan" means the Regional Planning Council's adopted ~~Comprehensive Regional Policy Plan prior to the adoption of a Strategic Regional Policy Plan pursuant to Section 186.508, F.S., and thereafter means an adopted Strategic Regional Policy Plan.~~

(c) "Applicable State Plan" means the State Comprehensive Plan ~~and the State Land Development Plan.~~

(d) "Consolidated Chemical List" means the list of chemicals in the United States Environmental Protection Agency (EPA) Publication Title III List of Lists (EPA 550-B-98-017 560/92-011), ~~as amended by 40 CFR Part 355, 40CFR Part 302, and 40 CFR Part 372.~~

(e) through (6)(c)1.a.(I) No change.

~~(H) A local government commitment in the current year of their local government comprehensive plan Capital Improvement Element (CIE) to provide all needed potable water facility improvements, or a local government commitment in the current three years of their CIE to provide all needed potable water facilities when the local government has specifically adopted an in compliance Rule 9J-5.0055(2)(c), F.A.C., concurrency management system in their plan; or~~

~~(II)(HH) A binding and enforceable commitment or legal agreement in the development order by the developer or third party to provide all needed potable water facility improvements concurrently with the development schedule approved in the development order; or~~

~~(III)(IV) Any combination of guarantees (I) through thru (II)(HH) above that ensures that all needed potable water facility improvements will be provided concurrently with the development schedule approved in the development order.~~

b. A provision which states that on no less than an annual basis the status of the guaranteed improvements shall be assessed and reported in the required annual status report, and the local government shall cause further issuance of building permits to cease immediately at the time the annual monitoring reveals that any needed potable water facility improvements guaranteed by development commitments 1.a.(I) ~~through thru~~ 1.a.~~(III)(IV)~~ above is no longer scheduled or guaranteed, has been delayed in schedule such that it is no longer consistent with the timing criteria of Sub-subparagraph 1.a. above, or is no longer being constructed and remains unoperational, unless the applicant is able to unequivocally demonstrate as part of the annual status report that the needed potable water supply is either existing or is permitted and ensured to be supplied both to all existing permitted project development and to all project development likely to be permitted during the next year. The periodic assessment contemplated by this rule is a review of the actual status of guaranteed improvements scheduled for construction and operation. A change to the approved development schedule for the project, as opposed to a change

to the schedule of needed improvements, will need to be addressed through the notification of proposed change provisions of Subsection 380.06(19), F.S.

c. through (7)(c)1.a.(I) No change.

~~(H) A local government commitment in the current year of their local government comprehensive plan Capital Improvement Element (CIE) to provide all needed wastewater facility improvements, or a local government commitment in the current three years of their CIE to provide all needed wastewater facilities when the local government has specifically adopted an in compliance Rule 9J-5.0055(2)(c), F.A.C., concurrency management system in their plan; or~~

~~(II)(HH) A binding and enforceable commitment in the development order by the developer or a third party to provide all needed wastewater facility improvements concurrently with the development schedule approved in the development order; or~~

~~(III)(IV) Any combination of guarantees (I) through thru (II)(HH) above that ensures that all needed wastewater facility improvements will be provided concurrently with the development schedule approved in the development order.~~

b. A provision which states that on no less than an annual basis the status of the guaranteed improvements shall be assessed and reported in the required annual status report, and local government shall cause further issuance of building permits to cease immediately at the time the annual monitoring reveals that any needed wastewater facility improvements guaranteed by development commitments 1.a.(I) ~~through thru~~ 1.a.~~(III)(IV)~~ above is no longer scheduled or guaranteed, has been delayed in schedule such that it is no longer consistent with the timing criteria of Sub-subparagraph 1.a. above, or is no longer being constructed but remains unoperational, unless the applicant is able to unequivocally demonstrate as part of the annual status report that the needed wastewater supply is either existing or is permitted and ensured to be supplied both to all existing permitted project development and to all project development likely to be permitted during the next year. The periodic assessment contemplated by this rule is a review of the actual status of guaranteed improvements scheduled for construction and operation. A change to the approved development schedule for the project, as opposed to a change to the schedule of needed improvements, will need to be addressed through the notification of proposed change provisions of Subsection 380.06(19), F.S.

c. through (8)(c)1.a.(I) No change.

~~(H) A local government commitment in the current year of their local government comprehensive plan Capital Improvement Element (CIE) to provide all needed facility improvements, or a local government commitment in the current three years of their CIE to provide all needed solid waste facilities when the local government has specifically adopted an in compliance Rule 9J-5.0055(2)(c), F.A.C., concurrency management system in their plan; or~~

~~(II)(H)~~ A binding and enforceable commitment in the development order by the developer or a third party to provide all needed solid waste facility improvements concurrently with the development schedule approved in the development order; or

~~(III)(IV)~~ Any combination of guarantees (I) ~~through thru~~ ~~(II)(H)~~ above, or other regional or jurisdiction-wide solid waste capacity initiative guarantees, that ensures that all needed solid waste facility improvements will be provided concurrently with the development schedule approved in the development order.

b. A provision which states that on no less than an annual basis the status of the guaranteed improvements shall be assessed and reported in the required annual status report, and local government shall cause further issuance of building permits to cease immediately at the time the annual monitoring reveals that any needed facility improvements guaranteed by development commitments 1.a.(I) ~~through thru~~ 1.a.~~(III)(IV)~~ above is no longer scheduled or guaranteed, has been delayed in schedule such that it is no longer consistent with the timing criteria of Sub-subparagraph 1.a. above, or is no longer being constructed but remains unoperational, unless the applicant is able to unequivocally demonstrate as part of the annual status report that the needed solid waste capacity is either existing or is permitted and ensured to be supplied both to all existing permitted project development and to all project development likely to be permitted during the next year. The periodic assessment contemplated by this rule is a review of the actual status of guaranteed improvements scheduled for construction and operation. A change to the approved development schedule for the project, as opposed to a change to the schedule of needed improvements, will need to be addressed through the notification of proposed change provisions of Subsection 380.06(19), F.S.

b. through (10) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(c)1, FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History—New 4-25-94, Amended

9J-2.045 Transportation Uniform Standard Rule.

(1) No change.

(a) The Legislature established Chapter 380, Florida Statutes, to facilitate orderly and well-planned development, by authorizing the state land planning agency to establish land management policies to guide local decisions relating to growth and development. Sections 186.002, 186.007, 186.009, ~~and 186.021~~, 187.101, ~~380.031, and 380.07~~, Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process in order to ensure orderly growth in Florida, pursuant to Subsections 380.06(3),(4),(12),(13),(14),(15),(25), and 380.065(3), Florida Statutes.

(b) Consistent with the land management policies delineated in the State Comprehensive Plan ~~and the State Land Development Plan~~, it is the intent of the Department to set forth in this rule ~~the~~ specific transportation facility DRI review guideline standards and criteria ~~to be utilized to implement the provisions of~~ Section 380.021, Paragraphs 380.06(4)(a),(b),(d),(e), and (f), Subparagraph 380.06(8)(a)11, Subparagraphs 380.06(12)(a)1. and 2., Subsection 380.06(13), Paragraphs 380.06(14)(a),(e) and (d), Paragraph 380.06(15)(c),(d) and (e), Subsection 380.06(16), Paragraph 380.06(19)(a), Subparagraph 380.06(19)(b)15., Paragraphs 380.06(19)(c) and (e), Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21), Subsection 380.06(22), Paragraph 380.06(24)(f), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Subparagraph 380.061(3)(a)6., Paragraphs 380.065(3)(b) and (e), and Section 380.07, Florida Statutes.

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

(b) “Applicable Regional Plan” means the Regional Planning Council’s adopted ~~Comprehensive Regional Policy Plan prior to the adoption of a~~ Strategic Regional Policy Plan pursuant to Section 186.508, F.S., ~~and thereafter means an adopted Strategic Regional Policy Plan.~~

(c) “Applicable State Plan” means the State Comprehensive Plan ~~and the State Land Development Plan~~.

(d) through (7)(a)1.a.(II) No change.

(III) A local government commitment in the current year of their local government comprehensive plan Capital Improvement Element (CIE) to provide all needed roadway improvements, or a local government commitment in the current three years of their CIE to provide all needed roadway improvements when the local government has specifically adopted an in-compliance Rule 9J-5.0055(3)(2)(c), F.A.C., concurrency management system in their plan; or

(IV) through (9) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(c)1, FS. Law Implemented 380.021, 380.06, 380.061, 380.065, 380.07 FS. History—New 3-23-94, Amended

9J-2.046 Air Quality Uniform Standard Rule.

(1) No change.

(a) The Legislature established Chapter 380, Florida Statutes, to protect the natural resources and environment of this state and to protect the health, welfare, safety and quality of life of its citizens, by authorizing the state land planning agency to establish land management policies to guide local decisions relating to growth and development. Sections 186.002, 186.007, 186.009, ~~and 186.021~~, 187.101, ~~380.031, and 380.07~~, Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process in order to ensure orderly

growth in Florida, pursuant to Subsections 380.06(3),(4),(12),(13),(14),(15),(25), and 380.065(3), Florida Statutes.

(b) Consistent with the land management policies delineated in the State Comprehensive Plan and the State Land Development Plan, it is the intent of the Department to set forth in this rule the specific mobile source-related air quality DRI review guideline standards and criteria to be utilized to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a),(b),(d),(e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1. and 2., Subsection 380.06(13), Paragraphs 380.06(14)(a),(c) and (d), Paragraphs 380.06(15)(c),(d) and (e), Subsection 380.06(16), Paragraph 380.06(19)(a), Subparagraph 380.06(19)(b)15., Paragraphs 380.06(19)(c) and (e), Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21), Subsection 380.06(22), Paragraph 380.06(24)(f), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Paragraphs 380.065(3)(b) and (c), and Section 380.07, Florida Statutes.

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

(c) "Applicable Regional Plan" means the Regional Planning Council's adopted Comprehensive Regional Policy Plan prior to the adoption of a Strategic Regional Policy Plan pursuant to Section 186.508, F.S., and thereafter means an adopted Strategic Regional Policy Plan.

(d) "Applicable State Plan" means the State Comprehensive Plan and the State Land Development Plan.

(e) through (7) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(c)1. FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History-New 3-23-94, Amended

9J-2.048 Adequate Housing Uniform Standard Rule.

(1) No change.

(a) The Legislature established Chapter 380, Florida Statutes, to facilitate orderly and well-planned development and protect the health, welfare and quality of life of the residents of this state, by authorizing the state land planning agency to establish land management policies to guide local decisions relating to growth and development. Sections 186.002, 186.007, 186.009, and 186.021, 187.101, 380.031, and 380.07, Florida Statutes, establish the State Comprehensive Plan and the State Land Development Plan as the long-range, state land development policy guides to be considered in the DRI review process in order to ensure orderly growth in Florida, pursuant to Subsections 380.06(3),(4),(12),(13),(14),(15),(25), and 380.065(3), Florida Statutes.

(b) Consistent with the land management policies delineated in the State Comprehensive Plan and the State Land Development Plan, it is the intent of the Department to set forth in this rule the specific adequate housing DRI review guideline standards and criteria to be utilized to implement the

provisions of Section 380.021, Paragraphs 380.06(4)(a),(b),(d),(e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1., 2., and 3., Subsection 380.06(13), Paragraphs 380.06(14)(a),(c), and (d), Paragraph 380.06(15)(c), Paragraphs 380.06(19)(a),(b),(c), and (e), Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21), Subsection 380.06(22), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Paragraphs 380.065(3)(b) and (c), and Section 380.07, Florida Statutes.

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

(g) "Applicable Regional Plan" means the Regional Planning Council's adopted Comprehensive Regional Policy Plan prior to the adoption of a Strategic Regional Policy Plan pursuant to Section 186.508, F.S., and thereafter means an adopted Strategic Regional Policy Plan.

(h) "Applicable State Plan" means the State Comprehensive Plan and the State Land Development Plan.

(i) through (10) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(c)1. FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History-New 3-23-94, Amended

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Minimum Criteria for Review of Local Government Comprehensive Plans and Plan Amendments, Evaluation and Appraisal Reports, Land Development Regulations and Determination of Compliance

9J-5

RULE TITLES:

RULE NOS.:

Purpose	9J-5.001
Administration	9J-5.002
Definitions	9J-5.003
Public Participation	9J-5.004
General Requirements	9J-5.005
Evaluation and Appraisal Reports and Evaluation and Appraisal Amendments	9J-5.0053
Concurrency Management System	9J-5.0055
Future Land Use Element	9J-5.006
Housing Element	9J-5.010
Intergovernmental Coordination Element	9J-5.015
Capital Improvements Element	9J-5.016
Transportation Element	9J-5.019

PURPOSE AND EFFECT: To modify the rules to comply with 120.536(2)(b), F.S., as amended by Chapter 99-379, § 3, Laws of Florida, and update the rules.

SUBJECT AREA TO BE ADDRESSED: Chapter 9J-5 pertains to minimum criteria for the review of local government comprehensive plans and plan amendments, evaluation and appraisal reports, land development regulations, and determinations of compliance. Some of the rules in this

notice are proposed to be revised to either incorporate updated information or modify certain requirements. Other rules are proposed to be repealed. Statute citations for rule making authority and law implementation references have also been updated in the rules.

Rule 9J-5.001 is amended to repeal some sections which serve only as a table of contents. Rule 9J-5.002 concerning the substantial progress provision is proposed for deletion. Rule 9J-5.003 concerning definitions is amended to revise existing definitions and include new definitions. Rule 9J-5.004 concerning public participation is unnecessarily duplicative of statutory requirements and proposed for repeal. Rule 9J-5.005 concerning general requirements is amended to repeal redundant provisions, provide procedures for monitoring, evaluating and appraising implementation of local comprehensive plans. Rule 9J-5.0053 concerning evaluation and appraisal reports is proposed for repeal. Rule 9J-5.0055 concerning concurrency management systems is amended to reflect recent statutory changes, provide that concurrency requirements do not apply to public transit facilities, authorize and provide for multimodal levels of service standards, provide for school concurrency, authorize level of service standards for general use lanes of the Florida Intrastate Highway System, authorize multiuse developments of regional impact to satisfy the concurrency requirement by payment of a proportionate share contribution. Rule 9J-5.006 concerning future land use is amended to provide for multimodal transportation districts. Rule 9J-5.010 concerning housing is amended to correct the name of Department of Children and Family Services, allow locally generated data to supplement the affordable housing needs assessment, and clarify the meaning of substandard units. Rule 9J-5.015 concerning intergovernmental coordination is amended to address intergovernmental coordination requirements for joint planning areas, recognition of campus master plans, coordination with school districts for siting school facilities, the location and extension of public facilities subject to concurrency, the siting of facilities of county wide significance, and school concurrency. Rule 9J-5.016 concerning capital improvements is amended to provide for a public school facilities program and a schedule of capital improvements for multimodal transportation districts. Rule 9J-5.019 concerning transportation is amended to provide for level of service standards for general use lanes of the Florida Intrastate Highway System, specify analysis, objective and policy requirements to implement multimodal transportation districts.

SPECIFIC AUTHORITY: 163.3177(9),(10), 163.3180(14) FS.

LAW IMPLEMENTED: 163.3161, 163.3167, 163.3171, 163.3174, 163.3177(1),(2),(3),(4),(5),(6),(8),(9),(10),(11), 163.3178, 163.3180(13),(15), 163.3181, 163.3184, 163.3187, 163.3191, 163.3194 FS.

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

TIME AND DATE: 9:00 a.m., July 26, 2000

PLACE: Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Maria Abadal Cahill, Community Planning Policy Administrator, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone number (850)922-1781, Suncom 292-1781 at least seven days before 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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Maria Abadal Cahill, Community Planning Policy Administrator, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32303-2100, Telephone number (850)487-4545 or (850)922-1781

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9J-5.001 Purpose.

(1) No change.

(2) Rule 9J-5.002 contains general guidelines for the exercise of the Department's authority under law to review comprehensive plans and plan amendments for compliance.

~~(3) Rule 9J-5.003 contains definitions of important terms used in this chapter.~~

~~(4) Rule 9J-5.004 generally prescribes the contents of the public participation procedures to be adopted and enforced by each local government.~~

~~(5) Rule 9J-5.005 contains general format requirements and other requirements applicable to the data, analyses, goals, objectives and policies in the elements of the plan, and the procedural aspects of plan and plan amendment adoption.~~

~~(6) Rule 9J-5.0053 establishes the minimum criteria for the evaluation and appraisal reports.~~

~~(7) Rule 9J-5.0055 establishes the minimum criteria to ensure the availability of public facilities and services concurrent with the impacts of development.~~

~~(8) Rules 9J-5.006 through 9J-5.019 establish minimum criteria for comprehensive plan elements. The basic format of the criteria for each element requires the identification of available data, analyses of such data, and preparation of goals, objectives and policies supported by that data and analysis to accomplish desired ends. The goals, objectives and policies of each element must be consistent with the future conditions maps, and the future conditions maps must reflect the goals, objectives and policies of each element.~~

~~(9) Rules 9J-5.022, 9J-5.023 and 9J-5.024 establish the standards, procedures and criteria for the review of the required land development regulations and determination of their consistency with the comprehensive plan.~~

~~(2)(10)~~ Rules 9J-5.022 through 9J-5.024 establish procedures and criteria for the review of land development regulations pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, F.S., and Chapters 9J-5 and 9J-12, F.A.C. It specifies the standards the Department will use in determining whether a local government has totally failed to adopt one or more of the land development regulations required by Subsection 163.3202(2). It specifies procedures to initiate and control the administrative review of land development regulations by substantially affected persons, local governments and the Department. It specifies the criteria for determining consistency of the land development regulations with the comprehensive plan. Local governments may adopt land development regulations which exceed, or are more stringent than, the regulations described in this chapter.

~~(3)(11)~~ As minimum criteria, these criteria are not intended to prohibit a local government from proposing, considering, adopting, enforcing, or in any other way administering a comprehensive plan which is more specific, detailed, or strict, or which covers additional subject areas, whether within required or optional elements, as long as the comprehensive plan is in compliance with Chapter 9J-5, F.A.C., Chapter 163, F.S., and any other applicable statutes, laws or rules.

~~(4)(12)~~ When a federal, state or regional agency has implemented a permitting program, the state land planning agency shall not require a local government to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. Nothing in this paragraph shall prohibit the state land planning agency, in conducting its review of local plans or plan amendments, from making either objections, recommendations, and comments or compliance determinations regarding densities and intensities consistent with the Act.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3161, 163.3167, ~~163.3171~~, 163.3177, 163.3178, 163.3180,163.3181, 163.3184, 163.3187, 163.3191, 163.3194 FS. History--New 3-6-86, Amended 10-20-86, 11-22-89, 4-2-92, 3-23-94, 5-18-94, 3-21-99,_____.

9J-5.002 Administration.

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

~~(h) Whether the provision at issue constitutes substantial progress over existing provisions regarding consistency with and furtherance of Chapter 163, Part II, the State Comprehensive Plan, the strategic regional policy plan, and this Chapter, where the existing provisions are in a plan or plan amendment previously found in compliance.~~

(3) through (8) No change.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3167, 163.3177, 163.3178, 163.3184, 163.3187, 163.3194 FS. History--New 3-6-86, Amended 10-20-86, 5-18-94,_____.

9J-5.003 Definitions.

(1) through (50) No change.

~~(51)~~ "General Lanes" means intrastate roadway lanes not exclusively designated by the Florida Department of Transportation for long distance, high speed travel. In urbanized areas, general lanes include high occupancy vehicle lanes not physically separated from other travel lanes.

~~(52)(51)~~ "Goal" means the long-term end toward which programs or activities are ultimately directed.

~~(53)(52)~~ "Group home" means a facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Adult congregate living facilities comparable in size to group homes are included in this definition. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

~~(54)(53)~~ "Hazardous waste" means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

~~(55)(54)~~ "Historic resources" means all areas, districts or sites containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by a local government as historically, architecturally, or archaeologically significant.

~~(56)(55)~~ "Hurricane shelter" means a structure designated by local officials as a place of safe refuge during a storm or hurricane.

~~(57)(56)~~ "Hurricane vulnerability zone" (also "areas subject to coastal flooding") means the areas delineated by the regional or local hurricane evacuation plan as requiring evacuation. The hurricane vulnerability zone shall include areas requiring evacuation in the event of a 100-year storm or Category 3 storm event.

~~(58)(57)~~ "Industrial uses" means the activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

~~(59)(58)~~ "Infrastructure" means those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks;

wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

~~(60)(59)~~ "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.

~~(61)(60)~~ "Interagency hazard mitigation report" means the recommendations of a team of federal, state, regional, or local officials which address measures to reduce the potential for future flood losses and which is prepared in response to a Presidential Disaster Declaration.

~~(62)(61)~~ "Level of service" means an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

~~(63)(62)~~ "Limited access facility" means a roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.

~~(64)(63)~~ "Living marine resources" means oceanic or estuarine plants or animals, such as mangroves, seagrasses, algae, coral reefs, and living marine habitat; fish, shellfish, crustacea and fisheries; and sea turtles and marine mammals.

~~(65)(64)~~ "Local peacetime emergency plan" means the plans prepared by the county civil defense or county emergency management agency addressing weather-related natural hazards and man-made disasters except nuclear power plant accidents and war. The plan covers hazard mitigation, emergency preparedness, emergency response, emergency recovery and in coastal counties, hurricane evacuation.

~~(66)(65)~~ "Local road" means a roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.

~~(67)(66)~~ "Low income household" has the meaning provided in Section 420.0004, F.S.

~~(68)(67)~~ "Major trip generators or attractors" means concentrated areas of intense land use or activity that produces or attracts a significant number of local trip ends.

~~(69)(68)~~ "Manufactured home" means a residential manufactured home meeting the definition in Section 320.01, F.S.

~~(70)(69)~~ "Marine habitat" means areas where living marine resources naturally occur, such as mangroves, seagrass beds, algal beds, salt marshes, transitional wetlands, marine wetlands, rocky shore communities, hard bottom communities, oyster bars or flats, mud flats, coral reefs, worm reefs, artificial reefs, offshore springs, nearshore mineral deposits, and offshore sand deposits.

~~(71)(70)~~ "Marine wetlands" means areas with a water regime determined primarily by tides and the dominant vegetation is salt tolerant plant species including those species listed in ~~Rule 62-301.200(3) Subsection 17-4.020(17)~~, F.A.C., "Submerged Marine Species."

~~(72)(71)~~ "Minerals" means all solid minerals, including clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths, which are contained in the soils or waters of the state.

~~(73)(72)~~ "Mobile home" means a structure meeting the definition in Section 320.01, F.S.

~~(74)(73)~~ "Moderate income household" has the meaning provided in Section 420.0004, F.S.

~~(75)(74)~~ "Natural drainage features" means the naturally occurring features of an area which accommodate the flow of significant amounts of stormwater, such as streams, rivers, lakes, sloughs, floodplains and wetlands.

~~(76)(75)~~ "Natural drainage flow" means the pattern of surface and storm water drainage through or from a particular site before the construction or installation of improvements or prior to regrading.

~~(77)(76)~~ "Natural groundwater aquifer recharge areas" or "natural groundwater recharge areas" or "groundwater recharge areas" means areas contributing to or providing volumes of water which make a contribution to the storage or regional flow of an aquifer.

~~(78)(77)~~ "Natural reservations" means areas designated for conservation purposes, and operated by contractual agreement with or managed by a federal, state, regional or local government or non-profit agency such as: national parks, state parks, lands purchased under the Save Our Coast, Conservation and Recreation Lands or Save Our Rivers programs, sanctuaries, preserves, monuments, archaeological sites, historic sites, wildlife management areas, national seashores, and Outstanding Florida Waters. This definition does not include privately owned land managed by a state agency on either a voluntary or a short-term contractual basis.

~~(79)(78)~~ "Neighborhood park" means a park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

~~(80)(79)~~ "New town" means a new urban activity center and community designated on the future land use map and located within a rural area or at the rural-urban fringe, clearly functionally distinct or geographically separated from existing urban areas and other new towns. A new town shall be of sufficient size, population and land use composition to support a variety of economic and social activities consistent with an urban area designation. New towns shall include basic economic activities; all major land use categories, with the possible exception of agricultural and industrial; and a centrally provided full range of public facilities and services. A new town shall be based on a master development plan, and

shall be bordered by land use designations which provide a clear distinction between the new town and surrounding land uses.

~~(81)(80)~~ "Nonpoint source pollution" means any source of water pollution that is not a point source.

~~(82)(81)~~ "Objective" means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

~~(83)(82)~~ "Oceanic waters" means waters of the Atlantic Ocean, Gulf of Mexico, or Straits of Florida, excluding estuaries.

~~(84)(83)~~ "Open spaces" means undeveloped lands suitable for passive recreation or conservation uses.

~~(85)(84)~~ "Park" means a neighborhood, community, or regional park.

~~(86)(85)~~ "Partial evaluation and appraisal report" means an evaluation and appraisal report which focuses on selected issues or elements that may only be submitted by a municipality with fewer than 5,000 residents or a county with fewer than 50,000 residents pursuant to a written agreement with the Department and in accordance with the requirements of Section 163.3191(12), F.S.

~~(87)(86)~~ "Pattern" means the form of the physical dispersal of development or land use.

~~(88)(87)~~ "Playground" means a recreation area with play apparatus.

~~(89)(88)~~ "Point source pollution" means any source of water pollution that constitutes a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

~~(90)(89)~~ "Policy" means the way in which programs and activities are conducted to achieve an identified goal.

~~(91)(90)~~ "Pollution" is the presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

~~(92)(91)~~ "Port facility" means harbor or shipping improvements used predominantly for commercial purposes including channels, turning basins, jetties, breakwaters, landings, wharves, docks, markets, structures, buildings, piers, storage facilities, plazas, anchorages, utilities, bridges, tunnels, roads, causeways, and all other property or facilities necessary or useful in connection with commercial shipping.

~~(93)(92)~~ "Potable water facilities" means a system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

~~(94)(93)~~ "Potable water wellfield" means the site of one or more water wells which supply potable water for human consumption to a water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

~~(95)(94)~~ "Private recreation sites" means sites owned by private, commercial or non-profit entities available to the public for purposes of recreational use.

~~(96)(95)~~ "Proposed evaluation and appraisal report" means a draft evaluation and appraisal report prepared by the local planning agency that is transmitted to the local governing body for review and adoption.

~~(97)(96)~~ "Public access" means the ability of the public to physically reach, enter or use recreation sites including beaches and shores.

~~(98)(97)~~ "Public recreation sites" means sites owned or leased on a long-term basis by a federal, state, regional or local government agency for purposes of recreational use.

~~(99)(98)~~ "Public buildings and grounds" means structures or lands that are owned, leased, or operated by a government entity, such as civic and community centers, hospitals, libraries, police stations, fire stations, and government administration buildings.

~~(99) "Public facilities and services" which must be made available concurrent with the impacts of development means those covered by comprehensive plan elements required by Section 163.3177, F.S., and for which level of service standards must be adopted under Chapter 9J 5, F.A.C. The public facilities and services are: roads, Rule 9J 5.019(4)(e)1.; sanitary sewer, Rule 9J 5.011(2)(e)2.a.; solid waste, Rule 9J 5.011(2)(e)2.b.; stormwater, Rule 9J 5.011(2)(e)2.c.; potable water, Rule 9J 5.011(2)(e)2.d.; parks and recreation, Rule 9J 5.014(3)(e)4.; and mass transit, Rule 9J 5.019(4)(e)1., if applicable.~~

(100) through (142) No change.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177, 163.3178 FS. History—New 3-6-86, Amended 10-20-86, 11-22-89, 4-2-92, 3-23-94, 5-18-94, 3-21-99, _____.

9J-5.004 Public Participation.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177(9), (10), 163.3181 FS. History—New 3-6-86, Amended 10-20-86, Repealed _____.

9J-5.005 General Requirements.

(1) through (6) No change.

(7) Monitoring and Evaluation Procedures Requirements. Each element of the comprehensive plan shall contain procedures for monitoring, evaluating and appraising implementation of the plan. Specific measurable objectives shall be included to provide a basis for evaluating effectiveness

as required by Section 163.3191, Florida Statutes. Such procedures may include reporting requirements for entities responsible for implementing the objectives of the plan, records regarding the availability of new or revised data, planning and development activities, other actions taken to implement the plan, such as, capital improvements planning, adoption of interlocal agreements, issuance of development orders, certificates of occupancy, and land use changes. For the purpose of evaluating and appraising the implementation of the comprehensive plan, each comprehensive plan and each deepwater port master plan shall contain a section identifying five-year monitoring, updating and evaluation procedures to be followed in the preparation of the required five-year, seven-year, ten-year or twelve-year evaluation and appraisal reports as described in Rule 9J-5.0053. That section shall address:

- (a) A description of the public participation process used by the local government in preparing the report;
 - (b) Updating appropriate baseline data and measurable objectives to be accomplished in the first five-year period of the plan, and for the long-term period;
 - (c) Accomplishments in the first five-year, seven-year, ten-year, or twelve-year reporting period, describing the degree to which the goals, objectives and policies have been successfully reached;
 - (d) Obstacles or problems which resulted in underachievement of goals, objectives, or policies;
 - (e) New or modified and reformulated goals, objectives, or policies needed to correct discovered problems;
 - (f) A means of ensuring continuous monitoring and evaluation of the plan during the five-year period;
 - (g) The extent to which unanticipated and unforeseen problems and opportunities occurred between the date of adoption and the date of the report;
 - (h) The effect on the comprehensive plan of changes to: Chapter 187, F.S., the state comprehensive plan Chapter 163, Pt. II, F.S.; the minimum criteria contained in Chapter 9J-5, F.A.C.; and the appropriate strategic regional policy plan;
 - (i) The major problems of development, physical deterioration, and the location of land uses and the social and economic effects of such uses in the area;
 - (j) The identification of any actions that are taken or need to be taken to address the planning issues identified in the report; and
 - (k) Proposed or anticipated plan amendments necessary to address or implement the identified changes.
- (8) Procedural Requirements. Comprehensive plans, plan elements, and plan amendments shall be considered, adopted and amended pursuant to the procedural requirements of Sections 163.3161 to 163.3215, Florida Statutes, including but not limited to the following:

(a) The comprehensive plans for municipalities shall be prepared and submitted within the same timeframes as the counties in which the municipalities are located and all plans shall be prepared and submitted in accordance with the schedule adopted by the Department pursuant to Subsection 163.3167(2), Florida Statutes;

(b) The comprehensive plan or element shall be prepared in accordance with Section 163.3174 and Subsection 163.3167(4), Florida Statutes, relating to local planning agencies. Proposed plans, elements, portions thereof and amendments shall be considered at a public hearing with due public notice by the local planning agency prior to making its recommendation to the governing body pursuant to Subsection 163.3167(4) and Section 163.3174, Florida Statutes;

(c) The comprehensive plan, element or amendment shall be considered and adopted in accordance with the procedures relating to public participation adopted by the governing body and the local planning agency pursuant to Section 163.3181, Florida Statutes, and Rule 9J-5.004 of this chapter. The local government shall submit with its initial transmittal, pursuant to Subsection 163.3167(2), Florida Statutes, and subsequent transmittals pursuant to Section 163.3191, Florida Statutes, a copy of the procedures for public participation that have been adopted by the local planning agency and the governing body;

(d) The comprehensive plan and any comprehensive plan amendments shall be transmitted after formal action by the governing body in accordance with the provisions of Sections 163.3184 and 163.3187, Florida Statutes, and the procedural rule adopted by the Department pursuant to Subsection 163.3177(9), Florida Statutes;

(e) The comprehensive plan shall not be amended more than two times during any calendar year except in the case of amendments directly related to developments of regional impact pursuant to Section 380.05, Florida Statutes, Florida Quality Developments pursuant to Section 380.061, Florida Statutes, and small scale development activities pursuant to Paragraph 163.3187(1)(b), Florida Statutes. In order for an amendment to be exempt from the twice a year amendment restriction under the development of regional impact provision, the amendment must have been transmitted and adopted as provided by law. The comprehensive plan, elements and amendments shall be adopted by ordinance and only after the public hearings required by Paragraph 163.3184(15)(b), Florida Statutes, have been conducted after the notices required by Paragraphs 163.3184(15)(b) and (c), Florida Statutes. Upon adoption the local government shall transmit to the Department a copy of the ordinance and the required notices;

(f) The comprehensive plan shall be evaluated and updated as required by Section 163.3191, Florida Statutes, and this chapter. A copy of the adopted report required by Section 163.3191, Florida Statutes, shall be transmitted to the

Department at the time of the governing body's transmittal of related amendments pursuant to Subsection 163.3191(4), Florida Statutes; and

(g) ~~A comprehensive plan, element, or plan amendment applicable to a designated area of critical state concern shall not become effective until reviewed and approved as provided in Section 380.05, Florida Statutes, and any rules promulgated pursuant to that section.~~

(h) ~~A comprehensive plan or plan amendment applicable to the Wekiva River Protection Area, in addition to meeting the requirements for compliance pursuant to Section 163.3184, Florida Statutes, must meet the requirements of Section 369.301, et seq., Florida Statutes, the Wekiva River Protection Act.~~

(i) ~~Local governments may enter into and are encouraged to enter into joint planning agreements as provided in Chapter 163, Florida Statutes.~~

(8)(9) Recognition of Private Property Rights and Vested Rights. The Department recognizes private property rights created by law and guaranteed by the State and Federal Constitutions and the existence of legitimate and often competing public and private interests in land use regulations and other government action. Local governments may include appropriate provisions in their plans for the recognition of statutory and common law vested rights.

(9)(10) Duplication of Regulations. When a federal, state, or regional agency has implemented a regulatory program, the department shall not require a local government to duplicate that regulatory program in its local comprehensive plan.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3167, 163.3171, 163.3174, 163.3177, 163.3178, 163.3181, 163.3184, 163.3187, 163.3191, 163.3194 FS. History—New 3-6-86, Amended 10-20-86, 11-22-89, 3-23-94, 5-18-94, 3-21-99, _____.

9J-5.0053 Evaluation and Appraisal Reports and Evaluation and Appraisal Amendments.

Specific Authority 163.3177(9), 163.3191(12)(8),(10) FS. Law Implemented 163.3187(5), 163.3191 FS. History—New 3-23-94, Amended 5-18-94, 3-21-99, Repealed _____.

9J-5.0055 Concurrency Management System.

The purpose of the concurrency management system is to establish an ongoing mechanism which ensures that public facilities and services needed to support development are available concurrent with the impacts of such development.

(1) No change.

(a) A requirement that the local government shall maintain the adopted level of service standards for roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and mass transit, if applicable, and public schools if imposed by local option.

(b) through (e) No change.

(2) through (a)8. No change.

9. Public schools, Rule 9J-5.025(3)(c)7., if imposed by local option.

(b) A local government, at its option, may make additional public facilities and services subject to the concurrency management system. Level of service standards of such additional facilities must be adopted in the local government comprehensive plan. A local government may adopt multimodal level of service standards for transportation facilities, as authorized in Section 163.3180(15)(a), Florida Statutes, using the Florida Department of Transportation methodology for multimodal level of service standards or other professionally accepted methodologies. If a local government desires to extend the concurrency requirement to public schools, the local government shall adopt the necessary amendments as specified in Section 163.3180(13), Florida Statutes, including a public school facilities element and interlocal agreement for school concurrency which are determined to be in compliance with the requirements of law. It should first complete a study to determine how the concurrency requirement is to be addressed and implemented by the local government, school board and all other parties responsible for school facilities. [Section 163.3180(1), Florida Statutes] The local government and school board shall jointly establish level of service standards that apply district-wide to all public schools of the same type including, elementary, middle, and high schools as well as special purpose facilities such as magnet schools. Local governments and school boards shall have the option of utilizing tiered level of service standards as provided in subparagraph (d) of this section. If the local government chooses to apply school concurrency on less than a district-wide basis, such as utilizing school attendance zones or larger school concurrency service areas, the local government and school board shall have the burden to demonstrate in the comprehensive plan that the utilization of school capacity is maximized to the greatest extent possible.

(c) For facilities on the Florida Intrastate Highway System as defined in s. 338.001, Florida Statutes, the local governments shall adopt the level of service standards established by the Department of Transportation by rule. With the concurrence of the Department of Transportation, local governments may establish level of service standards for general lanes in urbanized areas as specified in Section 163.3180(10), Florida Statutes. For other roads local governments shall adopt adequate level of service standards. These level of service standards shall be adopted to ensure that adequate facility capacity will be provided to serve the existing and future land uses as demonstrated by the supporting data and analysis in the comprehensive plan. ~~[Section 163.3180(10), Florida Statutes]~~

(d) through (3)(c)6. No change.

7. A development order or permit within a designated multimodal transportation district may be issued provided the planned community design capital improvements are included in a financially feasible long range schedule of improvements for the development or redevelopment time-frame for the

district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements as specified in Section 163.3180(15)(c), Florida Statutes.

(d) For school facilities, a local government shall meet the following minimum standards to satisfy the concurrency requirement:

1. For district-wide concurrency service areas:

a. At the time the residential development order or permit is issued, the necessary facilities and services are in place or under construction; or

b. A residential development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under construction not more than 3 years after permit issuance as provided in the adopted public school facilities program.

2. For less than district-wide concurrency service areas:

a. If public school concurrency is applied on less than a district-wide basis in the form of concurrency service areas, a residential development order or permit shall be issued only if the needed capacity for the particular service area is available in one or more contiguous service areas and school capacity is available district-wide as defined in Section 163.3180(13)(e), Florida Statutes.

(4) through (7) No change.

(8) CONCURRENCY EXCEPTION – FOR PUBLIC TRANSIT FACILITIES. Public transit facilities, as described in Section 163.3180(4)(b), Florida Statutes, shall not be subject to the concurrency requirement.

(9)(8) PRIVATE CONTRIBUTIONS TO LOCAL GOVERNMENT CAPITAL IMPROVEMENT PLANNING. In order to exercise the option of issuing a development order or permit pursuant to Section 163.3180(11), a local government must identify in the comprehensive plan a process for assessing, receiving, and applying a fair share of the cost of providing the transportation facilities necessary to serve the proposed development. A local government comprehensive plan may authorize multi-use developments of regional impact to satisfy the transportation concurrency requirement by payment of a proportionate share contribution consistent with Section 163.3180(12), Florida Statutes. The transportation facilities must be included in a financially feasible five-year Capital Improvement Schedule adopted pursuant to Section 9J-5.016 of this Chapter. The assessment shall have a reasonable relationship to the transportation impact that is generated by the proposed development.

Specific Authority 163.3177(9),(10),(11)(e) FS. Law Implemented 163.3177(3),(6),(8),(9),(10),(11), 163.3180 FS. History–New 11-22-89, Amended 3-23-94, 3-21-99,_____.

9J-5.006 Future Land Use Element.

(1) through (4)(a)11. No change.

12. Multimodal transportation district boundaries, if any such areas have been designated.

(b) through (f) No change.

(5) No change.

(6) Multimodal Transportation District.

Multimodal transportation districts may be established by local option for areas for which the local government assigns priority for a safe, comfortable, and attractive pedestrian environment. The local government must establish community design standards for the district to reduce vehicle miles traveled and to support an integrated, multimodal transportation system that includes the elements for community design specified in Section 163.3180(15)(b), Florida Statutes.

Specific Authority 163.3177(9),(10), 163.3180(14) FS. Law Implemented 163.3177(1),(2),(4),(5),(6)(a)(c),(6)(d),(8),(9),(10),(11), 163.3178, 163.3180 (13),(15) FS. History–New 3-6-86, Amended 10-20-86, 3-23-94,_____.

9J-5.010 Housing Element.

(1) through (b) No change.

(c) An inventory using data from the latest decennial United States Census, or more recent estimates, including the affordable housing needs assessment, when available, showing the number of dwelling units that are substandard in each of the following categories: Substandard units are those that fail to meet the applicable building code, the minimum housing code, or that lacking complete plumbing; lacking complete kitchen facilities; lacking central heating; or and are overcrowded. Local governments may determine that units without heating are not substandard if they are located in areas where the temperature extremes do not indicate heating as a life safety factor. The inventory shall include locally determined definitions of "standard" and of "substandard" housing conditions and shall include an estimate of the structural condition of housing within the local government's jurisdiction, by the number and generalized location of dwelling units in standard and substandard condition. The inventory shall also include the methodology used to estimate the condition of housing.

(d) No change.

(e) An inventory of group homes licensed by the Florida Department of Children and Family Health and Rehabilitative Services, including the type, number, generalized location and capacity.

(f) An inventory of existing mobile home parks licensed by the Florida Department of Children and Family Health and Rehabilitative Services and mobile home condominiums, cooperatives and subdivisions including the generalized location and capacity.

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

(b) The housing need of the current and anticipated future residents of the jurisdiction, including an affordable housing needs assessment, when available, and including separate estimates of need for rural and farmworker households, by

number, type, cost or rent, tenure, and any other special housing needs, and shall include estimates for the replacement of housing units removed and for the maintenance of an adequate vacancy rate. Each local government shall utilize the data and analysis from the state land planning agency's affordable housing needs assessment as one basis for the housing element. The local government, at its option, may supplement the affordable housing needs assessment with locally generated data which more accurately assesses housing need for very low- or low-income households ~~conduct its own needs assessment, provided that it uses the methodology established by DCA in its rules;~~

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

4. The provision of adequate sites in residential areas or areas of residential character for group homes and foster care facilities licensed or funded by the Florida Department of Children and Family Health and Rehabilitative Services; and

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

4. Adequate sites in residential areas or areas of residential character for group homes and foster care facilities licensed or funded by the Florida Department of Children and Family Health and Rehabilitative Services;

5. through (c)5. No change.

6. Establishment of principles and criteria consistent with Chapter 419, F.S., guiding the location of group homes and foster care facilities licensed or funded by the Florida Department of Children and Family Health and Rehabilitative Services that foster non-discrimination, and encourage the development of community residential alternatives to institutionalization including supporting infrastructure and public facilities;

7. through 11. No change.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177(1),(5),(6)(f),(g),(8),(9),(10), 163.3178 FS. History--New 3-6-86, Amended 10-20-86, 3-23-94, _____.

9J-5.015 Intergovernmental Coordination Element.

(1) through (3)(b)4. No change.

5. Ensure adoption of interlocal agreements within one year of adoption of the amended intergovernmental coordination element, pursuant to the requirements of Section 163.3177(6)(h)2., Florida Statutes.

6. Ensure intergovernmental coordination between all affected local governments and the school board as specified in Section 163.3180(13)(f), Florida Statutes, for the purpose of establishing concurrency requirements for public school facilities, if imposed by local option.

(c) through 3. No change.

4. Provide procedures to identify and implement joint planning areas for the purposes of annexation, municipal incorporation and joint infrastructure service areas ~~Resolving annexation issues;~~

5. through 9. No change.

10. Recognition of campus master plans prepared pursuant to Section 240.155, Florida Statutes, and procedures for coordination of the provisions of the campus master development agreement.

11. Establish joint processes for collaborative planning and decision-making with other units of local governments providing facilities and services but not having regulatory authority over the use of land on population projections and the location and extension of public facilities subject to concurrency.

12. Establish joint processes for collaborative planning and decision-making with the school board on population projections and the siting of public school facilities.

13. Establish joint processes for the siting of facilities with county-wide significance, including locally unwanted land uses, such as solid waste disposal facilities.

14. If imposed by local option, the adoption of an interlocal agreement for school concurrency as specified in Section 163.3180(13)(g), Florida Statutes.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177(1),(4),(5),(6)(h),(8),(9),(10), 163.3180(13) FS. History--New 3-6-86, Amended 10-20-86, 3-23-94, 3-21-99, _____.

9J-5.016 Capital Improvements Element.

(1) through (4)(a)2. No change.

3. If imposed by local option for school concurrency, a five year financially feasible public school facilities program established in conjunction with the local school board that demonstrates the adopted level of service standards will be achieved and maintained.

4. A schedule of capital improvements for multimodal transportation districts, if locally established, required to promote the community design features for the district that are financially feasible over the development or redevelopment time-frame of the district as specified in section 163.3180(15)(c), Florida Statutes. Financial feasibility shall be based on currently available funding or funding sources that could reasonably be expected to become available over the planning period of the district.

(b) through (5) No change.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177(1),(3),(5),(8),(9),(10), 163.3180(10),(13) FS. History--New 3-6-86, Amended 10-20-86, 11-22-89, 4-2-92, 3-23-94, _____.

9J-5.019 Transportation Element.

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

(k) For multimodal transportation districts established pursuant to Section 163.3180(15)(a) and (b), Florida Statutes, an analysis demonstrating that the proposed community design elements, including the transportation system and the land use distribution, densities and intensities, will reduce vehicle miles of travel and support an integrated, multimodal transportation system that achieves the objectives of the paragraphs cited above.

(4) through (b)9. No change.

10. For multimodal transportation districts established pursuant to Section 163.3180(15)(a) and (b), Florida Statutes, provide for a safe, comfortable and attractive pedestrian environment with convenient interconnection to public transportation.

(c) No change.

1. Establishment of level of service standards at peak hour for roads and public transit facilities within the local government's jurisdiction. For facilities on the Florida Intrastate Highway System as defined in Section 338.001, F.S., the local governments shall adopt the level of service standards established by the Department of Transportation by rule. With the concurrence of the Department of Transportation, a local government may establish level of service standards for general lanes in urbanized areas as specified in Section 163.3180(10), Florida Statutes. For all other facilities on the future traffic circulation map, local governments shall adopt adequate level of service standards. These level of service standards shall be adopted to ensure that adequate facility capacity will be provided to serve the existing and future land uses as demonstrated by the supporting data and analysis in the comprehensive plan;

2. through 21. No change.

22. For multimodal transportation districts established pursuant to Section 163.3180(15)(a) and (b), Florida Statutes, provide an interconnected network of streets and related facilities, such as sidewalk condition, availability and connectivity, street crossing convenience, transit proximity to origins and destinations, convenience and reliability of transit facilities, and roadway conditions for bicycles including lane width, surface condition, and separation from motor vehicle traffic, so as to promote walking and bicycling that is coordinated with land uses and other community design features and ensures convenient access to public transportation.

(5) No change.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177(1),(3),(5),(8),(9),(10), 163.3178, 163.3180(13),(15) FS. History--New 3-23-94, Amended 3-21-99,_____.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Rules of Procedure and Practice Pertaining

Quality Developments 9J-28

RULE TITLES: RULE NOS.:

Purpose 9J-28.001

Definitions 9J-28.002

Applicability 9J-28.003

Public Participation 9J-28.004

Notices, Agendas, Conduct of Proceedings 9J-28.005

Application Forms 9J-28.006

Requirements for Designation as a Florida Quality Development	9J-28.009
Filing the Application for Development Designation	9J-28.011
Pleadings	9J-28.014
Commencement of Appeal Proceedings	9J-28.015
Answer	9J-28.016
Reply	9J-28.017
Non-Party Response	9J-28.018
Time for Hearing Appeal	9J-28.019
Duties of Review Board Staff	9J-28.020
Conduct of Appeals	9J-28.021
Appeals Decisions	9J-28.022
Florida Quality Development Orders	9J-28.023
PURPOSE AND EFFECT: To modify the rules to comply with 120.536(2)(b), F.S., as amended by Chapter 99-379, § 3, Laws of Florida, and update the rules.	

SUBJECT AREA TO BE ADDRESSED: Chapter 9J-28, Florida Administrative Code, pertains to developments of regional impact that meet certain criteria to be designated as Florida Quality Developments (FQD). Some of the rules in this notice are proposed to be revised to either incorporate updated information or modify certain requirements. Other rules are proposed to be repealed. Statute citations for rule making authority and law implementation references have also been updated in the rules.

Rule 9J-28.001, concerning the purpose for the rules, is repealed. The revision to Rule 9J-28.002, definitions, incorporates the correct name as the Division of Community Planning.

Rules 9J-28.003, pertaining to the applicability of the rules; 9J-28.004, encouraging public participation in the FQD process; and 9J-28.005, pertaining to notices, agendas and conduct of proceedings are repealed.

Revisions to Rule 9J-28.006 reference a new effective date for the FQD application form and changes the address and name of the Division within the Department where this form can be obtained.

Rule 9J-28.009, pertaining to requirements for designation as a Florida Quality Development, is revised to correctly reference the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission; changes a reference from Section 403.8171 to Chapter 403, F.S.; deletes the reference to the Florida Department of Agriculture and Consumer Services' endangered plant list and replaces it by reference to the plant list in Rule 9J-2.041, Florida Administrative Code; incorporates a requirement to include an outline and description of energy conservation features in the FQD project's energy conservation plan; updates references to correctly refer to the regional strategic plans; and deletes the reference to the state land development plan. In the Planning

and Design Features section, the reference to the Florida Department of Natural Resources is revised to reference the Department of Environmental Protection.

The revision to Rule 9J-28.011 (Filing for Application for Development Designation) changes the reference for determining the completeness of information submitted from section 120.57, F.S., to section 120.569, F.S.

Rules 9J-28.014 through 9J-28.019 and Rules 9J-28.021 and 9J-28.022 pertaining to pleadings filed in response to the designation or non-designation of a project as a FQD; commencement of appeal proceedings; answering a petition filed by a developer; the petitioner’s reply to the answer; responses to the petition by non-party reviewing entities; procedures for scheduling an appeal; conduct of appeals; and appeals decisions are all repealed. In Rule 9J-28.020, the reference to repealed Rule 9J-28.022 is deleted.

A requirement that a finding of fact be made that a FQD development order is consistent with the state land development plan is deleted from Rule 9J-28.023. Also, references in the rule are updated to correctly refer to the Florida Department of Environmental Protection and Florida Fish and Wildlife Conservation Commission, delete the reference to the state land development plan and to correctly reference the regional strategic plan.

SPECIFIC AUTHORITY: 380.032(2)(a), 380.061(3), 380.061(6)(d), 380.061(8)(b) FS.

LAW IMPLEMENTED: 120.536(2)(b) FS as amended by Chapter 99-379, §3, Laws of Florida, 380.061(3), 380.061(4), 380.061(5)(b), 380.061(5)(d), 380.061(6)(a) FS.

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

TIME AND DATE: 9:00 a.m., July 26, 2000

PLACE: Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Jeff Bielling, Senior Management Analyst, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone number (850)922-1760, SUNCOM 292-1760 at least seven days before 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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jeff Bielling, Senior Management Analyst, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32303-2100, Telephone number (850)922-1760

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9J-28.001 Purpose.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061 FS. History–New 1-23-90, Repealed.

9J-28.002 Definitions.

(1) through (7) No change.

(8) “Division” means the Division of Community Resource Planning and Management of the Department of Community Affairs.

(9) through (27) No change.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061 FS. History–New 1-23-90, Amended.

9J-28.003 Applicability.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061 FS. History–New 1-23-90, Repealed.

9J-28.004 Public Participation.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061 FS. History–New 1-23-90, Repealed.

9J-28.005 Notices, Agenda, Conduct of Proceedings.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061 FS. History–New 1-23-90, Repealed.

9J-28.006 Application Forms.

Applications for designation of a development as an FQD shall be made on Form RPM-BSP-ADA-1, “Development of Regional Impact Application for Development Approval,” effective date: 11/9076, as incorporated by reference in 9J-2.0107(1)(a), Florida Administrative Code, and in addition thereto those items specified in Rules 9J-28.008, “General Requirements,” and 9J-28.009, “Requirements for Designation as a Florida Quality Development.” The form may be obtained by submitting a request to: State of Florida Department of Community Affairs, Division of Community Resource Planning, 2555 Shumard Oak Boulevard, Sadowski Building and Management, Bureau of State Planning, 2740 Centerview Drive, Rhyne Building, Tallahassee, Florida 32399-2100.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061(4) FS. History–New 1-23-90, Amended.

9J-28.009 Requirements for Designation as a Florida Quality Development.

To be eligible for designation under this alternative DRI review program, the developer shall comply with each of the following requirements which is applicable to the site of a proposed FQD. The intent of establishing these minimum FQD development standards is to assist, promote, and advance the timely and expeditious review of FQD projects and, unless otherwise specified, such mitigative requirements shall be in addition to the mitigation standards and criteria for developments of regional impact.

(1)(a) No change.

1. Wetlands and Water Bodies Within the Jurisdiction of the Florida Department of Environmental ~~Protection Regulation~~. The developer shall preserve all wetlands and waterbodies within the jurisdiction of the Florida Department of Environmental ~~Protection (DEP) Regulation (DER)~~. In order to facilitate review, the developer should obtain a binding Jurisdictional Declaratory Statement from ~~DEPR~~ for all wetlands within the project boundaries.

a. The developer may alter such wetlands and water bodies for the purpose of site access provided other routes of access are unavailable or impractical. However, such use shall be subject to approval by the ~~DEPR~~, pursuant to its authority under Chapter 403, Florida Statutes.

b. No change.

c. The developer may enhance wetlands and water bodies which have been artificially created to produce a more naturally functioning system. Man-made wetlands, created for mitigative purposes, may not be altered unless the redesign or alteration enhances the functionality of the system and is performed in accordance with the approval of the appropriate agencies which required or permitted the mitigation site. Such use is subject to approval by the ~~DEPR~~, pursuant to its authority under ~~Chapter 403 Section 403.8171~~, Florida Statutes. The developer shall indicate any such proposed use in the application for development designation.

2. Dunes and Beaches. The developer shall preserve active beach and primary dunes seaward of the coastal construction control line established pursuant to Section 161.053, Florida Statutes. The developer shall also preserve secondary dunes seaward of the coastal construction control line except for those sites where the developer obtains a permit from the Florida Department of ~~Environmental Protection Natural Resources~~ to alter, excavate, or construct structures pursuant to Section 161.053, Florida Statutes. The developer shall set aside adequate public accessways to the beach. The developer may construct and maintain elevated walkways over the dunes to provide access to the beach as permitted pursuant to Section 161.053, Florida Statutes. These walkways shall be designed and built to protect the dunes and their associated vegetation.

3.a. through d. No change.

4. Areas Important to Endangered or Threatened Animal Species. The developer shall preserve the habitat areas necessary to ensure the survival of the animal species designated as endangered or threatened by the United States Fish and Wildlife Service hereby referenced as Chapter 50, Code of the Federal Regulations, Section 17.11-12, Subpart B – List, “Title 50 Wildlife and Fisheries Part 17 – Endangered and Threatened Wildlife and Plants,” and the Florida ~~Game and Fresh Water Fish and Wildlife Conservation~~ Commission hereby referenced as published in Section ~~3968A-27.003-.005~~, Florida Administrative Code, “Official List of Endangered and Potentially Endangered Fauna and Flora in Florida.”

a. No change.

b. The survey should be conducted according to guidelines for such surveys as recommended by the ~~Game and Fresh Water Fish and Wildlife Conservation~~ Commission (Commission). The survey should include, at a minimum: (1) a description of the survey methodology, including dates and times; and (2) a list and map of threatened and endangered animal species observed onsite and presumed to use the site based on the vegetative community and species range. The Department may consult with the Commission on the results of the survey and receive comments and recommendations from the Commission.

c. No change.

5. Areas Known to Contain Endangered Plant Species. The developer shall preserve areas known to contain plant species designated as endangered plant species in Rule 9J-2.041, Florida Administrative Code ~~by the Florida Department of Agriculture and Consumer Services hereby referenced as published in Sections 581.185-187, Florida Statutes.~~

a. through (5)(b) No change.

(c) The developer shall prepare an energy conservation plan for the design, construction and operation of the development. The plan shall outline and describe energy conservation standards and features, and design criteria expected to be used in the architectural design, construction, and operation of the structures. The plan should be included in the application for development designation. The plan shall consider, but not be limited to, the following energy conservation features:

1. through (d) No change.

(6) Infrastructure. The developer will provide for construction and maintenance of all onsite infrastructure necessary to support the project. The developer shall enter into a binding commitment with the local government to provide an appropriate fair-share contribution toward offsite impacts which the development will impose on publicly funded facilities and services and condition or phase the commencement of development to ensure that public facilities and services will be available concurrent with the impacts of the development. This commitment does not include offsite transportation facilities. For the purposes of offsite transportation impacts, the developer shall comply, at a minimum, with the following standards: the state land planning agency's development of regional impact transportation rule, if in effect; the approved strategic regional policy comprehensive plan; any applicable regional planning council transportation rule; and the approved local government comprehensive plan and land development regulations adopted pursuant to Part II of Chapter 163, Florida Statutes.

(7) Consistency with Plans. The design and construction of the development shall be consistent with the adopted state comprehensive plan, ~~the state land development plan~~, the applicable ~~strategic comprehensive~~ regional policy plan, and the applicable adopted local government comprehensive plan.

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

DESIGN FEATURE

Primary Design Features

1. through 3. No change.

4. Preservation of areas that are primary habitat for significant populations of animal species of special concern designated by the Florida ~~Game and Fresh Water Fish and Wildlife Conservation~~ Commission or protection and preservation of uplands as wildlife habitat with special consideration given to prime recharge areas, areas designated by the Florida Department of ~~Environmental Protection Natural Resources~~ to be significant value to the state park system, or other environmentally sensitive property included on the Conservation and Recreation Lands or the Land Acquisition Trust Fund priority list or included as a priority for acquisition by a water management district through the Save Our River program;

5. through 13. No change.

Specific Authority 380.032(2)(a), 380.061(3),(8)(b) FS. Law Implemented 380.061(3) FS. History–New 1-23-90, Amended.

9J-28.011 Filing the Application for Development Designation.

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

(c) The application for development designation shall be approved or denied by the Department and the local government within 90 days after receipt of the original complete application or receipt of the timely requested additional information or correction of errors or omissions which determine the application complete. The 90 day time limitation prescribed by Subsection 120.60, Florida Statutes, for the approval or denial of license applications is subject to waiver by the applicant. The Department shall consider any report and recommendations made by the regional planning council which are received within 50 days after receipt of the complete application. In preparing its report and recommendations, the regional planning council should identify regional issues based on the criteria pursuant to Subsection 380.06(12), Florida Statutes. If the applicant chooses to appeal the completeness review for the FQD, the 90 day period will be tolled by the initiation of proceedings under Section 120.5697, Florida Statutes, and will resume 10 days

POINTS
ASSIGNED

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after the recommended order of the hearing officer is submitted to the Department, the local government, the applicant, and other parties.

(d) No change.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061(5)(b) FS. History–New 1-23-90, Amended.

9J-28.014 Pleadings.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.015 Commencement of Appeal Proceedings.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.016 Answer.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.017 Reply.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.018 Non-Party Response.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.019 Time for Hearing Appeal.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.020 Duties of Review Board Staff.

(1) through (3) No change.

(4) Prepare the written decision of the Review Board ~~pursuant to rule section 9J 28.022, Florida Administrative Code.~~

(5) No change.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6)(a) FS. History–New 1-23-90, Amended.

9J-28.021 Conduct of Appeals.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.022 Appeals Decisions.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.023 Florida Quality Development Orders.

(1) through (4)(b)6.a. No change.

~~b. The development is consistent with the state land development plan;~~

b.e. The local government with jurisdiction has reviewed the development, has found the development consistent with the local government comprehensive plan, and has approved the designation of the development as an FQD, specifying the conditions for approval;

~~c.d.~~ The Department has reviewed the development, has found it to be consistent with the state comprehensive plan ~~and the state land development plan~~, and has approved the designation of the development as an FQD, specifying the conditions of approval;

~~d.e.~~ The development is in an Area of Critical State Concern;

~~e.f.~~ The development is above the applicable development of regional impact thresholds, pursuant to s. 380.06, Florida Statutes, and is thereby a development of regional impact;

~~f.g.~~ The development will preserve, in perpetuity, wetlands and water bodies within the jurisdiction of the Department of Environmental ~~Protection Regulation~~ which occur on development property, specifying the mechanism to be used for the preservation of those wetlands and water bodies or stating that these lands do not occur on the development property;

~~g.h.~~ The development will preserve, in perpetuity, active beaches and primary dunes that occur seaward of the coastal construction control line on development property, specifying the mechanism to be used for the preservation of those areas or stating that no active beaches or primary dunes occur on the development property;

~~h.i.~~ The development will preserve, in perpetuity, all archaeological sites determined to be significant by the Department of State, Division of Historical Resources, specifying the mechanism to be used for the preservation of those sites or stating that no such sites occur on the development property;

~~i.j.~~ The development will preserve, in perpetuity, areas known to be important to animal species designated as endangered or threatened by the United States Fish and Wildlife Service or the Florida ~~Game and Fresh Water Fish and Wildlife Conservation~~ Commission, specifying the mechanism to be used for the preservation of those areas or stating that such areas do not occur on development property;

~~j.k.~~ The development will preserve, in perpetuity, areas known to contain plant species designated as endangered by the Florida Department of Agriculture and Consumer Services, specifying the mechanism to be used for the preservation of those areas or stating that such areas do not occur on the development property;

~~k.l.~~ The development will not produce or dispose of any substances designated as hazardous or toxic by the U.S. Environmental Protection Agency, the Florida Department of Environmental ~~Protection Regulation~~, or the Florida Department of Agriculture and Consumer Services;

~~l.m.~~ The development will participate in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area if located in or adjacent to a redevelopment district;

~~m.n.~~ The development will include open space and recreation areas, specifying the type and acreage of those lands;

~~n.o.~~ The development will include energy conservation features;

~~o.p.~~ The development will minimize impermeable surfaces;

~~p.q.~~ The developer has entered into a binding commitment to provide for the construction and maintenance of all onsite facilities and services necessary to support the development;

~~q.r.~~ The developer will provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with the local government to provide an appropriate fair-share contribution toward offsite impacts that the development will impose on the publicly funded facilities and services; and

~~r.s.~~ For the purposes of offsite transportation impacts, the developer will comply, at a minimum, with the standards of the Department's development of regional impact transportation rule if in effect, the approved regional ~~comprehensive~~ strategic plan and any applicable regional planning council transportation rule, and the approved local government comprehensive plan and land development regulations adopted pursuant to part II of Chapter 163, Florida Statutes; and

~~s.t.~~ The development includes innovative design and quality of life features, or other development features that address the needs of the people as identified in the state comprehensive plan for those who will live and work in and near the development;

7. through (7)(c) No change.

Specific Authority ~~380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061, 380.061(5)(d) FS. History--New 1-23-90, Amended _____.~~

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Monuments and Tombstones	12A-1.026
Funerals; Related Merchandise and Services	12A-1.035
Cemetery Organizations	12A-1.052

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12A-1.026, FAC., is to consolidate the guidelines for the taxability of monuments and monument services, such as tombstones or mausoleums, into proposed Rule 12A-1.035, FAC., Funerals; Related Merchandise and Services.

The purpose of the proposed amendments to Rule 12A-1.035, FAC., is to consolidate the administration of funerals and related items and services under one administrative rule and to provide guidelines to sellers of funeral or burial services and funeral or burial merchandise. The proposed amendments also remove the exclusion from tax for ambulance service, as it is unrelated to funerals and funeral services and is an unnecessary

rule provision. The proposed amendments also change the rule title to “Funerals; Related Merchandise and Services,” to reflect these amendments.

The purpose of the proposed repeal of Rule 12A-1.052, FAC., is to remove: 1) unnecessary provisions regarding the requirement to register as a dealer and collect tax on the sale of tangible personal property that are provided in Rule 12A-1.060, FAC.; and 2) provisions regarding the bricking of graves and the construction of foundations for monuments that will be provided in proposed Rule 12A-1.035, FAC., Funerals; Related Merchandise and Services.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development workshop is the administration of sales tax on the sale of funeral and burial services and funeral and burial merchandise.

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

LAW IMPLEMENTED: 212.05(1)(a),(c), 212.06(1), 212.08(2),(7)(o),(v) FS.

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

TIME AND DATE: 2:00 p.m., July 19, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

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

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.026 Monuments and Tombstones.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(a), 212.06(1) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.26, Repealed _____.

(Substantial Rewording of Rule 12A-1.035 follows. See Florida Administrative Code for present text.)

12A-1.035 Funerals; Related Merchandise and Services.

(1) As used in this rule:

(a) “Funeral service” or “burial service” means any observance, ceremony, or service in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains.

(b) “Funeral merchandise” or “burial merchandise” means any tangible personal property commonly sold or used in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains. Examples of such items are caskets, burial containers, vaults, alternative containers, cremation containers, urns, monuments, private mausoleums, clothing, flowers, shrubs, benches, vases, memory folders, acknowledgment cards, prayer cards, and register books. This list is not intended to be an exhaustive list.

(2)(a) The sale of funeral or burial merchandise by any person required to be licensed or registered under the provisions of Chapter 470 or 497, F.S., is not subject to tax when the merchandise is sold in connection with the performance of a funeral service or burial service. When the merchandise is provided under a separate contract, or provided by a separate legal entity, the sale of the funeral or burial merchandise is not subject to tax only when the merchandise is provided in connection with the performance of a funeral or burial service. The purchase of such funeral or burial merchandise by the person licensed or registered under the provisions of Chapter 470 or 497, F.S., is subject to sales and use tax.

(b) The sale of funeral or burial merchandise, except monuments or monument services as provided in subsection (4) of this rule, by any person required to be licensed or registered under the provisions of Chapter 470 or 497, F.S., that is not in connection with the performance of a funeral or burial service is subject to tax. Sales tax is to be collected from the purchaser at the time of sale.

(c) The sale of funeral or burial merchandise by any person who is not required under the provisions of Chapter 470 or 497, F.S., to hold a certificate of authority, to be licensed, or to be registered is subject to tax.

(3) When any establishment that holds a certificate of authority pursuant to Chapter 497, F.S., enters into a pre-need contract with a customer to provide funeral or burial services upon the death of the customer, no sale occurs for sales and use tax purposes until the services are performed. Use tax is due on the purchase price of funeral or burial merchandise provided in connection with a funeral or burial service when the service is performed, unless sales tax was paid at the time of purchase of the merchandise.

(4)(a) The following sales of monuments or monument services by any person licensed or registered pursuant to Chapter 497, F.S., to sell monuments or monument services are not subject to sales tax:

1. The sale of a monument that is securely affixed to a foundation or permanent base;
2. The sale of a granite marker installed flush with ground level at the graveside;
3. Charges for the inscription of a monument installed on a foundation;
4. The building of a mausoleum, columbarium, or below ground crypt;
5. The bricking of graves; or
6. The construction of foundations for monuments.

(b) The sale of tangible personal property that is furnished to the customer, or incorporated into property furnished to the customer, as provided in paragraph (a), to any person licensed or registered pursuant to Chapter 497, F.S., to sell monuments or monument services is subject to tax.

(c) The sales of monuments or monument services that are not constructed, affixed to a foundation or permanent base, or installed, as described in paragraph (a), are subject to sales tax.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(a),(c), 212.06(1), 212.08(2),(7)(v) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.35, Amended _____.

12A-1.052 Cemetery Organizations.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.06(1), 212.08(7)(o) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.52, Repealed _____.

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Control of Contraband	33-602.203
Routine Mail	33-602.401
Legal Documents and Legal Mail	33-602.402
Privileged Mail	33-602.403

PURPOSE AND EFFECT: The purpose of the proposed rule is to provide relevant forms, clarify the responsibilities of inmates with regard to informing correspondents of applicable rules, clarify what constitutes, and procedures relating to, routine, legal, and privileged mail. The effect of the proposed rule is to: define permitted and prohibited items for routine, legal, and privileged mail; establish procedures for cash and cashiers checks contained in mail; clarify the bases upon which mail will be disapproved; clarify procedures for contraband mail; prohibit the use of handmade envelopes or packages; clarify the definition of what constitutes legal mail and provide procedures for mail disapproved as legal mail; clarify time limits for processing mail and for the forwarding of legal mail for inmates transferred to other institutions or released; and establish procedures relating to costs for the mailing of legal mail for indigent inmates.

SUBJECT AREA TO BE ADDRESSED: Control of Contraband, Routine Mail, Legal Documents and Legal Mail, and Privileged Mail.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11, 945.215 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11, 944.47, 945.215 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: Giselle Lylen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.203 Control of Contraband.

(1)(a) through (7)(d) No change.

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

(f) If cash found in any mail is not in plain view, it will be considered contraband and deposited in the inmate welfare trust fund.

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

Specific Authority 944.09, 945.215 FS. Law Implemented 944.47, 945.215 FS. History—New 10-8-76, Amended 2-24-81, 4-18-82, 8-13-84, 2-13-85, 6-2-85, Formerly 33-3.06, Amended 2-9-87, 11-3-87, 8-14-90, 11-22-91, 1-06-94, 5-28-96, 10-26-97, Formerly 33-3.006, Amended 3-2-00, _____.

33-602.401 Routine Mail.

(1) No change.

(2) Inmates will be permitted to receive only the following types of materials through routine mail:

(a) Written correspondence (no limit as to number of pages). Correspondence may be written on greeting cards, but cards containing electronic or other non-paper parts or cards which are constructed in such a way as to permit concealment of contraband will not be permitted.

(b) Up to 5 pages of additional written materials. Each page can be no larger than 8 1/2 x 11 inches in size; material can be on both sides of a page. This does not include bound publications which will be handled pursuant to rule 33-501.401. Individual newspaper or magazine articles or clippings or clippings from other publications are permissible, up to the 5 page limit. No item can be glued, taped, stapled or otherwise affixed to a page.

(c) Photographs. Photographs will be counted toward the 5 page additional materials limitation. Personal nude photographs or personal photographs which reveal genitalia, buttocks, or the female breast will not be permitted. Polaroid photographs will not be permitted.

(d) Cashiers checks, certified bank drafts or money orders. These items do not count toward the 5 page limitation for additional materials. Note: pursuant to rule 33-203.201, persons sending money to inmates should send the funds directly to the service center for deposit and should not enclose them with routine mail. Funds enclosed in routine mail must be forwarded by the institution to the service center for deposit, resulting in delay of the inmate's access to the funds.

(e) Self-addressed stamped envelopes. These items do not count toward the 5 page limitation for additional materials, but cannot exceed the equivalent of 20 (1 ounce) first class stamps.

(f) Blank greeting cards, stationery or other blank paper or envelopes. These items do not count toward the 5 page limitation for additional materials, but cannot exceed 10 in number.

(g) U.S. postage stamps. The value of the stamps cannot exceed the equivalent of 20 (1 oz.) first class stamps. These items do not count toward the 5 page limitation for additional materials.

(3) No other items may be received through incoming routine mail. If an impermissible item is found (other than items of an illegal nature or cash concealed within the correspondence), the entire correspondence will be returned to the sender pursuant to paragraph (11) of this rule. For example, the following items are not permissible for inclusion in routine mail:

(a) Non-paper items;

(b) Items of a non-communicative nature such as lottery tickets or matchbooks;

(c) Stickers or stamps (other than postage stamps);

(d) Address labels;

(e) Laminated cards or other laminated materials.

(4) Inmates shall be responsible for informing correspondents of the regulations concerning incoming routine mail.

(2) through (6)(j) renumbered (5) through (9)(j) No change.

(k) Contains criminal history, offender registration, or other personal information about another inmate or offender which, in the hands of an inmate, presents a threat to the security, order or rehabilitative objectives of the correctional system or to the safety of any person;

(l) Is not in compliance with incoming mail regulations set forth in paragraphs (2) and (3) of this rule (incoming mail only); or

(m)(k) otherwise presents a clear and substantial threat to the security, order, or rehabilitative objectives of the Correctional System, or to the safety of any person.

(10)(7) No change.

(11)(8) When an inmate is prohibited from sending a letter, the letter and a written and signed notice stating one of the authorized reasons for disapproval and indicating the portion or portions of the letter causing disapproval will be given to the inmate. When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be given notice in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC6-222, will be placed in the original envelope with the correspondence and returned to the sender. If contraband is discovered in the mail (other than contraband of an illegal nature or concealed cash), the contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. In either case the inmate may file a grievance to be reviewed by an officer or official other than the person disapproving the mail. Form DC6-222 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(9) through (10)(b) renumbered (12) through (13)(b) No change.

(14)(11) Cashier's checks, certified bank drafts and money orders found in incoming mail shall be forwarded to the service center to be deposited in the inmate's account in the Inmate Trust Fund pursuant to rule 33-203.201. ~~Cash and Uncertified bank drafts will not be accepted and will be returned to the sender. Cash found in plain view in incoming mail will be returned to the sender. However, if cash is concealed within the mail, such as hidden between the layers of the cover of a greeting card, the cash will be considered contraband and will be deposited in the Inmate Welfare Trust Fund.~~ The department is not responsible for any cash sent through the mail.

(15)(12) No change.

(16) Inmates shall not utilize hand-made packages or envelopes to send out routine mail. Mail enclosed in such materials will be returned to the inmate without processing.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, _____.

33-602.402 Legal Documents and Legal Mail.

(1) All inmates shall have a right of unhindered access to the courts. No provision of this rule shall be applied in such a way as to conflict with any rule of court. In any filings or correspondence with state courts, inmates are restricted by s. 92.351, F.S., to mailing paper documents only, unless prior

authorization is obtained from the court for inclusion of non-paper materials. No non-paper materials will be forwarded to the court until the inmate presents a court order authorizing the mailing of non-paper documents to the court. Inmates shall be given ample time in which to prepare petitions and other legal documents. These documents will be processed promptly subject to the procedures outlined in this rule.

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

(f) Mail to and from Agency Clerks.

(g) Mail to and from government attorneys.

(3) Legal mail shall be delivered to the institution or facility by the U.S. Postal Service only.

(4) Inmates shall ~~may~~ be allowed to prepare legal documents and legal mail in their living quarters. Additionally, some institutions may designate other areas specifically for this purpose.

(5) No change.

(6) Inmates shall be permitted to receive only legal documents, legal correspondence, written materials of a legal nature (other than publications) and self-addressed stamped envelopes through legal mail. No other items may be received through legal mail.

(a) The following items are not permissible for inclusion in legal mail, but are permissible for inclusion in routine mail, along with other materials listed in 33-602.401(2):

1. Greeting cards, blank greeting cards, stationery or other blank paper or envelopes;

2. Articles or clippings or other written materials of a non-legal nature.

3. Photographs, unless related to the inmate's criminal case. If related to the criminal case, the photographs shall still be subject to restriction based on content if the photographs present a threat to the security or order of the institution or the rehabilitative interests of the inmate. Polaroid photographs are prohibited.

4. Cashiers checks, certified bank drafts, or money orders. (See also rule 33-203.201 for deposit procedures).

5. U.S. postage stamps, the value of which cannot exceed the equivalent of 20 (1 oz.) first class stamps.

(b) The following items which are prohibited for receipt in routine mail are also not permissible for inclusion in legal mail:

1. Non-paper items;

2. Items of a non-communicative nature such as lottery tickets or matchbooks;

3. Stickers or stamps (other than postage stamps);

4. Address labels;

5. Laminated cards or other laminated materials.

(c) Inmates shall be responsible for informing their legal correspondents of the regulations concerning incoming legal mail.

(7) When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be notified in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC6-222, will be placed in the original envelope with the correspondence and returned to the sender. If contraband is discovered in the mail (other than contraband of an illegal nature or concealed cash), the contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. Form DC6-222 is incorporated by reference in rule 33-602.401.

~~(8)(a)(6)~~ All outgoing and incoming legal mail will be forwarded ~~unopened~~ when it can be determined from the envelope that the correspondence is legal mail and that it contains no contraband or other noncommunicative objects. A determination can be made in most instances by bending, shaking, or holding the envelope to a light. If a determination cannot be made from an examination of the envelope, the mail may be:

~~(a)~~ opened for inspection in the presence of the inmate. Only the signature and letterhead may be read;~~or~~

~~(b)~~ held for a reasonable time pending verification that it was sent by or is properly addressed to a person or agency listed in subsection (2). Mail identified as being a communication from an attorney to a client will not be opened unless articles other than mail are detected therein.

~~(c)(e)~~ If the incoming mail is not legal mail, it will be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection ~~(8)(6)~~ of this rule because it was being transmitted under the guise of legal mail. The inmate whom the mail was addressed shall receive a copy of the form letter.

(c) Incoming and outgoing legal mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 24 hours, excluding weekends and holidays.

~~(9)(7)~~ Inmates shall be allowed to purchase and receive legal material (such as law books) at their own expense, limited only by the amount of space available to the inmate for the storage of such items. Inmates shall be allowed to keep legal material in their quarters subject to storage limitations. The Department of Corrections will not be responsible for lost or stolen or misplaced legal materials. The institution shall provide white paper and pen for the preparation of legal documents and legal mail for those inmates without necessary funds to purchase their own paper and pen. Inmates shall not utilize hand-made envelopes or packages to send out legal mail. Mail enclosed in such materials will be returned to the inmate without processing.

~~(10)(a)(8)~~ No change.

(b) At the time that copies or postage are provided to an inmate for this purpose, the business office shall place a hold on the inmate's account for the cost of the copies or postage.

The cost of providing the copies or postage shall be collected from any existing balance in the inmate's bank trust fund account. If the account balance is insufficient to cover the cost, the account shall be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account, subject to priorities of other liens, and all subsequent deposits to the account will be applied against the unpaid costs until the debt has been paid.

(9) through (11)(b) renumbered (11) through (13)(b) No change.

(c) Specify that the inmate is responsible for notifying attorney and courts not to enclose prohibited items ~~money orders and checks~~ in envelopes with other legal mail.

(d) No change.

(12) through (14) renumbered (14) through (16) No change.

~~(17)(15)~~(a) All incoming legal mail received for an inmate shall be entered on the Incoming Legal And/Or Privileged Mail Log, Form DC6-256 DC3-321. The form shall include the inmate's name, DC number, the date the mail was received by the institution, the full address of the sender, the date the mail was received by the inmate, the signature of the inmate, and the initials of the mailroom officer who is present when the inmate signs for receipt of the mail. Form DC6-256 DC3-321 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel Security and Institutional Management, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope.~~ The effective date of the form is February 15, 1998.

(b) In the event that the inmate has been released or transferred, in addition to the procedures required by rule 33-602.402(16)(14), Form DC6-256 DC3-321 shall be completed as required in 33-602.402(17)(15)(a), except that mailroom staff shall write 'Transferred' or 'Released' in the 'Date Mail Received By Institution' section, and shall write the date that the mail was forwarded in the 'Inmate Signature' section.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, _____.

33-602.403 Privileged Mail.

(1) No change.

(2) Inmates shall be allowed to receive only written correspondence and self-addressed stamped envelopes in privileged mail.

(a) The following items are not permissible for inclusion in privileged mail, but are permissible for routine mail along with other materials listed in 33-602.401(2):

1. Greeting cards, blank greeting cards, stationery or other blank paper or envelopes;

2. Articles or clippings;

3. Photographs;

4. Cashiers checks, certified bank drafts or money orders (see also rule 33-203.201 for deposit procedures);

5. U.S. postage stamps, the value of which cannot exceed the equivalent of 20 (1 oz.) first class stamps;

(b) The following items which are prohibited for receipt in routine mail are not permissible for inclusion in privileged mail:

1. Non-paper items;

2. Items of a non-communicative nature such as lottery tickets or matchbooks;

3. Stickers or stamps (other than postage stamps);

4. Address labels;

5. Laminated cards or other laminated materials.

(c) Inmates shall be responsible for informing all correspondents of the regulations concerning privileged mail.

(3) When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be notified in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC6-222, will be placed in the original envelope with the correspondence and returned to the sender. If contraband is discovered in the mail (other than contraband of an illegal nature or concealed cash), the contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. Form DC6-222 is incorporated by reference in rule 33-602.401.

~~(4)(2)~~ All outgoing and incoming privileged mail shall be forwarded unopened when it can be determined from the envelope that the correspondence is privileged mail and that it contains no contraband or other noncommunicative objects. A determination can be made in most instances by bending, shaking, or holding the envelope to a light. If a determination cannot be made from an examination of the envelope, the mail may be:

~~(a) opened~~ for inspection in the presence of the inmate. Only the signature and letterhead may be read; ~~or~~

~~(b) Held for a reasonable time pending verification that it was sent by or is properly addressed to a public official, a governmental agency or a member of the news media. Incoming and outgoing privileged mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 24 hours, excluding weekends and holidays.~~

(3) through (5)(a) renumbered (5) through (7)(a) No change.

(b) Upon receipt of privileged mail, if there is a question that it is privileged mail, the mail shall be opened in the presence of the inmate to confirm that it is privileged mail. If it

is confirmed to be privileged mail, it shall be delivered to the inmate. If the mail is not ~~bona fide~~ privileged mail, it shall be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection ~~(3)(2)~~ and ~~(7)(5)~~ of this rule because it was being transmitted under the guise of privileged mail. The inmate to whom the mail was addressed shall receive a copy of the form letter.

(c) Anytime privileged mail is received for an inmate who has been released from the department, it shall be returned to the post office within ~~5~~ ~~10~~ working days with a forwarding address, if available, and a request shall be made to postal authorities to forward the privileged mail to the former inmate. If there is no available forwarding address, all privileged mail shall be returned to the sender.

(d) No postage or writing materials shall be provided to inmates for privileged mail, however the postage and writing materials provided in 33-602.401~~(15)(12)~~ may be used for this purpose.

(e) Inmates shall not utilize home-made envelopes or packages to send out privileged mail. Mail enclosed in such materials will be returned to the inmate without processing.

~~(8)(6)(a) All incoming privileged mail received for an inmate shall be entered on the Incoming Legal And/Or Privileged Mail Log, Form DC6-256 DC3-321. The form shall include the inmate's name, DC number, the date the mail was received by the institution, the full address of the sender, the date the mail was received by the inmate, the signature of the inmate, and the initials of the mailroom officer who is present when the inmate signs for receipt of the mail. Form DC6-256 DC3-321 is hereby incorporated by reference in rule 33-602.402. Copies of the form are available from the Office of Security and Institutional Management, 2601 Blair Stone Road, Tallahassee, Florida 32399 2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of the form is February 15, 1998.~~

(b) In the event that the inmate has been released or transferred, in addition to the procedures required by rule 33-602.403~~(7)(5)~~, Form DC6-256 DC3-321 shall be completed as required in 33-602.403~~(8)(6)(a)~~, except that mailroom staff shall write 'Transferred' or 'Released' in the 'Date Mail Received By Institution' section, and shall write the date that the mail was forwarded in the 'Inmate Signature' section.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 9-1-93, Amended 5-25-97, 2-15-98, Formerly 33-3.0052, Amended 12-20-99,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Ambulatory Surgical Center Services

RULE NO.: 59G-4.020

PURPOSE AND EFFECT: The purpose of the rule development is to incorporate by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, April 2000. The handbook is revised to clarify policy content, update codes specific to policy content, add coverage and limitation policy on services to Family Planning Waiver recipients, insert additional billing instructions, and update the list of covered procedures in Appendix A of the handbook. The effect will be to incorporate by reference in the rule the current Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Ambulatory Surgical Center Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., July 17, 2000

PLACE: 2728 Fort Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Medical/Health Care Program Analyst, Medicaid Program Development Office, Agency for Health Care Administration, P. O. Box 12600, Tallahassee, FL 32317-2600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, April 2000 ~~April 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE CHAPTER TITLE:	RULE NO.:
The Association	61B-23
RULE TITLES:	RULE NOS.:
Regular Elections; Vacancies Caused by Expiration of Term, Resignations, Death Recall of One or Members of a Board of Administration at a Unit Owner Meeting; Board Certification; Filling Vacancies	61B-23.0021
Recall by Written Agreement of the Voting Interests; Board Certification; Filling Vacancies	61B-23.0027
	61B-23.0028

PURPOSE AND EFFECT: The purpose of the rule amendment to 61B-23.0021 is to bring the rule into compliance with amendments to Chapter 718. The effect of the rule amendment is to conform the election procedures to the statute as amended. The purpose of the rule amendment to 61B-23.0027 is to clarify recall procedures regarding appointments and elections to the board to fill vacancies caused by recall at a unit owner's meeting. The effect of the rule amendment is that appointments and elections to the board to fill vacancies caused by recall are effective for the unexpired term of the seat being filled, without regard to whether an election has been noticed. Further, votes received by the board or votes revoked after adjournment of the recall meeting are ineffective. Appointments to the board during the pendency of an arbitration are temporary pending the arbitration decision. The purpose of the rule amendment to 61B-23.0028 is to clarify recall procedures, regarding appointments and elections to the board to fill vacancies caused by recall by written agreement of the voting interests. The effect of the rule amendment is that appointments and elections to the board to fill vacancies caused by recall are effective for the unexpired term of the seat being filled, without regard to whether an election has been noticed. Further, votes received or revoked after the written agreement for recall has been served on the board are ineffective. Appointments to the board during the pendency of an arbitration are temporary pending the arbitration decision.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses certain election issues in condominium associations related to vacancies created by expiration of term, resignation, or death. The amendment addresses how an association may adopt different voting procedures in its bylaws. The amendment deletes the thirty-day requirement for the second notice of election, thereby conforming the rule provision with the statute. This rule amendment also addresses the procedures to be followed for a recall by vote at a meeting

of the unit owners and the appointment and election procedures to be followed for a recall by written agreement of the voting interests.

SPECIFIC AUTHORITY: 718.112 (2)(d)3., 718.112(2)(j) FS.
LAW IMPLEMENTED: 718.112, 718.301 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn E. Price, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1007

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

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
The Association	61B-75
RULE TITLES:	RULE NOS.:
Regular Elections; Vacancies Caused by Expiration of Terms; Resignations, Death Recall of one or Members of a Board of Administration at a Unit Owner Meeting; Board Certification; Filling Vacancies	61B-75.005
Recall by Written Agreement of the Voting Interests; Board Certification; Filling Vacancies	61B-75.007
	61B-75.008

PURPOSE AND EFFECT: The purpose of the rule amendment to 61B-75.005 is to bring the rule into compliance with amendments to Chapter 719. The effect of the rule amendment is to conform the election procedures to the statute as amended. The purpose of the rule amendment to 61B-75.007 is to clarify recall procedures, regarding appointments and elections to the board to fill vacancies caused by recall at a unit owner's meeting. The effect of the rule amendment is that appointments and elections to the board to fill vacancies caused by recall are effective for the unexpired term of the seat being filled, without regard to whether an election has been noticed. Further, votes received or revoked after adjournment of the recall meeting are ineffective. Appointments to the board during the pendency of an arbitration are temporary pending the arbitration decision. The purpose of the rule amendment to 61B-75.008 is to clarify recall procedures regarding appointments and elections to the board to fill vacancies caused by recall by written agreement of the voting interests. The effect of the rule amendment is that appointments and elections to the board to fill vacancies caused by recall are effective for the unexpired term of the seat

being filled, regardless of whether an election has been noticed. Further, votes received or revoked after the written agreement for recall has been served on the board are ineffective. Appointments to the board during the pendency of an arbitration are temporary pending the arbitration decision.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses certain election issues in cooperative associations related to vacancies created by expiration of term, resignation, or death. The amendment addresses how an association may adopt different voting procedures in its bylaws. The amendment deletes the thirty-day requirement for the second notice of election, thereby conforming the rule provision with the statute. This rule amendment also addresses the procedures to be followed for a recall by vote at a meeting of the unit owners and by written agreement of the voting interests.

SPECIFIC AUTHORITY: 719.106 (1)(d), 719.106(1)(f) FS.

LAW IMPLEMENTED: 719.106, 719.112 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE PUBLISHED AT A LATER DATE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn E. Price, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1007

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

Florida Real Estate Appraisal Board

RULE TITLES:	RULE NOS.:
Equivalency Education	61J1-4.002
Continuing Education	61J1-4.003
Notice of Satisfactory Course Completion	61J1-4.005
Correspondence Courses for Hardship Cases	61J1-4.006
Continuing Education for School Instructors	61J1-4.008

PURPOSE AND EFFECT: To establish distance education requirements for the continuing education of registered, licensed and certified real estate appraisers and school instructors.

SUBJECT AREA TO BE ADDRESSED: The Board will consider requirements for continuing education providers of distance education regarding course objectives, course materials, course approval, course modifications, end of course examinations and alternative evaluations of students.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.615(2), 475.617, 475.618 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., July 31, 2000

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

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

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Application for Permit **RULE NO.:** 64B5-14.005

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to permits.

SUBJECT AREA TO BE ADDRESSED: Application for permit.

SPECIFIC AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 FS.

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

TIME AND DATE: 9:00 a.m. or soon thereafter, August 18, 2000

PLACE: The Crowne Plaza, 950 N. W. LeJeune Road, Miami, Florida 33126

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 Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-14.005 Application for Permit.

(1) No dentist shall administer, supervise or permit another health care practitioner, as defined in subsection 455.01, F.S., to perform the administration of general anesthesia, deep sedation, parenteral conscious sedation or pediatric conscious sedation in a dental office for dental patients, unless such dentist possesses a permit issued by the Board. A permit is required even when another health care

practitioner, as defined in subsection 455.01, F.S., administers general anesthesia, deep sedation, parenteral conscious sedation, or pediatric conscious sedation in a dental office for a dental patient. The dentist holding such a permit shall be subject to review and such permit must be renewed biennially. Nothing herein shall be read to authorize the administration of any anesthesia by a health care practitioner who is permitted to administer anesthesia pursuant to their own professional license. All dentists in a practice who perform the administration of general anesthesia, deep sedation, parenteral conscious sedation or pediatric conscious sedation shall each possess an individual permit.

(2) through (7) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 4-7-86, Amended 1-29-89, 11-16-89, 11-8-90, 4-24-91, Formerly 21G-14.005, Amended 12-20-93, Formerly 61F5-14.005, Amended 8-8-96, Formerly 59Q-14.005, Amended _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Patient Records; Copying Charges; Timely Release
RULE NO.: 64B5-17.009

PURPOSE AND EFFECT: The Board proposes to amend this rule in order to rename the rule title and to provide rule text which will clarify the requirements for releasing patient records and the amount to be charged for copying.

SUBJECT AREA TO BE ADDRESSED: Timely release of patient records and copying fees.

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 455.674 FS.

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

TIME AND DATE: 9:00 a.m. or soon thereafter, August 18, 2000

PLACE: The Crowne Plaza, 950 N. W. LeJeune Road, Miami, Florida 33126

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 Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-17.009 Patient Records; Copying Charges; Timely Release ~~Copying Charges for Patient Records.~~

(1) through (2) No change.

(3) A dentist shall comply with a patient’s request for copies of records and report in a timely manner. In the absence of unusual circumstances, “timely” shall mean 15 days for records kept at the office, and 30 days for records kept at a storage facility.

Specific Authority 466.004(4) FS. Law Implemented 455.674 FS. History—New 4-26-87, Amended 6-20-89, Formerly 21G-17.009, 61F5-17.009, 59Q-17.009, Amended _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Continuing Education on HIV/AIDS
RULE NO.: 64B8-45.006

PURPOSE AND EFFECT: The Dietetics and Nutrition Council proposes to the Board of Medicine that a new rule be promulgated regarding HIV and AIDS continuing education.

SUBJECT AREA TO BE ADDRESSED: Continuing Education on HIV/AIDS.

SPECIFIC AUTHORITY: 455.604(7) FS.

LAW IMPLEMENTED: 455.604(7) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED 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, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE TITLE: Special Requirements
RULE NO.: 64E-10.002

PURPOSE AND EFFECT: Provide minimum numbers of sanitary facilities, maintenance of the facilities, and provide public access to public sanitary facilities.

SUBJECT AREA TO BE ADDRESSED: The access of patrons and guests to public sanitary facilities (toilets, urinals, and handwashing). Repeal of the fixture table, places of public assembly.

SUMMARY OF STATEMENT OF ESTIMATED REGULARY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 381.006(16) FS.
 LAW IMPLEMENTED: 381.006(15) 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., July 28, 2000
 PLACE: Conference Room 240P, Department of Health, Bureau of Facility Programs, 4042 Bald Cypress Way, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ken Widergren, Bureau of Facility Programs, Department of Health, 4042 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, (850)245-4444, Ext. 2453
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLE: Eligible Uses for the Loan
 RULE NO.: 67-38.008
 PURPOSE AND EFFECT: The purpose of Rule Chapter 67-38.008(3)(d), Florida Administrative Code (FAC.), is to delineate legal fees eligible to be paid with Predevelopment Loan Funds. The purpose of the proposed revision to the above listed rule is to clarify this issue.
 SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop (if requested) will be held to receive comments and suggestions from interested persons relative to the development of the above listed rule for the Predevelopment Loan Program.
 SPECIFIC AUTHORITY: 420.528 FS.
 LAW IMPLEMENTED: 420.526, 420.527, 420.528 FS.
 IF REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 10:00 a.m., July 17, 2000
 PLACE: Florida Housing Finance Corporation, Sixth Floor, Seltzer Room, 227 North Bronough Street, Tallahassee, FL 32301
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Melanie Jordan, Manager, or Joyce Martinez, Administrator, Predevelopment Loan Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329.
 Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

67-38.008 Eligible Uses for the ~~Advance and/or the Loan.~~
 (3) ~~For Sponsors who elect to use PLP funds during the Pre Acquisition Phase,~~ Eligible Predevelopment activities or expenses shall include, for example, the following:
 (d) ~~Legal fees that are reasonable and necessary and incurred in conjunction with acquiring or permitting of property; however, legal fees for litigation, application preparation or legal research are not considered eligible uses of Predevelopment Loan funds (development team's counsel);~~

Specific Authority 420.528 FS. Law Implemented 420.526, 420.527, 420.528 FS. History--New 3-23-93, Amended 1-16-96, 5-21-96, Formerly 9I-38.008, Amended 3-26-98,_____.

**Section II
Proposed Rules**

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE: Comprehensive Emergency Management Plan
 RULE CHAPTER NO.: 9G-2
 RULE TITLE: State Comprehensive Emergency Management Plan Adopted
 RULE NO.: 9G-2.002
 PURPOSE AND EFFECT: Incorporates the State Comprehensive Emergency Management Plan into the Florida Administrative Code by reference.
 SUMMARY: Incorporates the State Comprehensive Emergency Management Plan into the Florida Administrative Code by reference.
 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: 252.35(2)(u) FS.
 LAW IMPLEMENTED: 252.35(2)(a) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.
 TIME AND DATE: 9:00 a.m., August 8, 2000
 PLACE: Department of Community Affairs, Room 320Q, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100
 Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact: Alfred O. Bragg, Assistant General Counsel, Office of the General Counsel, Department of Community Affairs, 2555

Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alfred O. Bragg, Assistant General Counsel, Office of the General Counsel, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-0410

THE FULL TEXT OF THE PROPOSED RULE IS:

9G-2.002 State Comprehensive Emergency Management Plan Adopted.

(1) The Department hereby adopts and incorporates by reference into this Chapter the State Comprehensive Emergency Management Plan (February 1, 2000 Edition).

(2) The State Comprehensive Emergency Management Plan shall be the master operations document for the State of Florida in responding to all emergencies, and all catastrophic, major, and minor disasters.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(2)(a) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alfred O. Bragg, Assistant General Counsel, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32339-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: W. Craig Fugate, Chief, Bureau of Preparedness and Response, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32339-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 1998

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER TITLE: Areawide Development of Regional Impact

RULE CHAPTER NO.: 9J-3

RULE TITLES:	RULE NOS.:
Standard Forms	9J-3.002
Criteria for Evaluation of Petition	9J-3.005
Order on Petition	9J-3.006
Areawide Application for Development Approval	9J-3.007
Withdrawal of Owner's Consent	9J-3.008
Previously Approved Development Plans	9J-3.009

PURPOSE, EFFECT AND SUMMARY: The purpose and effect is to revise the rule to conform to current statutory requirements.

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 regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.53(1)(b), 380.032(2)(a) FS.

LAW IMPLEMENTED: 380.06(25) 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., July 26, 2000

PLACE: Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Jeff Bielling, Senior Management Analyst, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone number (850)922-1760, Suncom 292-1760 at least seven days before 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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jeff Bielling, Senior Management Analyst, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone number (850)922-1760, Suncom 292-1760

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-3.002 Standard Forms.

Specific Authority 120.53(1), 380.032(2), 380.06(23)(a),(25) FS. Law Implemented 380.06(25) FS. History--New 7-21-85, Formerly 9J-3.02, Amended 12-5-85, Repealed _____.

9J-3.005 Criteria for Evaluation of Petition.

Specific Authority 120.53(1), 380.032(2), 380.06(23)(a),(25) FS. Law Implemented 380.06(25) FS. History--New 7-21-85, Formerly 9J-3.05, Repealed _____.

9J-3.006 Order on Petition.

Specific Authority 120.53(1), 380.032(2), 380.06(23)(a),(25) FS. Law Implemented 380.06(25) FS. History--New 7-21-85, Formerly 9J-3.06, Amended 12-5-85, Repealed _____.

9J-3.007 Areawide Application for Development Approval.

Specific Authority 120.53(1), 380.032(2), 380.06(23)(a),(25) FS. Law Implemented 380.06(25) FS. History--New 7-21-85, Formerly 9J-3.07, Amended 12-5-85, Repealed _____.

9J-3.008 Withdrawal of Owner's Consent.

Specific Authority 120.53(1), 380.032(2), 380.06(23)(a),(25) FS. Law Implemented 380.06(25) FS. History--New 7-21-85, Formerly 9J-3.08, Amended 12-5-85, Repealed.

9J-3.009 Previously Approved Development Plans.

Specific Authority 120.53(1), 380.032(2), 380.06(23)(a),(25) FS. Law Implemented 380.06(25) FS. History--New 12-5-85, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Dennis, Planning Manager, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone number (850)922-1765, Suncom 292-1765

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Beck, Director, Division of Community Planning, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION**Division of Managed Care and Health Quality**

RULE TITLE: Nursing Services

RULE NO.: 59A-4.108

PURPOSE AND EFFECT: The Agency proposes to amend rule 59A-4.108 consistent with provisions of s. 400.23(3)(a), F.S. and 400.23(3)(b), F.S. that became effective July 1, 1999. The legislation provides for minimum staffing requirements for nursing homes and also provides for properly trained staff of a nursing facility to assist residents with eating. The amendments to rule 59A-4.108 specify the minimum staffing of a facility on a per shift basis as well as the training curriculum that must be provided to staff by a registered nurse or licensed speech or occupational therapists.

SUMMARY: Minimum staffing standards for nursing homes and training requirements in order for staff to assist residents with eating.

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: 400.23 FS.

LAW IMPLEMENTED: 400.11, 400.022, 400.141, 400.23 FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., July 24, 2000

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room E, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Kelly, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida or call (850)488-5861

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-4.108 Nursing Services.

(1) The Administrator of each nursing home will designate one full time registered nurse as a Director of Nursing who shall be responsible and accountable for the supervision and administration of the total nursing services program. When a Director of Nursing is delegated institutional responsibilities, a full time qualified registered nurse shall be designated to serve as Assistant Director of Nursing. In a facility with a census of 121 or more residents, a Registered Nurse must be designated as an Assistant Director of Nursing.

(2) Persons designated as Director of Nursing or Assistant Director of Nursing shall serve only one nursing home facility in this capacity, and shall not serve as the administrator of the nursing home facility.

(3) The Director of Nursing shall designate one licensed nurse on each shift to be responsible for the delivery of nursing services during that shift.

(4)(a) Staffing. The nursing home facility shall have sufficient nursing staff, not counting administrators or managers, on all units, wings, and floors, on all shifts, including weekends, a 24 hour basis to provide each resident with the necessary care and services needed to attain or maintain nursing and related services to residents in order to maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care. The facility must maintain will staff, at a minimum nursing staff of: an average of 1.7 hours of certified nursing assistant and .6 hours of licensed nursing staff time for each resident during a 24 hour period

1. Certified nursing assistants to residents of 1 certified nursing assistant to 10 residents between 7:00 a.m. to 3:00 p.m., 1 certified nursing assistant to 15 residents between 3:00 p.m. to 11:00 p.m. and 1 certified nursing assistant to 20 residents between 11:00 p.m. to 7:00 a.m. and;

2. Licensed nurses to residents of 1 licensed nurse to 30 residents between 7:00 a.m. to 3:00 p.m., 1 licensed nurse to 40 residents between 3:00 p.m. to 11:00 p.m. and 1 licensed nurse to 60 residents between 11:00 p.m. to 7:00 a.m.

(b) Documentation of Compliance with Staffing Standards. Compliance will be determined by using the agency's Nursing Home Staffing Ratio Compliance Worksheet dated June, 2000, incorporated by reference.

(c) Sanctions. Non-compliance with the minimum staffing standards will result in a Class III deficiency pursuant to ss. 400.23(8)(c), Florida Statutes.

(5) Facilities shall post the names of current staff on duty by shift and by location of assignment in a conspicuous location on each wing or unit of the facility that is easily visible to residents and their families.

~~(6)(5)~~ In multi-story, multi-wing, or multi-station nursing home facilities, there shall be a minimum of one nursing services staff person who is capable of providing direct care on duty at all times on each floor, wing, or station.

~~(7)(6)~~ No nursing services staff person shall be scheduled for more than 16 hours within a 24-hour period, for three consecutive days, except in an emergency. Emergencies shall be documented and shall be for a limited, specified period of time. An emergency is defined as a sudden, usually unexpected, occasion or combination of events calling for immediate action.

(8) Residents may be assisted with meals by non-nursing staff who have received prior approval and training, as determined by the Director of Nursing. Training must be provided to non-nursing staff by a registered nurse or licensed speech or occupational therapist. The curriculum must include: the importance of a well-balanced, nutritious menu; preparations before mealtime; proper techniques for assisting the resident who needs help with eating; the swallowing process; special eating utensils; diets that would include standard diets, therapeutic diets and personal dietary preferences to accommodate religious beliefs and cultural heritage; determining meal consumption; and quality of life and the dining experience. The nursing home must maintain records documenting the date, time and trainer for each non-nursing staff member who provides feeding assistance. In addition, the chart for each resident shall contain the name of the individual providing feeding assistance.

Specific Authority 400.022, 400.23 FS. Law Implemented 400.011, 400.022, 400.102, 400.141, 400.23 FS. History—New 4-1-82, Amended 4-1-84, 8-1-85, 7-1-88, 7-10-91, Formerly 10D-29.108, Amended 4-18-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Gregg, Chief, Bureau of Health Facility Regulation
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Director, Agency for Health Care Administration
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

RULE TITLE: Nursing Facility Services
PURPOSE AND EFFECT: The purpose of this proposed rule is to incorporate by reference the revised Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, January 2000.

RULE NO.: 59G-4.200

SUMMARY: This rule amendment is to incorporate by reference the revised Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, August 2000.

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

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

SPECIFIC AUTHORITY: 395.602, 409.919 FS.

LAW IMPLEMENTED 395.602, 400 Part II, 409.905, 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 (IF NOT REQUESTED IN WRITING, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m. – 12:00 Noon, July 26, 2000
PLACE: 2728 Ft. Knox Blvd., Building 3, Conference Room C, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elsa Kellberg, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)488-9990

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.200 Nursing Facility Services.

(1) No change.

(2) All participating nursing facility providers must comply with the provisions of the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, August 2000 ~~January 1997~~, and the corresponding Florida Medicaid Provider Reimbursement Handbook, Institutional 021, September 1996, which are incorporated by reference. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 395.602, 409.919 FS. Law Implemented 400 Part II, 409.905, 409.908, 395.602 FS. History—New 1-1-77, Amended 6-13-77, 10-1-77, 1-1-78, 2-1-78, 12-28-78, 2-14-80, 4-5-83, 1-1-84, 8-29-84, 9-1-84, 9-5-84, 7-1-85, Formerly 10C-7.48, Amended 8-19-86, 6-1-89, 7-2-90, 6-4-92, 8-5-92, 11-2-92, 7-20-93, Formerly 10C-7.048, Amended 11-28-95, 5-9-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elsa Kellberg
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., AHCA Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Durable Medical Equipment and Supplies
 RULE NO.: 59G-4.070

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Supplies Coverage and Limitations Handbook, October 1999. The handbook contains the 1999 Durable Medical Equipment and Supplies fee schedule. The effect will be to incorporate by reference in the rule the current Florida Medicaid Durable Medical Equipment and Supply Coverage and Limitations Handbook.

SUMMARY: The purpose of the rule amendment is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Supplies Coverage and Limitations Handbook, October 1999. The handbook contains the 1999 fee schedule.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.907(7) FS.

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

TIME AND DATE: 9:00 a.m., July 10, 2000

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alanna J. Wesley, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7306

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.070 Durable Medical Equipment and Supplies

(1) No change.

(2) All durable medical equipment and supply providers enrolled in the Medicaid program must comply with the Florida Medicaid Durable Medical Equipment and Supply Services Coverage and Limitations Handbook, October 1999 ~~April 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up ~~EPSDF~~, 221 incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.907(7) FS. History--New 8-26-92, Formerly 10C-7.070, Amended 5-23-94, 1-7-96, 3-4-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alanna J. Wesley

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Maureen Hemmerly

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Continuing Education
 RULE NO.: 61J1-4.003

PURPOSE AND EFFECT: The Board determined it is necessary to amend the rule regarding the number of continuing education hours that may be granted to registered, licensed and certified appraisers, who attend a Board meeting wherein disciplinary matters are heard.

SUMMARY: The Board will consider the number of continuing education hours to grant for attendance at Board meetings.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.618 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., August 1, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.003 Continuing Education

(1) through (6) No change.

(7) Of the required 30 classroom hours, 5 ~~4-5~~ hours may be earned by attending a meeting of the board wherein disciplinary cases are considered. Attendance must be for the

entire day that the board is in session. At least 7 days advance notice of the intent to attend the board meeting must be given to the Education Section of the Division of Real Estate so attendance may be monitored. Failure to give advance notice will result in no credit hours. A maximum of 10 9 hours will be allowed during a renewal cycle. Credit hours may not be earned when the registrant, licensee or certificate holder attends a disciplinary case session as a party to a disciplinary action.

(8) through (9) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.618 FS. History—New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 4-6-98, 9-6-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Appraisal Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Experience Requirement
 RULE NO.: 61J1-6.001

PURPOSE AND EFFECT: The rule is being amended to specify appraisal reports that will be accepted from state certified general real estate appraiser applicants.

SUMMARY: All applicants to become state certified general real estate appraisers must show various types of appraisal experience. The Board is specifying the types of appraisal reports that will be considered to show fee and staff appraisal experience.

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

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

SPECIFIC AUTHORITY 475.614 FS.

LAW IMPLEMENTED 475.617 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., August 1, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-6.001 Experience Requirement.

(1) through (4) No change.

(5) Experience as defined in paragraph (2) above shall be accounted for on form 501.4, Appraisal Experience Log, effective July, 1991, incorporated herein by reference, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801, as follows:

(a) Fee and staff appraisers:

1. Licensed residential: Experience shall consist of a minimum of 120 supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry.

2. Certified residential: Experience shall consist of a minimum of 150 supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry.

3. Certified general: Experience shall consist of a minimum of 23 Summary or Self-Contained narrative Appraisal Reports in a narrative format which comply with the Uniform Standards of Professional Appraisal Practice; or 12 nonresidential Summary or Self-Contained narrative Appraisal Reports in a narrative format which comply with the Uniform Standards of Professional Appraisal Practice and 135 non-narrative supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry, ~~or other proportional combination. In the event the nonresidential appraisal reports are form appraisal reports, 4 form appraisal reports will be equivalent to 1 narrative appraisal report. The nonresidential form appraisal report must meet the criteria of the Uniform Standards of Professional Appraisal Practice as defined in s. 475.611(1)(m), Florida Statutes. If nonresidential form appraisal reports are claimed as experience, a minimum of 3 appraisal reports must be narrative. A narrative appraisal report shall consist of the following as a minimum and will be in a narrative format:~~

~~a. Property adequately described.~~

~~b. Highest and best use.~~

~~e. Physical, functional and economic factors affecting the value conclusion.~~

- d. Purpose, function, date of value, date of report.
- e. Definition of value.
- f. Direct sales comparison approach (or market approach) — must be addressed even if not used.
- g. Income approach — must be addressed even if not used.
- h. Cost approach (or cost depreciation approach) — must be addressed even if not used.
- i. Estimated land value — must be addressed even if not used.
- j. Final reconciliation.
- k. Special and limiting conditions.
- l. Certification.
- (b) through (7) No change.

Specific Authority 475.614 FS. Law Implemented 475.617 FS. History—New 10-15-91, Formerly 21VV-6.001, Amended 9-22-93, 9-6-94, 2-19-98, 9-6-98, 12-12-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Appraisal Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Florida Real Estate Appraisal Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: June 6, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: April 21, 2000

DEPARTMENT OF HEALTH

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

RULE TITLE: Examination for Licensure
 RULE NO.: 64B4-3.003

PURPOSE AND EFFECT: The Board proposes to amend this rule to set forth the examination for licensure for the different professions.

SUMMARY: The Board proposes to amend the rule to delete rule text that is no longer needed and to further clarify the examination for licensure for Clinical Social Workers, Mental Health Counselors and Marriage and Family Therapist.

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: 455.574, 491.004(5) FS.

LAW IMPLEMENTED: 455.574, 491.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-1758

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.003 Examination for Licensure.

(1) An applicant for examination for licensure must apply to the Department no later than 120 days and submit supporting documentation necessary to determine eligibility no later than 90 days prior to the examination date, otherwise the applicant shall be scheduled for the next available examination. The application and examination fee must accompany the application.

(2) No change.

~~(3) The examination is composed of two parts (Part I and Part II). In order to be eligible for licensure, the applicant must receive a passing score on both parts. The applicant who fails to achieve a passing score on either part will only be required to retake the part failed, provided that a passing score on Part I of the examination shall only be valid for 24 months subsequent to the examination date on which the applicant achieved a passing score and a passing score on Part II of the examination shall be valid for five years subsequent to the examination date on which the applicant achieved a passing score.~~

~~(4) PART I — LAWS AND RULES — Applicants shall demonstrate knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy and mental health counseling by either passing the laws and rules examination stated below or completing the laws and rules course pursuant to Rule 64B4-3.0035, Florida Administrative Code.~~

~~(a) The laws and rules examination (Part I) shall be an objective multiple choice examination developed by the Department. Each applicant for clinical social work, marriage and family therapist and mental health counselor licensure shall be required to pass this examination. It shall contain 30 questions which test knowledge of Florida Statutes and rules which the Board has determined are relevant to the practice of persons licensed under Chapter 491, Florida Statutes. All items shall be weighted equally in scoring the examination. A raw score of 24 correct answers (80%) shall be necessary in order to pass this part of the licensure examination.~~

(b) The subject area of Part I of the Examination shall include:

SUBJECT	NO. OF QUESTIONS
Chapter 455, Part II, F.S. (Regulation of Professions and Occupations, General Provisions Department of Health)	3
Chapter 90.503 (Psychotherapist Patient Privilege)	1
Chapter 394, F.S. (Part I Florida Mental Health Act)	2
Chapter 397, F.S.	3
Chapters 415 and 39, Part I, F.S. (Protection from Abuse, Neglect and Exploitation)	3
Chapter 491, F.S. (Clinical, Counseling and Psychotherapy Services) Chapter 64B, F.A.C.	10
(Rules of the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling)	8

~~(3)(5)~~ PART II— THEORY AND PRACTICE.

(a) CLINICAL SOCIAL WORKERS.

1. The theory and practice examination (~~Part II~~) for clinical social workers shall be the Clinical Level objective multiple choice examination developed by the ~~American~~ Association of ~~State~~ Social Work Boards (ASWB). (~~AASSWB~~). The minimum passing score is the recommended cut-off score provided by the national vendor established according to a standard-setting method. Candidates' raw scores are converted to a scaled score. The passing score is a scaled score of 75.

2. No change.

(b) MENTAL HEALTH COUNSELORS.

1. The national counselor examination (~~Part II~~) shall be an objective multiple choice examination developed by the National Board of Certified Counselors (NBCC). All items shall be weighted equally in scoring the examination. The minimum passing score shall be the recommended cut-off score provided by the national vendor and established according to the Angoff procedure. Candidates' raw scores are converted to a scaled score. The passing score is a scaled score of 75.

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

a. through b. No change.

(c) MENTAL HEALTH COUNSELORS.

The National Clinical Mental Health Counseling Examination (NCMHCE) shall be a clinical simulation examination developed by the National Board for Certified Counselors (NBCC). All options are given a weight based upon the level of appropriateness for good client care. The minimum pass level shall be the recommended cut-off score provided by the NBCC and established according to a content-based modified Angoff procedure.

(d) MARRIAGE AND FAMILY THERAPISTS.

1. The marital and family therapy examination (~~Part II~~) shall be an objective multiple choice examination developed by the Examination Advisory Committee of the Association of Marital and Family Therapy Regulatory Board (AMFTRB) and the Professional Examination Service. All items will be weighted equally in scoring the examination. The minimum passing score is the recommended cut-off score provided by the national vendor and established according to the Angoff procedure. A panel of experts in marriage and family therapy from across the country participate in the determination of the recommended passing score. Candidates' raw scores are converted to a scaled score. The passing score is a scaled score of 75.

2. An applicant for licensure as a marriage and family therapist is not required to take the theory and practice ~~Part II~~ of 64B4-3.003(5)(c) of the licensure examination if the following conditions are met:

a. through b. No change.

~~(6) The licensure examinations may be provided in the applicant's native language; however, the applicant for examination or reexamination shall bear the full cost for the Department's development, preparation, administration, grading, and evaluation of any examination in a language other than English.~~

Specific Authority 455.574, 491.004(5) FS. Law Implemented 455.574, 491.005 FS. History—New 3-21-90, Amended 7-31-91, 3-10-92, 6-1-92, 1-27-93, Formerly 21CC-3.003, Amended 3-14-94, 7-20-94, Formerly 61F4-3.003, Amended 12-22-94, 9-18-95, 11-13-96, 6-1-97, Formerly 59P-3.003, Amended 8-8-99, 1-11-00, 7-2-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Workers, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Workers, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2000

DEPARTMENT OF HEALTH

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

RULE TITLE: Approval of Laws and Rules
 RULE NO.: 64B4-6.0045

COURSE PROVIDERS: Course Providers
 PURPOSE AND EFFECT: The Board proposes to update the rule text to further clarify the requirements for the laws and rules course provider status.

SUMMARY: The Board has determined that an amendment is necessary to increase the minimum hours from 6 to 8 hours to further clarify the laws and rules course provider status.

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: 491.004, 491.0085(4) FS.

LAW IMPLEMENTED: 491.0085 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-1758

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.0045 Approval of Laws and Rules Course Providers.

(1) Laws and rules course provider status shall be obtained prior to presenting laws and rules courses. Laws and rules course provider status shall be granted to those who satisfy the following requirements:

(a) Provide the Board with a sample laws and rule course containing a detailed agenda specifying content and time frames for instruction and meets all of the following criteria:

1. through 3. No change.
4. Is a minimum of eight (8) ~~six (6)~~ hours in duration.
5. through (3) No change.

Specific Authority 491.004, 491.0085(4) FS. Law Implemented 491.0085 FS. History--New 10-18-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2000

DEPARTMENT OF HEALTH

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

RULE TITLE: Qualifications to Hold Oneself Out as
 RULE NO.: 64B4-7.007

CERTIFIED TO PRACTICE JUVENILE SEX OFFENDER THERAPY: Certified to Practice Juvenile Sex Offender Therapy

PURPOSE AND EFFECT: The Board is amending this rule to change the title and to update the rule text.

SUMMARY: The Board has determined that amendments are necessary in order to change the rule title and delete rule text that is no longer necessary to clarify the qualifications necessary to hold oneself out as certified to practice sex offender therapy.

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: 491.004(5), 491.0144 FS.

LAW IMPLEMENTED: 491.0144 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-1758

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-7.007 Qualifications to Hold Oneself Out as Certified to Practice Juvenile Sex Offender Therapy.

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

- (1) through (2) No change.

Specific Authority 491.004(5), 491.0144 FS. Law Implemented 491.0144 FS. History--New 2-9-99, Amended 4-24-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2000

**DEPARTMENT OF HEALTH
Board of Podiatric Medicine**

RULE TITLES: RULE NOS.:
Penalties 64B18-14.002
Mediation 64B18-14.011

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B18-14.002 by updating the rule text to reflect recent statutory changes. Rule 64B18-14.011 is being amended to update the rule text with regard to violations for mediation offenses.

SUMMARY: The Board has determined that amendments are necessary in order to update the rule text to reflect recent statutory changes for certain violations pursuant to Section 455.624, F.S. The Board is amending Rule 64B18-14.011 to update the offenses for mediation.

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: 455.614, 455.621(3), 455.711, 461.005, 461.013 FS.

LAW IMPLEMENTED: 455.614, 455.621(3), 455.624, 455.711, 461.005, 461.012, 461.013 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B18-14.002 Penalties.

(1) Unless mitigating or aggravating factors are demonstrated when the Board finds an applicant or licensee whom it regulates under chapter 461, Florida Statutes, has committed any of the acts set forth in section 461.012, Florida Statutes, it shall issue a final order imposing appropriate penalties, plus costs based upon the severity and repetition of the offense within the ranges recommended in the following disciplinary guidelines:

(a) through (aa) No change.

(bb) Failure to report to the Department any licensee under Chapter 458 or 459, F.S., for violations of disciplinary provisions of their laws and rules. In the case of a licensee, the Board shall impose a penalty of a reprimand and an administrative fine of \$250.

(cc) Failure to comply with the requirements of sections 381.026 and 381.0261, F.S., to provide patients with information regarding their patient rights. In the case of a licensee, the Board shall impose a penalty of a reprimand to probation and an administrative fine from \$250 to \$1000.

(dd) Entering a plea of nolo contendere to a crime which relates to the practice of, or the ability to practice podiatric medicine. In the case of a licensee, the Board shall impose a penalty of probation to revocation and an administrative fine of \$500 to \$1000. In the case of an applicant, the Board shall deny the application.

(ee) Failure to comply with HIV/AIDS education requirement. The Board shall impose an administrative fine from \$500 to \$1000.

(ff) Having been found liable in a civil proceeding for knowingly filing a false report or compliant with the Department against another licensee. The Board shall impose a penalty ranging from probation to suspension and a fine of \$500 to \$1000.

(gg) Engaging or attempting to engage a patient or client in verbal or physical sexual activity. The Board shall impose a penalty ranging from probation to revocation and a fine of \$500 to \$1000.

(hh) Failure to comply with the requirements of profiling or credentialing. The Board shall impose an administrative fine from \$500 to \$1000.

(ii) Failure to report a criminal conviction or plea to the Board in writing within 30 days. The Board shall impose a penalty ranging from reprimand and a \$500 to \$1000 administrative fine up to probation and a \$500 to \$1000 administrative fine.

(jj) Using information about people involved in motor vehicle accidents which has been derived from accident reports. The Board shall impose a penalty ranging from reprimand to probation and an administrative fine of \$500.

(kk) Sexual misconduct under section 455.567, Florida Statutes, shall result in denial of licensure or relinquishment or revocation of the license.

(3) No change.

Specific Authority 455.621(3), 461.005, 461.013 FS. Law Implemented 455.621(3), 455.624, 461.005, 461.012, 461.013 FS. History—New 11-21-79, Amended 8-31-81, Formerly 21T-14.02, Amended 10-14-86, 12-8-88, 1-19-92, 4-26-93, Formerly 21T-14.002, 61F12-14.002, Amended 2-25-96, 5-29-97, Formerly 59Z-14.002, Amended 11-17-97.

64B18-14.011 Mediation.

The Board of Podiatric Medicine has determined that the following violations are defined as mediation offenses:

(1) Failure of the licensee to pay any assessed administrative fines or costs on time; assuming payment of the fine and the costs has been made, and

(2) No change.

Specific Authority 455.614, 455.711, 461.005 FS. Law Implemented 455.614, 455.711 FS. History—New 3-26-95, Amended 6-17-97, Formerly 59Z-14.011, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2000

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE TITLES: RULE NOS.:
General 64E-6.001
System Size Determinations 64E-6.008

PURPOSE AND EFFECT: Recent changes to Chapter 64E-6, Florida Administrative Code, included procedures for the voluntary inspections of existing onsite sewage treatment and disposal systems. The proposed rule amendments will allow persons performing such inspections to provide only those specific assessments deemed necessary by the person requesting the assessment. Also, the proposed change eliminates the appearance of the department having discretionary authority to require the separate installation of laundry systems.

SUMMARY: Areas to be addressed include rule requirements for and the department policy on voluntary inspection and assessment of existing systems and the use of separate laundry systems.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Not 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: 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS.

LAW IMPLEMENTED: 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, 386.041, 489.553 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., Thursday, July 27, 2000

PLACE: Bureau of Onsite Sewage Programs, Conference Room 140 A, Capital Circle Office Center, 4042 Bald Cypress Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gerald Briggs, Acting Bureau Chief, Onsite Sewage Program, HSES, 4052 Bald Cypress Way, Bin #A08 Tallahassee, FL 32399-1713

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-6.001 General.

(1) through (4) No change.

(5) ~~If a person having ownership of, control of, or use of an onsite sewage treatment and disposal system requests to have the system inspected due to a reason that is not related to an increase in sewage flow or change in sewage characteristics, or failure of the system, the~~ The department Procedure for ~~Voluntary Non-Mandatory~~ Inspection and Assessment of Existing Systems, ~~May, 2000 August 1999~~, herein incorporated by reference, shall be ~~used~~ applied except in situations pertaining to an increase in sewage flow or change in sewage characteristics, or failure of the system. The inspection is designed to assess the condition of a system at a particular moment in time. The inspection will identify obviously substandard systems, for example systems without drainfields. The inspection is not designed to determine precise code compliance, nor provide information to demonstrate that the system will adequately serve the use to be placed upon it by this or any subsequent owner. Nothing in this section shall be construed to limit the amount of detail an inspector may provide at their professional discretion. Persons allowed to perform work under this section shall be master septic tank contractors, registered septic tank contractors, state-licensed plumbers, and persons certified under section 381.0101, F.S. Department employees are excluded from performing these evaluations. Aerobic treatment units and performance-based treatment systems shall not be evaluated using this criteria, but shall be evaluated by the approved maintenance entity which maintains the unit or system. Nothing in this section restricts the person having ownership of, control of, or use of an onsite sewage treatment and disposal system from requesting a partial inspection. The inspector shall provide the person requesting the inspection a copy of the department Procedure for Voluntary Inspection and Assessment of Existing Systems and written notice of their right to request an inspection based on part or all of the standards.

(6) through (7) No change.

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, 386.041, 489.553 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10-6.41, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.041, Amended 11-19-97, 2-3-98, 3-22-00, _____.

64E-6.008 System Size Determinations.

(1) through (3) No change.

(4) ~~A separate laundry waste tank and drainfield system may be utilized for residences and may be required by the DOH county health department where~~ Where building codes allow separation of discharge pipes of the residence to separate stubouts and where lot sizes and setbacks allow system construction, the applicant may request a separate laundry waste tank and drainfield system. Where an aerobic treatment unit is used, all blackwater, graywater and laundry waste flows shall be consolidated and treated by the aerobic treatment unit. Where a residential laundry waste tank and drainfield system is used:

(5) through (6) No change.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553 FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.0061, 381.0065, 381.0067, 386.041, 489.553 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.48, Amended 3-17-92, 1-3-95, Formerly 10D-6.048, Amended 11-19-97, 3-22-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Holcomb

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gerald Briggs, Acting Bureau Chief, Onsite Sewage Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 12, 2000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE TITLES:	RULE NOS.:
Applicant/Recipient Fair Hearings	65-2.042
Hearings Request and Notification of Right to Hearings	65-2.043
Rejection of Hearing Request	65-2.047
Evidence	65-2.060

PURPOSE AND EFFECT: To include in rule 65-2.042, FAC., the exceptions to complying with certain sections of Chapter 28-106, Florida Administrative Code granted by the Administration Commission.

To clarify in rule 65-2.042, FAC. the reference to the former Department of Health and Rehabilitative Services as used in section 120.80, F.S.

To update rule 65-2.043, FAC. to remove obsolete language and clarify that only the Medicaid Program requires the Department to include a reference on a notice to the specific regulation that supports the Department’s action.

To update rule 65-2.047, FAC. to remove obsolete language and allow the hearing officer the discretion to resolve a case without a hearing. This would occur for example when both parties have offered a stipulated settlement.

To update the rule 65-2.060, FAC. to remove text that is duplicative of statutory language appearing in 120.569(2)(g), Florida Statute Section.

SUMMARY: The Department of Children and Family Services is amending the procedural rules used by the Department in the conduct of administrative hearings. These amendments are for the purpose of clarifying that the hearings are held under the Uniform Rules of Procedure and identifies the exceptions to complying with specific uniform rules granted by the Administration Commission. The amendments remove duplicate language or obsolete language from the rules. The amendments clarify Department’s notice requirement for public assistance actions. The amendments also allow the hearing officer to dismiss or reject a hearing request without a hearing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of regulatory cost was not prepared for this rule.

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: 409.285 FS.

LAW IMPLEMENTED: 409.285 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., July 26, 2000

PLACE: 1317 Winewood Boulevard, Building 5, Room 302, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Pritchard, Administrator, Office of Appeal Hearings, 1317 Winewood Blvd., Building 5, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULES IS:

65-2.042 Applicant/Recipient Fair Hearings.

(1) The ~~h~~Hearings covered by 65-2.042 et seq., are those within the Department of Children and Family Services in the execution of those social and economic programs administered by the former Division of Family Services of ~~the said~~ Department of Health and Rehabilitative Services prior to the reorganization effected by Chapter 75-48, Laws of Florida.

(2) through (5) No change.

(6) These hearings are conducted in accordance with FAC. 65-2.042 et seq., and the Uniform Rules of Procedure FAC 28-106. The Department has been granted exceptions to complying with the requirements of the following Uniform Rules by the Administration Commission: 28-106.104 Filing, 28-106.105 Appearances, 28-106.106 Who May Appear; Criteria for Qualified Representatives, 28-106.107 Standards

of Conduct for Qualified Representatives, 28-106.109 Notice to Interested Parties, 28-106.111 Point of Entry into Proceedings and Mediation, 28-106.201 Initiation of Proceeding, and 28-106.210 Continuances.

Specific Authority 409.285, 420.53, 20.05, 409.026 FS. Law Implemented 409.285, 420.53, 420.57, 420.58 FS., 7 CFR 271.1(e), 45 CFR 205.10. History—New 5-17-78, Formerly 10-2.42, 10-2.042, Amended _____.

65-2.043 Hearings Request and Notification of Right to Hearings.

(1) through (2) No change.

(3) In Food Stamp cases:

(a) The notice of adverse action shall be considered timely if the advance notice period provides at least 10 days from the date the notice is mailed to the date upon which it becomes effective. Also, if the advance notice period ends on a weekend or holiday, and a request for a Fair Hearing is received the day after the weekend or holiday, the Department shall consider the request timely. ~~For monthly reporting households whose benefits are to be terminated, suspended, or reduced based on information contained in an untimely monthly report or for failure to file a monthly report, the notice shall be considered timely if it is received by the household no later than the date benefits reflected on the notice are to be received or in place of the benefits when the benefits are terminated or suspended. When a household who has returned a timely and complete monthly report form incurs an adverse change in the amount of food stamp benefits as a result of the monthly report, the Department form, HRS-ES form 3050, Notice of Decision, incorporated in Rule 65A-1.400, will be sent to the household at least 10 days prior to the date of effective action.~~

(b) through (c) No change.

(4) In all other cases 'timely' means that the notice is mailed at least 10 days before the date of action, that is, the date upon which the action would become effective. 'Adequate' means a written notice that includes a statement of what action the agency intends to take, the reasons for the intended agency action, ~~the specific regulations supporting such action,~~ explanation of the individual's right to request an evidentiary hearing (if provided) and a State Agency hearing, and the circumstances under which assistance is continued if a hearing is requested. The specific regulations supporting the action must be included for Medicaid actions.

~~(5)(a)~~ The agency shall dispense with timely notice but shall send adequate notice to be received no later than the effective date of the action when:

1. through 9. renumbered (a) through (i) No change.

10. In the Aid to Families with Dependent Children Program, the Department shall dispense with timely notice to recipients who are required to file a monthly report form only in those instances specified in Rule 65A-1.081(d)2.,(e)2.,(g) and (h)2. In all other instances, recipients subject to monthly reporting will receive 10 days advance notice of reduction or termination of benefits as set forth in 65A-1.081(h)1.

Specific Authority 409.285, 420.53, 20.05, 409.026 FS. Law Implemented 409.285, 420.53, 420.57, 420.58 FS. History—New 5-17-78, Amended 3-1-79, Formerly 10-2.43, Amended 4-28-86, Formerly 10-2.043, Amended _____.

65-2.047 Rejection of Hearing Request.

~~A hHearing rRequest may only be rejected or dismissed by the hHearing oOfficer at the Hearing. This may only be done when:~~

~~(1) Either State or Federal Law require automatic grant adjustments for classes of recipients (including but not limited to: reduction in Medicaid benefits; adjustments stemming from OASDI increases) unless the reason for an individual appeal is incorrect grant computation.~~

~~(2) A request for a Hearing is made when a decision has been rendered after a WIN Hearing before the Employment Service that a participant has, without good cause, refused to accept employment or participate in the WIN Program or has failed to request such a Hearing after notice of intended action for such refusal.~~

~~(3) Requests are received with respect to Mandatory State Supplementation in accordance with agreement between the State and the Federal Department of Health, Education and Welfare pursuant to Section 212(b) of P.L. 93-66.~~

~~(4) The Appellant voluntarily withdraws the Request for Hearing in writing.~~

~~(5) The Request for Hearing is not filed within the time limits as provided by 10-2.046.~~

Specific Authority 409.285, 420.53, 20.05, 409.026 FS. Law Implemented 409.285, 420.53, 420.57, 420.58 FS., 7 CFR 271.1(e), 45 CFR 205.10, 45 CFR 224.65. History—New 5-17-78, Formerly 10-2.47, Amended 4-28-86, Formerly 10-2.047, Amended _____.

65-2.060 Evidence.

~~(1) The Hearing need not be conducted according to the technical rules relating to evidence and witnesses. Any relevant evidence, including hearsay which has substantial probative effect, shall be admitted if it is the sort of evidence on which reasonable prudent persons are accustomed to rely in the conduct of their affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil action; provided, however, hearsay evidence shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.~~

~~(1)(2)~~ The burden of proof, except where otherwise required by statutes, is on the party asserting the affirmative of an issue. The burden is upon the Department when the Department takes action which would reduce or terminate the benefits or payments being received by the recipient. The burden is upon the petitioner if an application for benefits or

payments is denied. The party having the burden shall establish his/her position, by a preponderance of evidence, to the satisfaction of the hHearings officer.

~~(2)~~(3) When the hHearing involves medical issues such as those concerning a diagnosis, an examining physician's report, or a Medical Review Team's decision, if the hHearings officer considers it necessary, a medical assessment other than that of the person or persons involved in making the original decision shall be obtained at aAgency expense and made a part of the record.

Specific Authority ~~409.285, 120.53, 20.05, 409.026~~ FS. Law Implemented ~~409.285, 120.53, 120.57, 120.58~~ FS., ~~7~~ CFR ~~271.1(e)~~, ~~45~~ CFR ~~205.10~~, History—New ~~5-17-78~~, Formerly ~~10-2.60, 10-2.060~~, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Pritchard
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Guiseppe Betta
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 1999

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: RULE TITLE:
4-123.002 Procedures
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to form DI4-363 as proposed in the proposed rule in accordance with subparagraph 120.54(3)(d)l., Florida Statutes, published in Vol. 25, No. 33, August 20, 1999, of the Florida Administrative Weekly:

The form was changed to correct spelling errors and to conform more closely with the statutes to be implemented. The remainder of the rule reads as previously published.

DEPARTMENT OF INSURANCE

RULE NOS.: RULE TITLES:
4-136.001 Purpose
4-136.002 Foreign Insurers Filing for a
Certificate of Authority
4-136.003 Foreign and Alien Insurers Filing
for a Certificate of Authority
for Property and Casualty
4-136.004 Surplus Lines
4-136.005 Foreign and Alien Life and
Accident and Health Insurers
4-136.006 Domestic Insurers Filing for an
Application for Permit

4-136.007 Applications for Permit Submitted
for Domestic Assessable Mutual
Insurers
4-136.008 Permit for Domestic Property and
Casualty Insurers
4-136.009 Application for Permit, Domestic
Captive Insurer
4-136.010 Permit for Domestic Life, Accident
and Health
4-136.011 Domestic Insurers Filing for a
Certificate of Authority
4-136.012 Forms Adopted
4-136.015 Procedure to Amend an Existing
Certificate of Authority to Add a
New Line of Business
4-136.030 Purpose
4-136.031 Registration as a Purchasing Group
4-136.033 Restriction on Insurance Purchased
by Purchasing Groups

NOTICE OF CHANGE

Notice is hereby given that changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 26, No. 8, February 25, 2000, of the Florida Administrative Weekly: Due to comments and the workshop and some JAPC concerns the rule has been changed to read:

RULE CHAPTER 4-136

APPLICATION PROCEDURES FOR COMPANIES
SEEKING TO DO BUSINESS IN FLORIDA

PART I APPLICATION PROCEDURES

4-136.001 Purpose.

Specific Authority ~~624.308~~ FS. Law Implemented ~~624.307(1), 624.401, 624.404, 624.462, 624.466, 626.913, 628.051, 628.6011, 629.081, 629.091~~ FS. History—New ~~2-26-92~~, Repealed _____.

4-136.002 Foreign and Alien Insurers Filing for a Certificate of Authority.

All foreign entities seeking a any of the certificates of authority ~~specified in 4-136.001~~ shall comply with the requirements of sections 624.404, 624.413 and related Florida Statutes, and shall submit the following ~~common~~ forms:

~~(1) Form DI4-841, "Invoice Request for Payment of Application Fees," rev. 08/91;~~

~~(1)(2) Form DI4-144, "Service of Process Consent & Agreement," rev. 1/97 "Consent and Agreement in re Service of Process Under the Laws of Florida," rev. 11/90;~~

~~(3) Form DI4-514, "Resolution Form," rev. 11/90;~~

~~(4) Form DI4-414, "Paid Representative Registration," rev. 6/89;~~

~~(5) Form DI4-516, "Insurance Holding Company System Registration Statement," rev. 11/90;~~

~~(6) Form DI4-843, "Florida Comprehensive Health Association Subscription Agreement," rev. 5/91;~~

~~(7) Form DI4-844, "Management Information," rev. 10/91;~~

~~(2)(8) Form DI4-422, "Biographical Statement and Affidavit," rev. 10/26/98; 11/90; and~~

~~(3)(9) Form DI4-450, "Authority For Release of Information," rev. 5/00 8/91;~~

~~(4) Form DI4-884, "Application for Certificate of Authority Foreign and Alien Insurer," rev. 2/00;~~

~~(5) Form DI4-881, "Invoice, Application for Certificate of Authority," rev. 10/97;~~

~~(6) Form DI4-903, "Invoice, Request for Payment of Fingerprint Charges," rev. 4/97;~~

~~(7) Form DI4-887, "Application for Certificate of Authority to Conduct Business in the State of Florida," rev. 9/98;~~

~~(8) Form DI4-901, "Life, Accident and Health Insurers, Lines of Business by Company Code," rev. 5/91;~~

~~(9) Form DI4-877, "Property and Casualty Insurers, Lines of Business by Company Code," rev. 11/05/99;~~

~~(10) Form DI4-896, "Life, Accident, and Health Insurance Company Pro Forms (Pages 1-4)," rev. 11/98;~~

~~(11) Form DI4-896, "Property & Casualty Insurance Company Pro Forms (Pages 5-22)," rev. 11/98;~~

~~(12) Form DI4-888, "Disclosure Form Property and Casualty Insurers Only," rev. 4/97;~~

~~(13) Form DI4-889, "Certification, Property and Casualty Insurers Only," rev. 4/97;~~

~~(14) Form DI4-1301, "Subscription Agreement Form," rev. 5/99;~~

~~(15) Form DI4-1298, "Management Information Form," rev. 4/97;~~

~~(16) An investigative report in accordance with the instructions on Form DI4-905, "Instructions Investigative Reports," rev. 6/99,~~

~~(17) Form DI4-938, "Fingerprint Card Instructions," rev. 7/99; and~~

~~(18) Form DI4-1389, "NAIC Company Code Application," rev. 5/00.~~

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.34, 624.401, 624.404, 624.407, 624.413, 624.422, 624.501, 626.7451(11) FS. History-New 2-26-92, Amended _____.

4-136.003 Foreign and Alien Insurers Filing for a Certificate of Authority for Property and Casualty.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.34, 624.401, 624.404, 624.413, 624.422 FS. History-New 2-26-92, Repealed _____.

4-136.004 Surplus Lines.

Applications submitted as an Insurer under Florida's Surplus Lines Law, pursuant to section 626.913, Florida Statutes, shall contain all of the following forms:

(1) Form DI4-915 ~~DI4-815~~, "Application as an Insurer Under Florida's Surplus Lines Law," rev. 12/97 ~~4/94~~;

(2) Form DI4-916 ~~DI4-816~~, "Instructions, Sections I-IV," rev. 5/99 ~~4/94~~;

(3) Form DI4-917 ~~DI4-817~~, "Required Filings Check List, Sections I-IV," rev. 5/98 ~~4/94~~;

~~(4) Form DI4-841, "Invoice, Request For Payment of Application Fees," rev. 8/91;~~

~~(4)(5) Form DI4-144, "Service Of Process Consent & Agreement," rev. 1/97 "Consent and Agreement In Re Service of Process Under The Laws of Florida," rev. 11/90;~~

~~(6) Form DI4-514, "Resolution Form," rev. 11/90;~~

~~(7) Form DI4-414, "Paid Representative Registration," rev. 6/01/89;~~

~~(8) Form DI4-844, "Management Information," rev. 10/91;~~

~~(5) Form DI4-903, "Invoice, Request for Payment of Fingerprint Charges," rev. 4/97;~~

~~(6) Form DI4-877, "Property and Casualty Insurers, Lines of Business by Company Code," rev. 11/05/99;~~

~~(7) Form DI4-422, "Biographical Statement and Affidavit", rev. 10/26/98;~~

~~(8) Form DI4-450, "Authority for Release of Information," rev. 5/00;~~

~~(9) An investigative report in accordance with the instructions on Form DI4-905, "Instructions For Furnishing Background Investigative Reports," rev. 6/99,~~

~~(10) Form DI4-938, "Fingerprint Card Instructions," rev. 7/99; and~~

~~(12) Form DI4-1298, "Management Information Form," rev. 4/97.~~

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.34, 624.422, 624.501, 626.913, 626.918 FS. History-New 2-26-92, Amended _____.

4-136.005 Foreign and Alien Life and Accident and Health Insurers.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.34, 624.401, 624.404, 624.413, 624.422, 624.501 FS. History-New 2-26-92, Repealed _____.

4-136.006 Domestic Insurers Filing for an Application for Permit.

~~(+)~~ All domestic insurers filing an Application for Permit, pursuant to Chapter 628, Florida Statutes, for the following: Domestic Property and Casualty Insurers, Title Insurers, and Life and Health Insurers, pursuant to section 628.051, Florida Statutes; Domestic Assessable Mutual Insurers, pursuant to section 628.051, Florida Statutes; and Domestic Captive Insurers, pursuant to Chapter 628, Part III, as referenced in 4-136.001, above, shall submit the following common forms:

~~(1)(a)~~ Form DI4-903, "Invoice, Request For Payment of Fingerprint Charges," rev. 4/97 ~~5/94~~;

~~(2)(b)~~ Form DI4-516, "Insurance Holding Company System Registration Statement," rev. 4/97 ~~11/90~~;

~~(e) Form DI4-414, "Paid Representative Registration," rev. 6/89;~~

~~(3)(d) Form DI4-422, "Biographical Statement and Affidavit," rev. 10/26/98 4/99;~~

~~(4)(e) Form DI4-450, "Authority For Release of Information," rev. 5/00 8/94;~~

~~(5)(f) An investigative report in accordance with the instructions on Form DI4-905, "Instructions For Furnishing Background Investigative Reports Equifax Report", or a similar report, rev. 6/99 5/94;~~

~~(g) Form DI4-843, "Florida Comprehensive Health Association Agreement," rev. 5/94;~~

~~(6)(h) Form DI4-844, "Management Information," rev. 4/97; 4/94; and~~

~~(7)(i) Form DI4-938, "Fingerprint Card Instructions," rev. 7/99; 4/94.~~

~~(8) Form DI4-872, "Application for Permit Domestic Insurer," rev. 2/00;~~

~~(9) Form DI4-875, "Invoice, Domestic Insurer Application for Permit," rev. 4/97;~~

~~(10) Form DI4-876, "Application for Permit to Form a Domestic Insurer," rev. 4/97;~~

~~(11) Form DI4-901, "Life, Accident and Health Insurers Lines of Business by Company Code Form," rev. 5/91;~~

~~(12) Form DI4-877, "Property and Casualty Insurers Lines of Business by Company Code Form," rev. 11/05/99;~~

~~(13) Form DI4-896, "Life, Accident, and Health Insurance Company Pro Formas (Pages 1-4)," rev. 11/98; and~~

~~(14) Form DI4-896, "Property & Casualty Insurance Company Pro Formas (Pages 5-22)," rev. 11/98.~~

~~(2) The Department may request an updated Biographical Affidavit, Authority for Release of Information, Equifax or a similar report and fingerprint card on an officer, director, incorporator and those owning 10% or more, or on those who will be associated in the formation of the insurer, for each application submitted to do business in Florida.~~

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.34, 624.401, 624.404, ~~624.407~~, 624.413, 624.422, 624.501, ~~626.7451(11)~~, 628.051 FS. History–New 2-26-92, ~~Amended~~.

4-136.007 Applications for Permit Submitted for Domestic Assessable Mutual Insurers.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.34, 624.401, 624.404, 624.413, 624.501, 628.051 FS. History–New 6-4-92, ~~Repealed~~.

4-136.008 Permit for Domestic Property and Casualty Insurers.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.34, 624.401, 624.404, 624.413, 624.422, 624.501, 628.051 FS. History–New 2-26-92, ~~Repealed~~.

4-136.009 Application for Permit, Domestic Captive Insurer.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.34, 624.401, 624.404, 624.413, 624.422, 624.501, 628.905 FS. History–New 2-26-92, ~~Repealed~~.

4-136.010 Permit for Domestic Life, Accident and Health Insurers.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.34, 624.401, 624.404, 624.413, 624.422, 624.501, 628.051 FS. History–New 2-26-92, ~~Repealed~~.

4-136.011 Domestic Insurers Filing for a Certificate of Authority.

(1) All domestic entities seeking a certificate of authority, pursuant to sections 624.466, 628.6011, or 628.051, or to Chapter 628, Part I, or to Chapter 629, Florida Statutes, as ~~referenced in Rule 4-136.001~~, shall submit the following ~~common~~ forms:

(a) Form DI4-903, "Invoice, Request For Payment of Fingerprint Charges," rev. ~~4/97 5/94~~;

(b) Form DI4-883, "Certificate of Designation, Registered Agent/Registered Office," rev. ~~4/00 5/94~~;

(c) Form DI4-144, "~~Service of Process Consent & Agreement~~," rev. ~~1/97 "Consent and Agreement in Re Service of Process," rev. 11/90~~;

~~(d) Form DI4-514, "Resolution Form," rev. 11/90;~~

~~(d)(e) Form DI4-516, "Insurance Holding Company System Registration Statement," rev. 4/97 4/94;~~

~~(e)(f) Form DI4-422, "Biographical Statement and Affidavit," rev. 10/26/98 4/99;~~

~~(f)(g) Form DI4-450, "Authority For Release of Information," rev. 5/00 8/94;~~

~~(g)(h) An investigative report in accordance with the instructions on Form DI4-905, "Instructions For Furnishing Background Investigative Reports Equifax Report", or a similar report, rev. 6/99 5/94;~~

~~(h)(i) Form DI4-938, Fingerprint cards in accordance with the instructions on Form DI4-938, "Fingerprint Card Instructions," rev. 7/99 4/94; and~~

~~(i)(j) Form DI4-844, "Management Information Form," rev. 4/97 4/94;~~

~~(j) Form DI4-878, "Application For Certificate of Authority Domestic Insurer," rev. 2/00;~~

~~(k) Form DI4-1299, "Invoice Domestic Insurer Application for Certificate of Authority," rev. 4/97;~~

~~(l) Form DI4-882, "Application For Domestic Certificate of Authority to Conduct Business in the State of Florida," rev. 4/97;~~

~~(m) Form DI4-901, "Life, Accident and Health Insurers Lines of Business by Company Code," rev. 5/91;~~

~~(n) Form DI4-877, "Property and Casualty Insurers Lines of Business by Company Code," rev. 11/05/99;~~

(o) Form DI4-896, "Life, Accident, and Health Insurance Company Pro Formas (Pages 1-4)," rev. 11/98;

(p) Form DI4-896, "Property & Casualty Insurance Company Pro Formas (Pages 5-22)," rev. 11/98;

(q) Form DI4-1301, "Subscription Agreement Form," rev. 5/99; and

(r) Form DI4-1389, "NAIC Company Code Application Form," rev. 5/00.

~~(2) Applications submitted for a Certificate of Authority Domestic Property and Casualty Insurers shall contain all of the following forms pursuant to Section 624.404, Florida Statutes, in addition to the common forms specified in subsection (1), above:~~

~~(a) Form DI4-878, "Application for Certificate of Authority Domestic Property and Casualty Insurer," rev. 4/91;~~

~~(b) Form DI4-879, "Instructions, Sections I-IV," rev. 4/91;~~

~~(c) Form DI4-880, "Required Filings Check List, Sections I-IV," rev. 4/91;~~

~~(d) Form DI4-881, "Invoice, Domestic Property and Casualty Insurer," rev. 4/91;~~

~~(e) Form DI4-882, "Application for License to Conduct Business in the State of Florida," rev. 5/91; and~~

~~(f) Form DI4-896, "Preforms (pages 1-18)," rev. 5/91.~~

~~(2)(3) Applications submitted for Certificate of Authority as a Commercial Self-Insurance Fund shall contain all of the following forms pursuant to section 624.462, Florida Statutes; in addition to the common forms specified in subsection (1), above:~~

~~(a) Form DI4-845, "Application For Certificate of Authority, Commercial Self-Insurance Fund," rev. 4/95 5/91;~~

~~(b) Form DI4-846, "Instructions, Sections I-IV," rev. 5/91;~~

~~(b)(e) Form DI4-847, "Required Filings Check List, Sections I-IV," rev. 5/91;~~

~~(c)(d) Form DI4-848, "Invoice, Commercial Self-Insurance Fund," rev. 7/92 5/91;~~

~~(d)(e) Form DI4-849, "Application for License to Conduct Business in the State of Florida," rev. 5/91;~~

~~(e)(f) Form DI4-869, "Consent and Agreement in re Service of Process for Commercial Self-Insurance Fund," rev. 5/91;~~

~~(f)(g) Form DI4-870, "Resolution Form for Commercial Self-Insurance Fund," rev. 5/91;~~

~~(g)(h) Form DI4-871, "Bond Form," rev. 5/91; and~~

~~(h)(i) Form DI4-936, "Management Information, Complete Listing of Administrators, Trustee of Funds and Trustees of Sponsors," rev. 5/91.;~~

~~(i) Form DI4-903, "Invoice, Request for Payment of Fingerprint Charges," rev. 4/97;~~

~~(j) Form DI4-877, "Property and Casualty Insurers, Lines of Business by Company Code," rev. 11/05/99;~~

~~(k) Form DI4-896, "Property & Casualty Insurance Company Pro Formas (Pages 5-22)," rev. 11/98;~~

~~(l) Form DI4-422, "Biographical Statement and Affidavit," rev. 10/26/98;~~

~~(m) Form DI4-450, "Authority for Release of Information," rev. 5/00;~~

~~(n) An investigative report in accordance with the instructions on Form DI4-905, "Instructions for Furnishing Background Investigative Reports," rev. 6/99; and~~

~~(o) Form DI4-938, "Fingerprint Card Instructions," rev. 7/99.~~

~~(3)(4) Applications submitted for a Certificate of Authority of Domestic Reciprocal Insurers, pursuant to Chapter 629, Florida Statutes, shall submit the following forms in addition to the common forms specified in subsection (1), above:~~

~~(a) Form DI4-907, "Application for Certificate of Authority Domestic Reciprocal Insurer," rev. 4/95 5/91;~~

~~(b) Form DI4-908, "Instructions, Sections I-IV," rev. 4/95 5/91;~~

~~(c) Form DI4-909, "Required Filings Check List, Sections I-IV," rev. 4/95 5/91;~~

~~(d) Form DI4-910, "Invoice, Domestic Reciprocal Insurer," rev. 7/92 5/91;~~

~~(e) Form DI4-911, "Application for License to Conduct Business in the State of Florida," rev. 5/91;~~

~~(f) Form DI4-912, "Consent and Agreement in Re Service of Process, Reciprocal Insurers," rev. 5/91;~~

~~(g) Form DI4-843, "Florida Comprehensive Health Association Subscription Agreement," rev. 5/91;~~

~~(h) Form DI-914, "Complete Listing of All Advisory Committee Members and Subscribers," rev. 5/91; and~~

~~(i) Form DI-937, "Complete Listing of All Attorney-In-Fact Officers, Directors and Shareholders," rev. 5/91;~~

~~(j) Form DI4-903, "Invoice, Request for Payment of Fingerprint Charges," rev. 4/97;~~

~~(k) Form DI4-877, "Property And Casualty Insurers Lines of Business by Company Code," rev. 11/05/99;~~

~~(l) Form DI4-913, "Resolution Form, Reciprocal Insurer," rev. 5/91;~~

~~(m) Form DI4-896, Pages 5-22 for "Property & Casualty Insurers," rev. 11/98;~~

~~(n) Form DI4-1389, "NAIC Company Code Application Form," rev. 5/00;~~

~~(o) Form DI4-422, "Biographical Statement and Affidavit," rev. 10/26/98;~~

~~(p) Form DI4-450, "Authority for Release of Information," rev. 5/00;~~

~~(q) Form DI4-938, "Fingerprint Card Instructions," rev. 7/99; and~~

~~(r) Form DI4-905, "Instructions for Furnishing Background Investigative Reports," rev.6/99.~~

(5) Applications submitted for a Certificate of Authority of Domestic Life, Accident and Health Insurers, pursuant to Chapter 624, Florida Statutes, shall include all of the following forms in addition to the common forms specified in subsection (1), above:

(a) ~~Form DI4 832, "Application For Certificate of Authority Domestic Life, Accident and Health Insurers," rev. 8/91;~~

(b) ~~Form DI4 833, "Instructions, Sections I-IV," rev. 8/91;~~

(c) ~~Form DI4 834, "Required Filings Check List, Sections I-IV," rev. 8/91;~~

(d) ~~Form DI4 835, "Invoice, License Tax and Filing Fee," rev. 8/91;~~

(e) ~~Form DI4 836, "Application For License to Conduct Business in the State of Florida," rev. 5/91; and~~

(f) ~~Form DI4 843, "Florida Comprehensive Health Association Subscription Agreement," rev. 5/91.~~

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.34, 624.401, 624.404, 624.407, 624.411, 624.413, 624.414(1), 624.422, 624.466, 624.501, 624.6488(1), 625.306, 625.502, 628.041, 628.051, 628.061, 628.071, 628.081, 628.091, 628.121, 628.051, 628.161, 628.171, 628.221, 628.231, 628.251, 628.261, 628.451, 628.461, 628.4615, 628.471, 628.6011, 629.071, 629.081, 629.091, 629.101, 629.121, 629.131, 629.181, Part I, Chs. 628, 629 FS. History—New 2-26-92, Amended _____.

4-136.012 Forms Adopted.

(1) All the forms listed in rules 4-136.002 through 4-136.011 are hereby adopted and incorporated by reference. All the forms may be obtained from and shall be submitted to the Department of Insurance, Division of Insurer Services Support, Applications Coordination Section, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0327 0300.

(2) An original and one copy shall be filed for all applications referenced in rules 4-136.002 through 4-136.011. The department may request that all applications and supporting information be provided to the department in a computer readable format as specified by the department.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.34, 624.401, 624.404, 624.413, 624.422, 624.462, 624.466, 624.501, 626.913, 628.6011, 628.051, 628.061 Part I, Chs. 628, 629 FS. History—New 2-26-92, Amended _____.

4-136.015 Procedure to Amend an Existing Certificate of Authority to Add a New Line of Business.

(1) The purpose of this rule is to establish a procedure for insurers to amend their certificates of authority by adding a new line of business. Since the addition of any new line of business to a company's certificate of authority may impact the company's surplus and/or writing ratios, any such request to amend an existing certificate will be carefully evaluated by applying current standards required of an insurer seeking a certificate of authority from this state.

(2) This rule applies to all authorized insurers, as defined in section 624.09, Florida Statutes.

(3) Any insurer seeking to add a new line of insurance to an existing certificate of authority shall submit all of the following applicable forms in writing:

(a) Form DI4-1339, "Application For Adding A New Line Of Business," rev. 9/99; Verification of three years of satisfactory operation in the line of insurance to be added. The Department may waive the 3-year requirement if the foreign or alien insurer or exchange:

1. ~~Has operated successfully and has a minimum capital and surplus of \$5 million and is in compliance with Section 624.408(1), Florida Statutes; or~~

2. ~~Is the wholly owned subsidiary of an insurer which is an authorized insurer in this state; or~~

3. ~~Is the successor in interest through merger or consolidation of an authorized insurer; or~~

4. ~~Provides a product or service not readily available to the consumers of this state;~~

(b) Form DI4-1340, "Application For Adding A New Line Of Business," rev. 9/96; Any other information which is reasonably necessary to evaluate the proposed amendment.

(c) Form DI4-1341, "Invoice, Request for Certificate of Compliance for Amended Certificate of Authority," rev. 9/96;

(d) Form DI4-877, "Property and Casualty Insurers Lines of Business by Company Code," rev. 11/05/99;

(e) Form DI4-901, "Life, Accident and Health Insurers Classifications and Code Numbers," rev. 5/91;

(f) Form DI4-843, "Florida Comprehensive Health Association (FCHA) Subscription Agreement," rev. 5/91; and

(g) Form DI4-1093, "State of Florida Form for Small Employer Carrier's Application to Become a Risk Assuming Carrier or a Reinsuring Carrier," rev. 9/95.

(4) The Department shall not authorize the addition of any lines of insurance to an insurer's existing certificate of authority unless evidence is presented satisfactory to the Department that authorization of the additional lines of insurance would be in the best interests of the financial solvency of the insurer and in the best interests of the policyholders.

(5) The forms in subsection (1) above are hereby adopted and incorporated by reference. All forms may be obtained from and shall be submitted to the Applications Coordination Section, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0326.

Specific Authority 624.308(1) FS. Law Implemented 624.09, 624.307(1), 624.404, 624.408, 624.413, 624.414, 624.416(4), 624.501(20), 627.6488(1) FS. History—New 3-30-92, Amended 9-2-96, _____.

PART II PURCHASING GROUPS AND RISK RETENTION GROUPS

4-136.030 Purpose.

Specific Authority 624.308, 627.954 FS. Law Implemented 624.307(1), Part XIX, Chapter 627 FS. History--New 1-30-91, Formerly 4-107.001, Repealed

4-136.031 Registration as a Purchasing Group.

(1) All entities seeking registration ~~licensure~~ as a purchasing group shall comply with the requirements of section 627.948, Florida Statutes, and shall submit:

(a) Form DI4-515, "Purchasing Group – Notice and Registration," rev. 10/07/99; ~~"Application for Registration as a Purchasing Group with Addendum,"~~ rev. 11-90;

(b) Form DI4-144B, "Service of Process Consent & Agreement," rev. 1/97; ~~"Appointment of Attorney to Accept Service,"~~ rev. 11-90; and

(c) All purchasing groups shall comply with the information contained in Form DI4-515, "Purchasing Group – Notice and Registration," rev. 10/07/99 and submit the following forms where applicable: ~~Form DI4-514, "Resolution Form,"~~ rev. 11-90:

1. Form DI4-903, "Invoice, Request for Payment of Fingerprint Charges," rev. 4/97;

2. Form DI4-422, "Biographical Statement and Affidavit," rev. 10/26/98;

3. Form DI4-450, "Authority for Release of Information," rev. 5/00;

4. Form DI4-905, "Instructions for Furnishing Background Investigative Reports," rev. 6/99; and

5. DI4-938, "Fingerprint Card Instructions," rev. 7/99.

(2) In addition to the information required on the forms in (1) above, the entity shall:

(a) Identify all other states in which the group is currently registered ~~intends to do business~~;

(b) Specify the method by which, and the person or persons, if any, through whom insurance will be offered to its members whose risks are resident or located in this state; and

(c) Provide such other information as is necessary for the Department to determine whether the persons through whom insurance will be offered meet the standard set forth in section 626.611(14), Florida Statutes.

(3) During the pendency of the application, if any of the information submitted in response to the requirements of this rule change, the entity shall notify the Department of the change within ten days of the change.

(4) The forms in subsection (1) above are hereby adopted and incorporated by reference. All forms may be obtained from and shall be submitted to the Applications Coordination Section, Division of Insurer Services, Department of Insurance, ~~Larson Building,~~ 200 East Gaines Street, Tallahassee, FL 32399-03260300.

Specific Authority 624.308, 627.954 FS. Law Implemented 624.307(1), 624.307(3), 624.318, 624.321, 626.611(14), 627.948 FS. History--New 1-30-91, Formerly 4-107.002, Amended 9-19-94, _____.

4-136.033 Restrictions on Insurance Purchased by Purchasing Groups.

(1) A purchasing group which obtains liability insurance from an insurer not admitted in this state or a risk retention group shall inform each of the members of such group which have a risk resident or located in this state that such risk is not protected by an insurance insolvency guaranty fund in this state, and that such risk retention group or such insurer may not be subject to all insurance laws and rules of this state.

~~(2) No purchasing group may purchase insurance providing for a deductible or self-insured retention applicable to the group as a whole; however, coverage may provide for a deductible or self-insured retention applicable to individual members.~~

~~(2)(3)~~ Purchases of insurance by purchasing groups are subject to the same standards regarding aggregate limits which are applicable to all purchases of group insurance.

Specific Authority 624.308, 627.954 FS. Law Implemented 624.307(1), 627.945(1), 627.947 FS. History--New 1-30-91, Formerly 4-107.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joan E. Hendrix, Senior Management Analyst I, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin McCarty, Deputy Director, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: November 17, 1999

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

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
PART III	SMALL EMPLOYER HEALTH CARE ACCESS
4-149.030	Purpose
4-149.031	Applicability and Scope; Penalties
4-149.032	Requirement to Insure Entire Group
4-149.033	Consideration of Industry
4-149.034	Qualifying Previous and Qualifying Existing Coverage
4-149.037	Calculation of Premium Rates
4-149.038	Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement
4-149.039	Designation of Election to Become a Risk-Assuming or Reinsuring Carrier Under Section 627.6699 Florida Statutes the Employee Health Care Access Act

- 4-149.040 Change of Status of Small Employer Carrier's Election to Become Risk-Assuming Carrier or Reinsuring Carrier
- 4-149.041 Marketing Communication Material and Marketing Guidelines
- 4-149.043 Small Employer Health Reinsurance Program
- PART IV SELF-FUNDED HEALTH BENEFITS PLANS FOR PUBLIC OFFICERS AND EMPLOYEES
- 4-149.051 Purpose
- 4-149.052 Establishing a Self-Funded Health Benefit Plan
- 4-149.053 On-Going Review of the Self-Funded Health Benefit Plan
- PART VII SMALL EMPLOYER HEALTH CARE ACCESS
- 4-149.130 Purpose
- 4-149.131 Applicability and Scope
- 4-149.132 Calculation of Premium Rates
- 4-149.133 Marketing Communication Material and Marketing Guidelines
- PART VIII SELF-FUNDED HEALTH BENEFIT PLANS FOR PUBLIC OFFICERS AND EMPLOYEES
- 4-149.150 Purpose
- 4-149.151 Establishing a Self-Funded Health Benefit Plan
- 4-149.152 On-Going Review of the Self-Funded Health Benefit Plan

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s), as noticed in published in Vol. 23, No. 45, November 7, 1997, and Vol. 24, No. 46, November 13, 1998, of the Florida Administrative Weekly, with notices of change published in Vol. 24, No. 20, May 15, 1998; and Vol. 24, No. 31, July 31, 1998 and Vol. 26, No. 12, March 24, 2000, and Vol. 26, No. 22, June 2, 2000, have been withdrawn.

REGIONAL TRANSPORTATION AUTHORITIES

Tri-County Commuter Rail Authority

RULE NO.:	RULE TITLE:
30C-2.002	Organization

NOTICE OF CORRECTION

Notice is hereby given that due to a scrivener's error, the following correction has been made to proposed Rule 30C-2.002(4)(e), published in Vol. 26, No. 23, June 9, 2000, issue of the Florida Administrative Weekly. The correction is made in accordance with subparagraph 120.54(3)(d)1., F.S.

30C-2.002 Organization.

(4) Specific Authority of the Executive Director.

(e) The Executive Director shall have the authority to enter into a contract awarded by a public procurement unit if both the vendor and the public procurement unit agree to such an award of their contract and the procurement was accomplished under an open and free competitive bid system. The actual award of such a contract shall be made under the provisions contained in this Procurement Code for the award of contracts by the TCRA, and TCRA shall enter into a contract with the vendor.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-208.509	Staff Housing-Repairs and Replacements

NOTICE OF CORRECTION

Notice is hereby given that a change to rule 33-208.509 was inadvertently included in the notice of change to be published in the June 23, 2000 issue of the Florida Administrative Weekly. This change is being removed as rule 33-208.509 did not originally appear in the notice of proposed rulemaking which was published in Vol. 26, No. 16, April 21, 2000, issue of the Florida Administrative Weekly.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:	RULE TITLE:
40C-4.091	Publications Incorporated by Reference

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. 26, No. 6, of the February 11, 2000, issue of the Florida Administrative Weekly. The originally published rule proposed amendments to the drainage basin and regional watershed maps in Figure 12.2.8-1 and Appendix M of the Applicant's Handbook: Management and Storage of Surface Waters, which is incorporated by reference in rule 40C-4.091, FAC. The change to the proposed rule retains Lake Jesup as a separate drainage basin and regional watershed, so the proposed amended maps will now have 23 basins/watersheds instead of previously proposed 22 basins/watersheds. This change is mandated by Chapter 00-133, Laws of Florida.

INSERT MAPS – Page 1 of 2
40C-4

INSERT MAPS – Page 2 of 2
40C-4

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-1.003 RULE TITLE: Other Business Involving the Board
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. 26, No. 19, May 12, 2000, issue of the Florida Administrative Weekly. When changed, Rule 64B1-1.003(6) shall read as follows:

(6) conference calls for which licensing or disciplinary action is agendaed and which exceed one hour in duration; or which are called on an emergency basis.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-9.012 RULE TITLE: Unlicensed Activity Fee
NOTICE OF CHANGE

The Board of Clinical Laboratory Personnel gives Notice of Change to the above-referenced rules in response to comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 26, No. 17, April 28, 2000, issue of the Florida Administrative Weekly. When changed, Rule 64B3-9.012 shall read as follows:

64B3-9.012 An unlicensed activity fee of \$5 shall be assessed on the behalf of the Department in addition to the current licensure and renewal fees.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-2.008 RULE TITLE: Clinical Training

NOTICE OF RESCHEDULING OF PUBLIC HEARING

The Board of Nursing hereby gives notice of the rescheduling of the public hearing with regard to the above-referenced rule. The rule was originally published in Vol. 26, No. 22, of the June 2, 2000, Florida Administrative Weekly, setting forth a hearing date of June 28, 2000. The hearing has been rescheduled and will be held on October 10, 2000, at 4:00 p.m., or as soon thereafter as can be heard, at the Sheraton Hotel, Ft. Lauderdale Airport, 1825 Griffin Road, Ft. Lauderdale, Florida 33004.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER NO.: 64E-19 RULE CHAPTER TITLE: Rural Hospital Capital Improvement Grant Application Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed rule 64E-19, FAC., in accordance with subparagraph 120.54(3)(d), F.S., published in the Florida Administrative Weekly, Vol. 26, No. 19 on May 12, 2000. The changes reflect comments received during the public hearing process and upon comments received from the Joint Administrative Procedures Committee. The changes are as follows:

- 64E-19.001(1) Added reference to 216.349, F.S., under Law Implemented
- Form 1432A, page 10 Replaced the word 160 with the word 140.
- Form 1432A, page 15 Remove subtitle STATE FUNDED and the following two paragraphs, include the following sentence under the FINANCIAL AND COMPLIANCE AUDIT REQUIREMENTS section – An audit, performed in accordance with 216.349, F.S., performed by the Auditor General shall satisfy the requirement of this attachment.

P.O. X05593

Section IV Emergency Rules

DEPARTMENT OF INSURANCE

RULE TITLE: Emergency Restrictions and Limitations on
 RULE NO.: 4ER00-1

Construction Materials Mining Activities
SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Insurance hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare:

1. CS/SB 772 was enacted by the legislature on May 5, 2000, and became effective on June 14, 2000, upon signature by the Governor. This law designates the State Fire Marshal as the *sole and exclusive authority* to promulgate standards, limits, and regulations regarding the use of explosives in conjunction with construction materials mining activities. Prior to enactment of this law the counties or municipalities established these standards.
2. The bill upon its effective date renders the county and municipal standards null and void.
3. The Department has not been afforded sufficient time to implement rules to replace the previously effective county and municipal standards through the normal rule adoption process.
4. This emergency rule adopts the respective county and municipal standards for a period of 90 days to allow the permanent rulemaking process to occur.
5. The rules relate directly to public safety in that the subject of the regulation is an inherently dangerous activity.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Department of Insurance believes that adopting an emergency rule is the fairest method to protect the public in the transition between county or municipal standards and state standards. Standard rulemaking is in progress, giving parties the ability to participate in the rulemaking. The division to the greatest degree possible has crafted the emergency rule in a way that preserves the status quo by maintaining standards equivalent to those previously enacted by local authorities. In jurisdictions where there are no properly enacted standards, the State Fire Marshal will continue to enforce the requirements of Chapter 552, Florida Statutes.

SUMMARY OF THE RULE: This emergency rule adopts the county and municipal standards for a period of 90 days to allow the permanent rulemaking process to occur.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Terry Hawkins, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0342, phone (850)413-3624

THE FULL TEXT OF THE EMERGENCY RULE IS:

4ER00-1 Emergency Restrictions and Limitations on Construction Materials Mining Activities.

(1) The Division of State Fire Marshal adopts the following ordinances which are in effect as of the effective date of section 552.30, Florida Statutes, and which are applicable to the use, handling, and licensure of explosives generally as the standards, limits, and regulations applicable to the use, handling, and licensure of explosives in conjunction with construction materials mining activities as defined in section 552.30, Florida Statutes, conducted within the applicable jurisdiction, except to the extent that ground vibration limits established in such ordinances do not conform with subsection (2) of this rule. Any person or company using explosives in conjunction with construction materials mining activities as defined in section 552.30, Florida Statutes, shall continue to abide by, and be fully and completely bound by, such ordinances of local government in all respects, as if the local government's ordinance regarding the operation and handling of explosives were still in full force and effect:

<u>LOCAL GOVERNMENT</u>	<u>ORDINANCE</u>
<u>Alachua</u>	<u>Code of Ordinances County of Alachua, Florida, Part III Unified Land Development Code, Title 35 Environment, Chapter 352 Surface Mining: Land Reclamation</u>
<u>Broward</u>	<u>Ordinance 97-01 Blasting Ordinance & Policy Blasting Policy 12</u>
<u>Citrus</u>	<u>Part II Citrus County, Florida Code Chapter 66 Natural Resources Sec. 66-1. Mining</u>
<u>City of Miramar</u>	<u>Pre-Blast Meeting Agenda, Sunset Lakes: May 28, 1997; City of Miramar Procedure Manual for Resolution of Blasting Damage Complaints 1/22/97</u>
<u>Collier</u>	<u>Collier County Land Development Code, Division 3.4 Explosives</u>
<u>Dade</u>	<u>Code of Metropolitan Dade County, Florida, Part III Code of Ordinances Chapter 13 Explosives; Ordinance No. 96-45, Section 1, 3-19-96</u>
<u>DeSoto</u>	<u>DeSoto County Ordinance 1999-15 in Section C "Criteria for Operating Permit Issuance, Number 16 "Blasting"</u>
<u>Hamilton</u>	<u>Section 14.7.0 Limerock Mining and Mining Other Than Phosphates</u>
<u>Hardee</u>	<u>2.06.06 Standards</u>
<u>Hernando</u>	<u>Hernando County Ordinance No. 93-13, Hernando County Code of Ordinances Chapter 19</u>

<u>Hillsborough</u>	<u>Hillsborough County Land Development Code Part 8.02.00, Phosphate Mining Regulations Sec 8.02.8 Operating Procedures</u>
<u>Indian River</u>	<u>Indian River Ordinance No. 2000-007 Title 1X Land Development Regulations Chapter 974 Noise and vibrations control</u>
<u>Lee</u>	<u>Lee County Blasting Ordinance 99-07</u>
<u>Monroe</u>	<u>Monroe County Code Chapter 5 Blasting and Explosives</u>
<u>Palm Beach</u>	<u>Resolution No. R-2000-0419; Palm Beach County's Unified Land Development Code Section 7.6</u>
<u>Pasco</u>	<u>Chapter 6 1/2 Explosives, Blasting Agents and Blasting</u>
<u>Sarasota</u>	<u>Ordinance No. 82-111</u>
<u>Sumter</u>	<u>Division 13 Safety and Nuisance Standards</u>
<u>Walton</u>	<u>Emergency Ordinance; An Ordinance Prohibiting the Testing of Explosives and/or Weapons and Firearms in Walton County Without a Permit; Providing Definitions; Providing Penalties for Violations Thereof; Providing an Effective Date</u>

or permitting and establishing procedures for obtaining a license or permit in order to use, transport, possess, or handle explosives in conjunction with construction materials mining activities shall, as a component of such monitoring and enforcement authority, continue to enforce such requirements as they apply to construction materials mining activities.

(4) As used herein, "local government" means any incorporated city, town, county, or other local governmental entity in this state, as referred to in section 552.25, Florida Statutes.

(5) In adopting this emergency rule, it is the intent of the State Fire Marshal that local governments retain the authority to enforce existing ordinances to the fullest extent possible consistent with current law.

Specific Authority 552.30 FS. Law Implemented 552.30 FS. History--New 6-16-00.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE:

EFFECTIVE DATE: June 16, 2000

The above ordinances are hereby incorporated by reference, and are obtainable from the respective local government.

(2) Each person or company engaged in construction materials mining activities shall conduct their activities such that ground vibration resulting from such activities conforms to those limits established in the United States Bureau of Mines Report of Investigations 8507, Appendix B – Alternative Blasting Level Criteria (Figure B-1), which is hereby adopted and incorporated in this emergency rule by reference. Copies of Appendix B, Figure B-1 may be obtained from the Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

(3) The State Fire Marshal hereby delegates to the applicable local government identified in subsection (1) above responsibility and authority to monitor and enforce the ordinances incorporated in subsection (1) above. Further, as applied to the use of explosives in construction materials mining activities, the State Fire Marshal delegates to each local government having an established program to monitor and enforce ground vibration limits the responsibility and authority to monitor and enforce the requirements and standards established by subsection (2) above, including establishing the location and means of vibration measurements. The delegation of authority provided by this subsection includes the assessment and collection of reasonable fees for the purpose of carrying out the delegated activities. In addition, each local government which has enacted ordinances requiring licensure

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation (hereafter the "Department") has received a Petition for Variance from Rule 14-94, FAC. from Flagler County, Florida, on June 19, 2000, seeking a variance from the level of service standards of Rule 14-94.003, Florida Administrative Code. Rule 14-94.003, FAC., contains criteria for setting levels of service on the State Highway System based upon population of the surrounding area. Currently, the northernmost and southernmost portions of I-95 within Flagler County are designated level of service B based upon the rural population status. Flagler County seeks to reduce the level of service to C for those portions of I-95 within the County currently at level of service B. The basis for the variance is that census data for the year 2000 is expected to change the level or service on I-95 to C for the southernmost area of the County. For the northernmost area, Flagler County has transportation improvement plans for the Flagler County Road System to alleviate traffic on I-95 and the Department of Transportation is planning to add lanes to that portion of I-95. Comments on this proposed variance should be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice.

A copy of the Petition for Variance may be obtained from the Clerk of Agency Proceedings. For additional information, contact Robert Downie, Assistant General Counsel, (850)414-5265.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Telaleasing Enterprises, Inc.'s petition for waiver of Rule 25-24.515(13), Florida Administrative Code, filed February 29, 2000, in Docket No. 000266-TC, was approved by the Commission at its May 16, 2000 Agenda Conference. Order No. PSC-00-1092-PAA-TC, issued June 6, 2000, memorialized the decision. The rule requires that pay telephone stations allow 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 March 17, 2000.

A copy of the Order can be obtained from either the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Telaleasing Enterprises, Inc.'s petition for waiver of Rule 25-24.515(13), Florida Administrative Code, filed February, 29, 2000 in Docket No. 000267-TC was approved by the Commission at its May 16, 2000 Agenda Conference. Order No. PSC-00-1038-PAA-TC, issued May 26, 2000 memorialized the decision. The rule addresses the requirement that all pay telephone stations allow 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 March 17, 2000.

A copy of the Order can be obtained from the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on June 13, 2000, the South Florida Water Management District (SFWMD) has received a petition for waiver from The Tamara Peacock Company on behalf of The City of Wilton Manors, for utilization of works or land of the SFWMD known as the C-13 Canal, Broward County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule

40E-6.091(1), Fla. Admin. Code, which establishes the low member elevation requirements for docking facilities located within the District's right of way.

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

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

NOTICE IS HEREBY GIVEN that on June 5, 2000, the South Florida Water Management District (SFWMD) has received a petition for waiver from Kenneth Miner, for utilization of works or land of the SFWMD known as the C-51 Canal, Palm Beach County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which prohibits above ground encroachments within forty feet of the top of bank and establishes the low member elevation requirements for docking facilities located within the District's right of way.

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

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

NOTICE IS HEREBY GIVEN that on June 5, 2000, the South Florida Water Management District (SFWMD) has received a petition for waiver from Robert Frederick, for utilization of works or land of the SFWMD known as the C-51 Canal, Palm Beach County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which prohibits above ground encroachments within forty feet of the top of bank within the District's right of way.

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

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business

on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

NOTICE IS HEREBY GIVEN that on May 31, 2000, the South Florida Water Management District (SFWMD) has received a petition for waiver from Frank and Karen Scala, for utilization of works or land of the SFWMD known as the C-51 Canal, Palm Beach County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which prohibits above ground encroachments within forty feet of the top of bank and establishes the low member elevation requirements for docking facilities located within the District's right of way.

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

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

NOTICE IS HEREBY GIVEN that on May 31, 2000, the South Florida Water Management District (SFWMD) has received a petition for waiver from Bryant Smith, for utilization of works or land of the SFWMD known as the C-51 Canal, Palm Beach County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which prohibits above ground encroachments within forty feet of the top of bank within the District's right of way.

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

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

NOTICE IS HEREBY GIVEN that on May 31, 2000, the South Florida Water Management District (SFWMD) has received a petition for waiver from Michael and Lorraine Follin, for utilization of works or land of the SFWMD known as the C-51 Canal, Palm Beach County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and

the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which prohibits above ground encroachments within forty feet of the top of bank within the District's right of way.

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

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

NOTICE IS HEREBY GIVEN that on June 6, 2000, the South Florida Water Management District (SFWMD) has received a petition for waiver from Carene Kengeter, for utilization of works or land of the SFWMD known as the C-51 Canal, Palm Beach County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which prohibits above ground encroachments within forty feet of the top of bank within the District's right of way.

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on June 2, 2000, a petition from Ms. Florence W. Merrill and SouthTrust Bank of West Florida, seeking a waiver of certain documentation requirements of 376.3071, Florida Statutes. The petition has been assigned OGC case number 00-1260.

Copies may be received from, and written comments submitted to: Inguna Varoslavane-Callahan, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Comments must be received no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

CORRECTED NOTICE – The Board of Psychology hereby gives notice of this correction to the Notice of Petition for Waiver and Variance that was recently published in the June 9, 2000 issue of the Florida Administrative Weekly, Vol. 26, No. 23.

Petitioner Timothy Spruill, Ed.D. is seeking a waiver of Rule 64B19-11.003(5) requesting the Board for an extension of time from seven (7) to nine (9) years to complete the program. This request represents a permanent waiver of the above rule.

Comments on this petition should be filed with the Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NAVIGATION DISTRICTS

Notice is hereby given that the Florida Inland Navigation District received on May 30th and June 14, 2000, respectively, a Petition from the City of Jacksonville and the City of Ormond Beach, seeking a variance from Rule 66B-2.004(7), Florida Administrative Code, regarding the deadline for evidence of a 25-year ownership, management or lease agreement to maintain management rights to the property in question under the District’s Waterway Assistance program, which deadline was June 2, 2000. Each petitioner has requested a waiver of the rule to extend this deadline until September 21, 2000. Comments on this Petition should be filed with the Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, within 14 days of publication of this notice.

For additional information, contact Mark Crosley, Assistant Executive Director, at the above address, (561)627-2286.

Section VI
Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education

- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection
- DATE AND TIME: July 11, 2000, 9:00 a.m.
- PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida
- PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director’s reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215, F.S. and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans’ Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department’s mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission’s authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental

budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF LEGAL AFFAIRS

The Annual Report Committee of the **Florida Commission on the Status of Women** will hold a conference call on:

DATE AND TIME: Tuesday, July 11, 2000, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation due to a disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, PL-01 The Capitol, Tallahassee, FL 32399-1050.

The Resource Committee of the **Florida Commission on the Status of Women** will hold a conference call on:

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

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation due to a disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, PL-01 The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF INSURANCE

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: July 25, 2000, 9:00 a.m.

PLACE: Bay Point Resort Village, St. Andrews Ball Room 5, 4200 Marriott Drive, Panama City Beach, FL

PURPOSE: Regular meeting of the Fire Fighters Standards and Training Advisory Council.

A copy of the agenda may be obtained by writing: Department of Insurance, Division of State Fire Marshal, 11655 N. W. Gainesville Road, Ocala, FL 34482-1486.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida State Fair Authority** announces a meeting of the Long Range Planning Committee.

DATE AND TIME: Wednesday, July 12, 2000, 11:00 a.m.

PLACE: Bob Thomas Equestrian Center, Florida State Fairgrounds, Tampa, Florida 33610

PURPOSE: To discuss old and new business of the long range planning committee.

AGENDA: A copy of the agenda may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, P. O. Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

DEPARTMENT OF EDUCATION

The **State Board of Independent Colleges and Universities** announces public meetings to which all persons are invited.

DATE AND TIME: Tuesday, July 18, 2000, 10:00 a.m.

PLACE: Keiser College's Electronic Classroom, 1500 Northwest 49th Street, Fort Lauderdale, FL

PURPOSE: SBICU Advisory Council Meeting – Issues Sessions

- 1) Transfer of Academic Credit/Articulation
- 2) The Southern Regional Education Board (SREB)
- 3) E-College at Keiser College – A First-hand look at On-Line Education

DATE AND TIME: Tuesday, July 18, 2000, 6:00 p.m. – 8:00 p.m.

PLACE: Radisson Resort, 11775 Heron Bay Boulevard, Coral Springs, FL

PURPOSE: Budget Forum (The Department of Education Budgetary Process.)

DATE AND TIME: Wednesday, July 19, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Radisson Resort, 11775 Heron Bay Boulevard, Coral Springs, FL

PURPOSE: SBICU Quarterly Board Meeting (This meeting will be interrupted at 11:00 a.m. for a Public Hearing on Rules.)

The Board welcomes participation from any interested members of the public.

Any person who desires a copy of the proceedings should arrange to tape the meetings. If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is requested to advise the Board at least five calendar days before the meeting by contacting Mary Cook, (850)488-8695.

The **State Board of Community Colleges** announces the following public meetings of the Board to which all persons are invited:

DATE AND TIME: July 14, 2000, 8:00 a.m.

PLACE: Kennedy Space Center, Visitor Complex, Debus Conference Center, State Road 405, Kennedy Space Center, Florida 32899 (Titusville, Florida 32780)

PURPOSE: Regular business meeting of the Board.

COMMITTEE: Foundation for Florida's Community Colleges

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

COMMITTEE: Budget Development Task Force

DATE AND TIME: July 13, 2000, 9:30 a.m. – 11:30 a.m.

COMMITTEE: EA/EO Advisers

DATE AND TIME: July 13, 2000, 10:00 a.m. – 11:30 a.m.

COMMITTEE: Program, Economic Development, Equity and Policy Committee

DATE AND TIME: July 13, 2000, 12:30 p.m. – 2:45 p.m.

COMMITTEE: Finance Committee

DATE AND TIME: July 13, 2000, 3:00 p.m. – 5:15 p.m.

PLACE: Brevard Community College (Cocoa Campus), 1519 Clearlake Road, Cocoa, Florida 32922-6597

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.

The Board of Directors of the **Florida Institute of Phosphate Research** (FIPR) announces the following meeting to which all persons are invited to attend.

DATE AND TIME: July 28, 2000, 9:30 a.m. – 4:30 p.m.

PLACE: Southwest Florida Water Management District, 170 Century Boulevard, Bartow, FL

PURPOSE: To consider research and purchasing policies. The policies to be considered will include General Research Policies (#300), Confidentiality of Proposals (#301), General Purchasing Policy (#400), Competitive Procurements (#401), Sole Source Procurements (#402), Other purchasing Policies (#403) and Authority to Sign Research Contracts (#404).

Drafts of the proposed policies will be available for public inspection at FIPR's offices at 1855 W. Main Street, Bartow, Florida, between the hours of 8:00 a.m. – 5:00 p.m. on weekdays from June 26, 2000 through July 9, 2000. Written comments on the proposed policies may be submitted to Paul Clifford, Executive Director of FIPR.

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: July 12, 2000, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

PURPOSE: General Business Meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of the Training Task Force to which all persons are invited.

DATE AND TIME: July 6, 2000, 8:30 a.m.

PLACE: Department of Health, 2585 Merchants Boulevard, Room 301, Building 4025, Tallahassee, Florida 32399

PURPOSE: To discuss the ongoing work of the District Response Teams Subcommittee to the Training Task Force and other hazardous materials training issues.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Education and Training Section, (850)413-9899, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Education and Training Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2149, (850)413-9899.

The **State Emergency Response Commission for Hazardous Materials** announces a meeting of all Local Emergency Planning Committee chairpersons and staff contacts to which all persons are invited.

DATE AND TIME: July 6, 2000, 1:30 p.m.

PLACE: Department of Health, 2585 Merchants Boulevard, Room 301, Building 4025, Tallahassee, Florida 32399

PURPOSE: To discuss the activities and goals of the Local Emergency Planning Committees in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)410-1270, at least five

calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2149, (850)413-9970.

The **State Emergency Response Commission for Hazardous Materials** announces a meeting to which all persons are invited.

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

PLACE: Department of Health, 2585 Merchants Boulevard, Room 301, Building 4025, Tallahassee, Florida 32399

PURPOSE: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)410-1271, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision, with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2149, (850)413-9970.

NOTICE IS HEREBY GIVEN that the **Florida Building Commission** shall meet in private with its legal counsel pursuant to Section 286.011, Florida Statutes (1999).

DATE AND TIME: Monday, July 10, 2000, 1:45 p.m.

PLACE: The Hyatt Sarasota, 1000 Boulevard of the Arts, Sarasota, Florida 34246

The names of persons attending who will be attending the meeting are as follows: Raul L. Rodriguez, AIA, Chairman; Nick D'Andrea, Karl S. Thorne, Medard Kopczynski, Leonard N. Lipka, Daniel C. Shaw, Richard "Dick" Browdy, Dr. Diana B. Richardson, Steven C. Bassett, P. E., John Robert Calpini, James R. Mehlretter, Peggy P. Harris, Sam Walthour, Suzanne Marshall, George J. Wiggins, Harold D. Covey, Stephen H. Corn, Bob R. Leonard, Craig Parrino, Christ T. Sanidas, Francisco J. Quintana, Michael C. McCombs, Commissioners; Richard Dixon, Executive Director; Suzanne Schmith, Jim Richmond, Attorneys for the Commission.

The **Florida Building Commission** "the Commission" announces the following meetings to which all persons are invited. The meetings will be held at:

PLACE: Hyatt Sarasota, 1000 Boulevard of the Arts, Sarasota, Florida, (941)953-1234

Meeting of the Manufactured/Prototype Buildings Ad Hoc;
Meeting of the Code Dissemination Ad Hoc

DATE AND TIME: July 9, 2000, 10:00 a.m. – 4:00 p.m.

Meeting of the Product Approval Ad Hoc; Meeting of the Plenary Session of the Commission

DATE AND TIME: July 10, 2000, 8:00 a.m. – 3:45 p.m.

PURPOSE: To review and approve the June 2000 Commission meeting minutes, the July 2000 Commission agenda and the Commission's workplan.

Meeting of the Plenary Session of the Commission.

DATE AND TIME: July 11, 2000, 8:00 a.m. – 3:15 p.m.

PURPOSE: To consider previously adopted base code modifications; to consider proposed amendments/changes to the Building Code Rule; to hear the report of the Code Dissemination Ad Hoc Committee; to hear the report of the Manufactured/Prototype Buildings Ad Hoc Committee; to hear the report of the Product Approval Ad Hoc Committee; to hear reports on declaratory statement from the legal staff; to provide for public testimony and public comment on building code effectiveness and to discuss building code effectiveness; to identify and discuss desired outcomes of the education training program; and to review assignments for next month.

A copy of the Committee and Commission meeting agendas may be obtained by sending a request in writing: Jean Easom, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Jean Easom, Department of Community Affairs,

(850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

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

DATE AND TIME: Tuesday, July 11, 2000, 1:00 p.m. – Open
PLACE: Florida Department of Law Enforcement, FDLE Academy, 2331 Phillips Road, Tallahassee, Florida 32308

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

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

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

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 5 announces a public hearing to which all persons are invited.

DATE AND TIME: July 20, 2000, 6:00 p.m.

PLACE: Merritt Island Public Library, 1195 North Courtenay Parkway (SR 3), Merritt Island, Florida

PURPOSE: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Item Number 404601-21-01, Federal Aid Number 4392-030P, otherwise known as the SR 528 Westbound Bridge over Indian River Replacement/Widening in Brevard County, Florida.

A copy of the agenda may be obtained by writing: Mr. Tianjia Tang, Project Engineer, Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, Florida 32720.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address below or call telephone number (904)943-5400. Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing.

The **Department of Transportation**, Turnpike District announces a public hearing to which all persons are invited.

DATE AND TIME: Thursday, July 20, 2000, Open House, 6:00 p.m. – 7:00 p.m.; Formal Presentation, 7:00 p.m.

PLACE: Crystal Lake Elementary School, 2095 S. W. 96th Street, Stuart, FL 34997

PURPOSE: This Hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code and Section 335.18, Florida Statutes. This hearing is also being held in accordance with the Federal-Aid Highway Act of 1968, as amended, 23 U.S.C. 128, 40 C.F.R. 1500-1508, 23 C.F.R. 771 and Section 339.155, Florida Statutes, and is also consistent with the Americans with Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, and environmental effects of Financial Project ID Number: 404135-1-22-01, otherwise known as Thomas B. Manuel Bridge Replacement Project Development and Environment Study. The Thomas B. Manuel Bridge is on Florida's Turnpike. The limits of the project are from 1.5 kilometers (5,000 feet) south of the St. Lucie Canal to 1.5 kilometers (5,000 feet) north of the St. Lucie Canal, in Martin County. Wetlands may be given special consideration under Executive Orders 11990 and 11988.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Catherine Bradley, (407)355-5733. Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Ms. Catherine Bradley, P. E. District Project Development Engineer, Florida Department of Transportation, Turnpike District, 7680 Universal Boulevard, Suite 680, Orlando, Florida 32819. In the unlikely event that an emergency or act of nature should cause the hearing to be rescheduled, the new date would be July 25, 2000.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

The **Board of Trustees of the Internal Improvement Trust Fund** announces a public workshop to which all person are invited:

DATE AND TIME: Friday, July 14, 2000, 9:30 a.m.

PLACE: Department of Environmental Protection, 2400 Blair Stone Road, Twin Towers, Conference Room 609, Tallahassee, Florida

PURPOSE: To discuss and receive public comment on proposed draft rule amendments regarding "Sufficient Upland Interest" and "Forms of Authorization." The purpose of the

"Sufficient Upland Interest" rulemaking (Docket No. 98-08R) is to clarify the interest in uplands needed to make application for a Board of Trustees' authorization to conduct activities on sovereign submerged lands. The purpose of the "Forms of Authorization" rulemaking (Docket No. 00-10R) is to provide more clarity to the public so that the appropriate form of authorization for persons to conduct activities on sovereign submerged lands can be more easily determined. This will include clarifying and amending the existing provisions and thresholds used in determining the appropriate form of authorization; definitions; management policies, standards, and criteria, including general consent conditions that would apply to all forms of authorization; and provisions related to riparian rights. During the rule development process, the Department may decide to amend any or all of the rule sections contained in Chapter 18-21, Sovereignty Submerged Lands Management, of the Florida Administrative Code.

Rulemaking on these topics follows deliberations of a Technical Advisory Committee formed by the Department of Environmental Protection. In addition, the "Forms of Authorization" rulemaking is required by the Board of Trustees of the Internal Improvement Trust Fund action on March 14, 2000, to settle a rule challenge filed against the Board of Trustees by Catalpa Cove Property Owners' Association.

A copy of the agenda may be obtained from: Alice Heathcock, Department of Environmental Protection, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, (850)921-9899, or e-mail Alice.Heathcock@dep.state.fl.us. An agenda and meeting materials will be distributed to all on the interested parties mailing list plus anyone requesting to receive the information.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the meeting by contacting 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).

The **Board of Trustees of the Internal Improvement Trust Fund** announces a technical advisory committee meeting to which all person are invited:

DATE AND TIME: Thursday, July 13, 2000, 9:30 a.m.

PLACE: Department of Environmental Protection, 2400 Blair Stone Road, Twin Towers, Conference Room 609, Tallahassee, Florida

PURPOSE: This is the eighth meeting of the Sovereign Submerged Lands Technical Advisory Committee to continue the discussion of issues and prioritize rulemaking regarding sovereign submerged lands, specifically revisions to Chapters

18-14, 18-18, 18-20 and 18-21. The agenda will include continued discussion on criteria associated with docking facilities and other authorizations.

A copy of the agenda may be obtained by contacting: Alice Heathcock, Florida Department of Environmental Protection, Division of Water Resource Management, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, telephone (850)921-9899, e-mail Alice.Heathcock@dep.state.fl.us. An agenda and meeting materials will be distributed to all on the interested parties mailing list plus anyone requesting to receive the information.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 12, 2000, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C, Third Floor, Tallahassee, Florida

PURPOSE: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, telephone (850)488-3417.

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

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

PLACE: 2601 Blairstone Road, Building C, Tallahassee, Florida

PURPOSE: Regularly Scheduled Commission Business Meeting.

A copy of the agenda and subsequent addenda, if any, may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450, Attention: Frederick B. Dunphy, Commissioner-Secretary.

If you need an accommodation in order to participate in this process, please notify the Commission in advance.

PUBLIC SERVICE COMMISSION

NOTICE OF CANCELLATION – The Florida **Public Service Commission** announces the cancellation of the prehearing and hearing noticed in Docket No. 000601-TP – Request by Southeastern Services, Inc. for termination of rural LEC exemption of Northeast Florida Telephone Company, Inc., pursuant to 47 U.S.C. 251(f)(1)(B) of the Telecommunications Act of 1996.

DATE AND TIME: July 6, 2000, 3:30 p.m. (Prehearing)

DATE AND TIME: July 14, 2000, 9:30 a.m. (Hearing)

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

NOTICE OF CANCELLATION – The Florida **Public Service Commission** announces the cancellation of a hearing noticed in Dockets Nos. 000500-TP – Petition by Rhythms Links Inc. for expedited arbitration award implementing line sharing with GTE Florida Incorporated, and 000501-TP – Petition by Rhythms Links Inc. for expedited arbitration award implementing line sharing with BellSouth Telecommunications, Inc.

DATES AND TIMES: July 12, 2000, 1:00 p.m.; July 13, 2000, 9:30 a.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990649-TP – Investigation into pricing of unbundled network elements.

DATES AND TIME: July 17-19, 2000, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To permit parties to present testimony and exhibits relative to the investigation into pricing of unbundled network elements, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on July 6, 2000. All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S. and Chapter 25-28, FAC.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior

to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

The District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE NAME: Local Emergency Planning Committee
 DATE AND TIME: Monday, July 17, 2000, 10:30 a.m.

COMMITTEE NAME: CHER-CAP Exercise Committee
 DATE AND TIME: Monday, July 17, 2000, 2:00 p.m.

PLACE: Coleman Federal Prison Training Complex (First building on right after entering compound), 946 N. E. 54th Terrace, Coleman, FL 33521, E CR 470 (East of Highway 301)

GENERAL SUBJECT MATTER TO BE DISCUSSED: Chairman report, Committee updates and other organizational matters regarding the committees. The LEPC meeting will be held in conjunction with the Sumter County Public Officials Conference.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact Charlotte Neupauer, (352)732-1315.

The **Withlacoochee Regional Planning Council** announces an Executive Committee meeting to which all persons are invited.

DATE AND TIME: Thursday, July 20, 2000, 6:30 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To handle administrative matters pertaining to the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

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

DATE AND TIME: Thursday, July 20, 2000, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The District II, **Local Emergency Planning Committee** (LEPC) 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: July 12, 2000, 10:00 a.m., Eastern Time, 9:00 a.m., Central Time

PLACE: Tallahassee Fire Dept. Training Facility, 2964 Municipal Drive, Tallahassee, Florida

PURPOSE: To hold the regularly scheduled LEPC meeting.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 314 East Central Avenue, Blountstown, FL 32424, (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.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

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

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, FL

PURPOSE: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. – 5:00 p.m., Monday – Friday, 2822 Remington Green Circle, Suite 101, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

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 Commission at

least 48 hours before the meeting by contacting the Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Planning Organization** for the Orlando Urban Area, METROPLAN ORLANDO announces the following public meeting of its Governing Board and Executive Committee to which all persons are invited:

DATE AND TIME: Wednesday, July 12, 2000, 9:00 a.m.
 PLACE: Metroplan Orlando Board Room, 315 East Robinson Street, Suite 355, Orlando, FL 32801

PURPOSE: Regularly Scheduled Board Meeting.
 GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order
2. Agenda Review
3. Approval of Minutes
4. Consent Items
5. Action Items
6. Presentations, if any
7. Other Business
8. Chairman's Report
9. Executive Director's Report
10. Legislative Report

A copy of the detailed agenda may be obtained by contacting Virginia Lewis, Executive Assistant, METROPLAN ORLANDO, 315 East Robinson Street, Suite 355, Orlando, FL 32801, (407)481-5672, Extension 314.

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

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact METROPLAN ORLANDO, (407)481-5672, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: July 11, 2000, 9:00 a.m.
 PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

PURPOSE: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

Public hearing in accordance with Section 373.139(3)(a), F.S., concerning the proposed purchase of the Virginia Forest/Sandlin Bay Tract, 15,439 Acres +/-, Columbia County, Florida, with funds from the Preservation 2000 Lands Trust Fund; also the Lindsey/Hart Springs Addition, 199 acres +/-, Gilchrist County, Florida, with funds from the Water Management Lands Trust Fund; also the Loncala, Inc. Tract, 160 acres +/-, Alachua County, Florida, with funds from the Water Management Lands Trust Fund; also the Sanders Tract Conservation Easement, 350 Acres +/-, Hamilton County, Florida, with funds from the Water Management Lands Trust Fund.

DATE AND TIME: July 11, 2000, following Board Meeting

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

PURPOSE: Board Workshop on Minimum Flows and Levels.

A copy of the agenda(s) may be obtained by writing SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (904)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited:

PERSONNEL COMMITTEE MEETING

DATE AND TIME: Tuesday, July 11, 2000, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

PURPOSE: Discussion of Personnel Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

BUDGET AND GOVERNING BOARD MEETING

DATE AND TIME: Tuesday, July 11, 2000, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

PURPOSE: Discussion of budget information for Fiscal Year 2000-2001 and acceptance of millage rate and tentative budget for advertising purposes; and discussion and consideration of other District business including regulatory and non-regulatory matters.

FINANCE COMMITTEE MEETING

DATE AND TIME: Wednesday, July 12, 2000, 8:00 a.m.
 PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177
 PURPOSE: Discussion of Finance Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

PUBLIC HEARING TO AMEND SAVE OUR RIVERS FIVE-YEAR PLAN

DATE AND TIME: Wednesday, July 12, 2000, 9:00 a.m.
 PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177
 PURPOSE: To receive public testimony concerning proposed amendment to the District Five-Year Land Acquisition and Management Plan for acquisition and management of lands funded by "Save Our Rivers", Section 373.59, Florida Statutes, Water Management Lands Trust Fund.

GOVERNING BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Wednesday, July 12, 2000, following Public Hearing to Amend Save Our Rivers Five-Year Plan
 PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177
 PURPOSE: Discussion and consideration of District business including regulatory and non-regulatory matters.

A copy of the agenda for these meetings may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Governing Board Support Specialist.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

INDUSTRIAL ADVISORY COMMITTEE

DATE AND TIME: Tuesday, July 11, 2000, 10:00 a.m.
 PLACE: 2379 Broad Street, Brooksville, Florida

ENVIRONMENTAL ADVISORY COMMITTEE

DATE AND TIME: Wednesday, July 12, 2000, 6:00 p.m.
 PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

PUBLIC SUPPLY ADVISORY COMMITTEE

DATE AND TIME: Friday, July 21, 2000, 9:30 a.m.
 PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business
 Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida), or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public hearing under Sections 373.59 and 373.139, Florida Statutes, to which all interested parties are invited:

DATE AND TIME: July 13, 2000, 8:50 a.m.
 PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: The acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan, which lands are further described as follows:

Part of the Caloosahatchee Basin Storage Reservoir project comprised of four parcels referred to as SFWMD Tract No. GX-100-001, GX-100-002, GX-100-003 and GX-100-04 consisting of approximately 9,020.98 acres and lying in Sections, 1, 2, 3, 6, 10, 11, 12, 23 through 36, Townships 43 and 44 South, Range 28 East in Hendry County, Florida.

Additional information concerning specific parcels or interests can be obtained from: Blair R. LittleJohn, III, 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. For additional information, please contact: Mr. Blair R. LittleJohn, III, Director, Real Estate Division, (561)682-6842.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: July 26, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Pompano Beach Civic Center, 1801 N. E. 6th Street, Pompano Beach, Florida

PURPOSE: This meeting is to discuss the Lake Okeechobee Management and other issues related to the Lower East Coast Regional Water Supply Plan.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: John Mulliken, Lower East Coast Regional Water Supply Plan Project Manager, (561)682-6649.

The **South Florida Water Management District** announces a special public workshop-meeting retreat which may be conducted by means of or in conjunction with communications technology, specifically by telephonic conference, to which all interested parties are invited:

DATES AND TIMES: Friday, July 14, 2000, 7:00 a.m.; Saturday, July 15, 2000, 7:00 a.m.

PLACE: Sanibel Harbour Resort & Spa, 2500 Edwards Drive, Fort Myers, Florida

PURPOSE: To discuss District management issues.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33526-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Darryl Bell, Governing Board/Business Operations Coordinator, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680, (561)682-2529.

SPACEPORT FLORIDA AUTHORITY

The **Spaceport Florida Authority** announces a Board of Supervisors meeting to which the public is invited.

DATE AND TIME: July 12, 2000, 10:00 a.m. – 12:00 p.m.

PLACE: 100 Spaceport Way, Cape Canaveral, Florida 32920

PURPOSE: The Board will continue discussion on the status of ongoing projects including the Next Generation Launch Vehicle (NGLV) facility at Kennedy Space Center, development of Launch Complex 20, Washington update, Master Planning status and other ongoing general business of the Authority. A workshop session will be held at 4:00 p.m. on July 11th, 2000 at the office of Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920 to discuss administrative issues. No official action will be taken at this workshop meeting.

For more information, contact Pat Sweetman, (321)730-5301, Ext. 1210. To obtain a copy of the agenda, write to Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Spaceport Florida Authority at least seven (7) days prior to the meeting.

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

The **Florida Commercial Space Financing Corporation** announces a Board of Directors meeting and teleconference to which the public is invited.

DATE AND TIME: July 12, 2000, 1:00 p.m – 3:00 p.m.

PLACE: Florida Commercial Space Financing Corporation, 100 Spaceport Way, Cape Canaveral, Florida 32920

PURPOSE: General Board Business Meeting and ratification of agreements.

For more information contact: Karri Burns, (321)730-5301, Ext. 1144. The Board of Director's meeting will be available at the office of Florida Commercial Space Financing Corporation.

To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Commercial Space Financing Corporation.

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above cited meeting, they will need a record of the

proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

The **Spaceport Florida Authority** announces a meeting of the Spaceport Management Council to which the public is invited.
 DATE AND TIME: July 13, 2000, 10:00 a.m. – 12:00 p.m.
 PLACE: 100 Spaceport Way, Cape Canaveral, Florida 32920
 PURPOSE: The Management Council, as required by Florida Statute, will convene to provide coordination and recommendations on projects and activities that will increase the operability and capabilities of Florida's space launch facilities. Topics will include the Next Generation Launch Vehicle (NGLV) facility at Kennedy Space Center, development of Launch Complex 20, Washington update, Master Planning status and other ongoing general business.
 For more information contact: Pat Sweetman, (321)730-5301, Ext. 1210. To obtain a copy of the agenda, write to Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Spaceport Florida Authority at least seven (7) days prior to the meeting.

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

DEPARTMENT OF ELDER AFFAIRS

The **State Long-Term Care Ombudsman Council** announces a public meeting for all districts in Florida to which all persons are invited.

DATE AND TIME: July 27, 2000, 9:00 a.m.

CITY: District One, Pensacola, FL

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

CITY: District Two, Blountstown, FL

DATE AND TIME: July 20, 2000, 12:30 p.m.

CITY: District Three-A, Gainesville, FL

DATE AND TIME: July 13, 2000, 1:00 p.m.

CITY: District Three-B, Ocala, FL

DATE AND TIME: July 18, 2000, 12:00 Noon

CITY: District Four, St. Augustine, FL

DATE AND TIME: July 20, 2000, 1:30 p.m.

CITY: District Five A, Largo, FL

DATE AND TIME: July 13, 2000, 1:30 p.m.

CITY: District Five B, New Port Richey, FL

DATE AND TIME: July 18, 2000, 10:00 a.m.

CITY: District Six, Tampa, FL

DATE AND TIME: July 6, 2000, 12:30 p.m.

CITY: District Seven, Orlando, FL

DATE AND TIME: July 5, 2000, 11:00 a.m.

CITY: District Eight, Ft. Myers, FL

DATE AND TIME: July 17, 2000, 2:30 p.m.

CITY: District Nine, West Palm Beach, FL

DATE AND TIME: July 11, 2000, 1:30 p.m.

CITY: District Ten, Plantation, FL

DATE AND TIME: July 18, 2000, 1:15 p.m.

CITY: District Eleven-South, S. Miami, FL

DATE AND TIME: July 13, 2000, 10:30 p.m.

CITY: District Eleven-North, N. Miami, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Issues related to the Long-Term Care Ombudsman Program.

You may contact the State Long-Term Care Ombudsman Office, (850)488-6190, for further information.

NOTICE OF CHANGE – The **State Long-Term Care Ombudsman Council** announces the following revision to the conference call to which all persons are invited:

The original call for the Legislative Committee that was scheduled for June 8th, 2000 has been rescheduled for:

DATE AND TIME: July 6, 2000, 9:00 a.m. – 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Issues related to the Long-Term Care Ombudsman Program.

You may contact the office of the Long-Term Care Ombudsman, (850)488-6190, for more information.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the District 6, Managed Care Ombudsman Committee to which all interested parties are invited.

DATE AND TIME: Tuesday, July 5, 2000, 10:00 a.m. – 12:00 p.m.

PLACE: AHCA Building, Suite 220, North Park Center, 6800 North Dale Mabry Highway, Tampa, FL 33614-3979, (813)871-7800

PURPOSE: Regular monthly meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact us, (850)414-1833, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Attention: Annette Lewis-Howard, Agency for Health Care Administration, Bureau of Consumer Protection, 2727 Mahan Drive, Ft. Knox Building 1, 2nd Floor, Tallahassee, FL 32308.

The **Agency for Health Care Administration** announces a meeting of the District 10, Managed Care Ombudsman Committee to which all interested parties are invited.

DATE AND TIME: Wednesday, July 12, 2000, 9:30 a.m. – 11:30 a.m.

PLACE: AHCA Building, Room 195, 1400 West Commercial Boulevard, Fort Lauderdale, FL 33309, (954)202-3200

PURPOSE: Regular monthly meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact us, (850)414-1833, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Attention: Annette Lewis-Howard, Agency for Health Care Administration, Bureau of Consumer Protection, 2727 Mahan Drive, Ft. Knox Building 1, 2nd Floor, Tallahassee, FL 32308.

The **Agency for Health Care Administration** announces a meeting of the Prescribing Pattern Review Panel and the Drug Utilization Review Board to which all interested parties are invited.

DATE AND TIME: Saturday, July 15, 2000, 10:30 a.m. – 2:30 p.m.

PLACE: Airport Marriott, Tampa International Airport, Tampa, FL

PURPOSE: Evaluation of prescribing patterns and profiles of prescribers for selected therapeutic classes in the Medicaid program.

Any attendee requiring special accommodation because of a disability or physical impairment should contact the Marriott, (813)874-6084, at least five days prior to the meeting.

The **Agency for Health Care Administration, Medicaid** announces a meeting of the Organ Transplant Advisory Council to which all persons are invited.

DATE AND TIME: Monday, July 24, 2000, 10:00 a.m. – 4:00 p.m.

PLACE: The Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607

PURPOSE: To conduct general business of the Council, recommendations to update Medicaid organ transplant policy.

A copy of the agenda may be obtained by writing: Andrea Lewis, Transplant Coordinator, Agency for Health Care Administration, Medicaid Program Development, Mail Stop 20, P. O. Box 12600, Tallahassee, Florida 32317-2600.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the of the proceedings in order to provide a record for judicial review.

People with disabilities wishing to attend this meeting should contact the Agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Agency for Health Care Administration** announces a public meeting of the panel on Medicaid reimbursement to which all persons are invited.

DATE AND TIME: Tuesday, August 1, 2000, 10:00 a.m.

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

PURPOSE: In accordance with chapter 99-394, Laws of Florida, the panel on Medicaid reimbursement will be conducting a public meeting. The purpose of the panel is to study the State's Medicaid reimbursement plan for nursing home services and recommend changes to accomplish specific goals. The meeting will be for the purpose of reviewing research conducted by panel members and interested parties on specific preliminary recommendations for modifications to the patient care and property components of the reimbursement methodology.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set. Contact Mr. Edwin Stephens, (850)413-8067 or Suncom 293-8067, with any questions or to obtain an agenda when it is set.

DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Monday, July 10, 2000, 2:00 p.m.

PLACE: The access point where a person may go for purpose of attending the meeting is the Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303. The meet-me telephone number is (850)291-2560 or Suncom 291-2560

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regular meeting of the commission. Items to be discussed will include general administrative issues.

A copy of the agenda may be obtained by contacting: Ms. Sharon Moultry, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, telephone (850)488-7082, Ext.1036.

VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA NOTICE: Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext.1036, at least five working days prior to the meeting.

The **Florida Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Wednesday, July 12, 2000, 2:00 p.m.

PLACE: The access point where a person may go for the purpose of attending the meeting is the Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303. The meet-me telephone number is (850)291-2560 or Suncom 291-2560

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a regular meeting of the commission. Items to be discussed will include general administrative issues.

A copy of the agenda may be obtained by contacting: Ms. Sharon Moultry, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, telephone (850)488-7082, Ext.1036.

VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA NOTICE: Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext.1036, at least five working days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, July 12, 2000, 4:00 p.m.; Thursday, July 13, 2000, 8:00 a.m.; Friday, July 14, 2000, 8:00 a.m.

PLACE: Palm Beach Hilton Oceanfront Resort, 2842 South Ocean Boulevard, Palm Beach, Florida

PURPOSE: Committee, Disciplinary Actions and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Cathleen O'Dowd, (904)727-3689, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees which all persons are invited:

DATE AND TIME: Wednesday, July 12, 2000, 9:00 a.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301

PURPOSE: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal a decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty eight (48) hours before the meeting by contacting Dennis Barton, (850)521-0500.

The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Thursday, July 13, 2000, 10:00 a.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such

purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty eight (48) hours before the meeting by contacting Dennis Barton, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Legislative and Rules Committee which all persons are invited:

DATE AND TIME: Monday, July 17, 2000, 10:00 a.m. – conclusion of meeting

PLACE: Ft. Lauderdale Marina Marriott, 1881 S. E. 17th Street, Ft. Lauderdale, FL 33316

PURPOSE: Discussion on proposed legislation and review of current and proposed rules.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty eight (48) hours before the meeting by contacting Dennis Barton, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public telephone conference call which all persons are invited:

DATE AND TIME: Wednesday, July 19, 2000, 2:00 p.m.

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301, conference call number: 1(800)659-8304

PURPOSE: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty eight (48) hours before the meeting by contacting Dennis Barton, (850)521-0500.

The **Board of Accountancy** announces the following public meeting of the Board to which all persons are invited:

DATE AND TIME: Friday, July 28, 2000, 9:00 a.m.

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

PURPOSE: Enforcement proceedings including consideration of investigating officers reports and other general business including discussions regarding privatization of the Board's staff. This is a public meeting.

A copy of the agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, 2610 N. W. 43 Street, Suite 1-A, Gainesville, Florida 32606.

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

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Martha Willis, (352)955-2165. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The Probable Cause Panel of the **Florida Real Estate Commission** will meet on:

DATE AND TIME: July 18, 2000, 1:30 p.m. or the soonest thereafter

PLACE: Suite 301, North Tower, 400 West Robinson Street, Orlando, Florida

Portions of the probable cause proceedings are not open to the public.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 9:00 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 by (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** (FREC) announces a meeting to which all persons are invited.

DATE AND TIME: July 19, 2000, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida
 PURPOSE: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, Recovery Fund Claims, education issues, petitions for declaratory statement, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required. Probable Cause Panel(s) may also meet during this session. Portions of the Probable Cause are not open to the public.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, Administration Office, P. O. Box 1900, Orlando, Florida 32802-1900.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** (DEP) announces two public meetings of the TMDL Allocation Technical Advisory Committee (TAC) to which all persons are invited.

DATE AND TIME: Monday, July 10, 2000, 9:00 a.m. – 4:30 p.m.

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

DATE AND TIME: Monday, July 31, 2000, 9:30 a.m. – 4:30 p.m.

PLACE: Orlando Public Library, 101 East Central Boulevard, The Oak Room, Orlando, Florida 32801

PURPOSE: The purpose of the Allocation TAC is to assist in the development of a report, pursuant to s. 403.067(6), Florida Statutes, providing recommendations for allocating load reductions to contributing source(s) once Total Maximum Daily Loads (TMDLs) have been determined for parameters of concern. Discussion may include options to fairly and equitably allocate pollution loads to both nonpoint and point sources, including consideration of existing treatment levels and management practices, and environmental, economic, and technological feasibility.

A copy of the agenda for the meeting may be obtained by contacting: Jan Mandrup-Poulsen, Department of Environmental Protection, 2600 Blair Stone Road, MS 3555, Tallahassee, Florida 32399-2400 or by calling him at (850)921-9488.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Services Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited:

DATE AND TIME: July 12, 2000, 7:00 p.m. – 9:00 p.m.

PLACE: Hardee County Board of County Commissioners Building, 412 West Orange Street, Room A-202, Wauchula, Florida

PURPOSE: To accept public comments and provide status of Department's Intent to Issue an Air Construction Permit to Granite Power Partners II, L.P. to construct three 170 megawatt simple cycle combustion turbine-electrical generators West of Wauchula in unincorporated Hardee County, Florida. The permitting action is subject to the Department's rules for the Prevention of Significant Deterioration of Air Quality and Best Available Control Technology (BACT).

A copy of the agenda and the Department's proposed permit and supporting documents can be obtained by contacting: Al Linero, Department of Environmental Protection, 2600 Blair Stone Road, MS 5505, Tallahassee, Florida 32399, phone (850)921-9529, or by phoning the Bureau of Air Regulation's New Source Review Section, (850)921-9533.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

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

DATE AND TIME: Thursday, July 13, 2000, 7:00 p.m. (CDT)

PLACE: Sandestin Golf and Beach Resort, Bayside Conference Center, 9300 Highway 98, West, Sandestin, Florida

PURPOSE: To receive comments regarding management and land uses for Grayton Beach State Recreation Area before the development of a management plan for the park.

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 to the Department of Environmental Protection, Division of Recreation and Parks, District 1 Administration, 4620 State Park Lane, Panama City, Florida 32408.

DEPARTMENT OF JUVENILE JUSTICE

The **Department of Juvenile Justice** announces a meeting of the **Juvenile Justice Standards and Training Commission**, to which any interested parties are invited.

DATE AND TIME: July 13, 2000, 9:00 a.m. – 4:30 p.m.

PLACE: Radisson Hotel, 415 North Monroe Street, Tallahassee, Florida 32301, (850)224-6000

PURPOSE: Regular meeting to discuss issues related to staff training for Juvenile justice programs, as well as future plans for the juvenile Justice training system.

A copy of the agenda may be obtained after June 30, 2000 by contacting: Peggy Sanders, Florida Department of Juvenile Justice, Office of Staff Development, 2737 Centerview Drive, Suite 114, Tallahassee, Florida 32399-3100, or call (850)488-8825.

DEPARTMENT OF HEALTH

The **Division of Medical Quality Assurance** will hold the following meetings to which all persons are invited to attend one or all of the meetings.

DATE AND TIME: Monday, July 24, 2000, 10:00 a.m.

PLACE: McDonald Douglas Conference Room, Tallahassee Airport (located within the airport), Tallahassee, FL

DATE AND TIME: Tuesday, July 25, 2000, 10:00 a.m.

PLACE: Holiday Inn, International Ballroom, Orlando Airport (located one-half mile from the airport), 5750 T. G. Lee Blvd., Orlando, FL 32822

DATE AND TIME: Wednesday, July 26, 2000, 10:00 a.m.

PLACE: Concourse B Auditorium, 3rd Level, Miami Airport (located within the airport), Miami, FL

PURPOSE: Discussion of the CoreSTAT Subscriber fees as published in the Florida Administrative Weekly, Vol. 26, No. 20, page 2342.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Anna Rozes, Program Administrator, (850)245-4225, at least four (4) days prior to the meeting.

If you have any questions or need additional information, please contact: Anna Rozes, (850)245-4225 or contact CoreSTAT help desk, (850)410-3359.

The **Florida Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: July 14, 2000, 12:30 p.m.

PLACE: Held Via Meet Me Number (850)488-5778 or Suncom 278-5778

PURPOSE: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Opticianry** announces a General Business and Probable Cause Panel meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIMES: August 24, 2000, Probable Cause Panel meeting, 8:30 p.m.; General Business meeting, 9:30 a.m.

PLACE: Airport Marriott, Tampa, FL, (813)879-5151

PURPOSE: Probable Cause Panel Meeting with a Reconsideration and General Business Meeting with a Reconsideration of Case #97-18469.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, by Monday, August 14, 2000.

The **Department of Health** announces a meeting of the Research Review and Advisory Committee to which all persons are invited.

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

PLACE: This is a conference call meeting. The telephone number is (850)488-5776 or Suncom 278-5776

PURPOSE: To discuss proposed and current research projects, including the review and comment on the draft "High Strength Waste Study, Part Two" (i.e. Restaurant Waste).

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Water and Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713, (850)245-4070 or by email at shirley_kugelr@doh.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces the District 8, Human Rights Advocacy Committee for Mental Health will meet on the following dates:

DATES AND TIME: July 10, 2000; October 2, 2000; December 4, 2000, 10:00 a.m.

PLACE: Regional Service Center, 2295 Victoria Avenue, Fort Myers, FL

DATES AND TIME: August 7, 2000; November 6, 2000, 10:00 a.m.

PLACE: David Lawrence Center for Behavioral Health, Horseshoe Drive, Naples, FL

DATE AND TIME: September 11, 2000, 10:00 a.m.

PLACE: Ruth Cooper Center, 2789 Ortiz Avenue, Fort Myers, FL

PURPOSE: Regular committee meeting.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Consumer Relations Unit, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to the meeting.

Certain portions of the meetings are not subject to open meetings requirement per 402.165(8)(c) and 402.166(8)(c) Florida Statutes.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Consumer Relations Unit at (941)338-1431 or 1(800)342-0825. Florida Relay Service 1(800)955-8770 (Voice) 1(800)955-8771 (TDD).

The Florida **Department of Children and Family Services** announces the District 8, Human Rights Advocacy Committee for Multi-Program will meet on the following dates:

DATE AND TIME: July 27, 2000, 10:00 a.m.

PLACE: Community and Career Service Center, 19500 Toledo Blade Blvd., Port Charlotte, FL

DATE AND TIME: August 24, 2000, 10:00 a.m.

PLACE: North Fort Myers Service Center, 935 Pondella Road, North Fort Myers, FL

DATE AND TIME: September 21, 2000, 10:00 a.m.

PLACE: LaBelle Service Center, 100 Pratt Boulevard, LaBelle, FL

DATE AND TIME: October 26, 2000, 10:00 a.m.

PLACE: Community and Career Service Center, 4150 Ford Street Extension, Fort Myers, FL

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

PLACE: Naples Service Center, 215 Airport-Pulling Road, North, Naples, FL

PURPOSE: Regular committee meeting.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Consumer Relations Unit, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to the meeting.

Certain portions of the meetings are not subject to open meetings requirement per 402.165(8)(c) and 402.166(8)(c) Florida Statutes.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Consumer Relations Unit, (941)338-1431 or 1(800)342-0825. Florida Relay Service 1(800)955-8770 (Voice) 1(800)955-8771 (TDD).

The Florida **Department of Children and Family Services** announces the District 8, Human Rights Advocacy Committee for Developmental Services will meet on the following dates:

DATE AND TIME: August 17, 2000, 10:00 a.m.

PLACE: Regional Service Center, 2295 Victoria Avenue, Fort Myers, FL

DATES AND TIME: September 14, 2000; December 14, 2000; 10:00 a.m.

PLACE: Gulf Coast Center, 5820 Buckingham Road, Fort Myers, FL

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

PLACE: LaBelle Service Center, 100 Pratt Boulevard, LaBelle, FL

PURPOSE: Regular committee meeting.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Consumer Relations Unit, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to the meeting.

Certain portions of the meetings are not subject to open meetings requirement per 402.165(8)(c) and 402.166(8)(c) Florida Statutes.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the

Consumer Relations Unit, (941)338-1431 or 1(800)342-0825.
Florida Relay Service 1(800)955-8770 (Voice)
1(800)955-8771 (TDD).

The Family Preservation and Support Coalition Executive Committee, sponsored by the District 12, **Department of Children and Family Services** announces a public meeting to which all persons are invited.

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

PLACE: Domestic Abuse Council, 211 North Ridgewood Avenue, Daytona Beach, Florida

PURPOSE: Regular Business Meeting.

A copy of the agenda may be obtained by writing: Family Preservation and Support, Department of Children and Family Services, 210 North Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Lynn Kennedy.

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.) please notify Lynn Kennedy, (904)226-7826, at least 48 hours in advance of the meeting. Hearing impaired please use Florida Relay 1(800)955-8771.

FLORIDA HOUSING FINANCE CORPORATION

Notice is hereby given that the **Florida Housing Finance Corporation** (the "Corporation") will conduct a development workshop, to which all persons interested in the 2001 Rule and Application for the State Apartment Incentive Loan (SAIL) Program, HOME Investment Partnerships (HOME Rental) Program, and Housing Credit Program are invited.

DATE AND TIME: Monday, July 17, 2000, 9:00 a.m.

PLACE: Wyndham Miami Airport, 3900 N. W. 21st Street, Miami, Florida 33142

PURPOSE: To receive comments and suggestions from interested persons relative to the development of the 2001 Application and program requirements for the SAIL, HOME Rental, and HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code ("FAC."); and amendments to the Corporation's Qualified Allocation Plan (the "QAP").

The SAIL and HOME Programs offer low interest rate mortgage loans to eligible housing providers to develop the rehabilitation or new construction of very low and low-income rental housing. The QAP sets forth the method of distribution of housing credits in exchange for the new construction or acquisition and substantial rehabilitation of HC developments. The HC Program gives developers credit toward federal tax liability in exchange for the acquisition and substantial rehabilitation or construction of rental housing developments that set aside at least 20 percent of their units for low-income households.

All interested parties are invited to submit written comments and/or to present oral comments at the workshop. Written comments must be received by the Corporation no later than

5:00 p.m. (Tallahassee time), July 21, 2000. Comments may be delivered by facsimile and should be addressed to Gayle White. Any person desiring to present oral comments should appear at the workshop.

COST: There is no charge for this workshop. However, because of space limitations, pre-registration of participants is requested by 5:00 p.m., July 12, 2000. For reservations or further information, contact: Amy Harrison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, telephone (850)488-4197, facsimile (850)921-6060.

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Debbie Moran at the above address. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Notice is hereby given that the **Florida Housing Finance Corporation** (the "Corporation") will conduct a development workshop, to which all persons interested in the 2001 Rule and Application for the Elderly Community Housing Loan (EHCL) Program are invited.

DATE AND TIME: Monday, July 17, 2000, 9:00 a.m.

PLACE: Wyndham Miami Airport, 3900 N. W. 21st Street, Miami, Florida 33142

PURPOSE: To receive comments and suggestions from interested persons relative to the development of the 2001 Application and program requirements for the EHCL Program, as specified in Rule Chapter 67-32, Florida Administrative Code ("FAC.").

The EHCL Program offers low interest rate mortgage loans to eligible non-profit sponsors of affordable rental housing for very low-income elderly households.

All interested parties are invited to submit written comments and/or to present oral comments at the workshop. Written comments must be received by the Corporation no later than 5:00 p.m. (Tallahassee time), July 21, 2000. Comments may be delivered by facsimile and should be addressed to Gayle White. Any person desiring to present oral comments should appear at the workshop.

COST: There is no charge for this workshop. However, because of space limitations, pre-registration of participants is requested by 5:00 p.m., July 12, 2000. For reservations or further information contact: Amy Harrison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, telephone (850)488-4197, facsimile (850)921-6060.

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Debbie Moran at the above address. If you are hearing or speech impaired, please contact the Corporation

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

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** (FWC) announces a meeting of the Management Advisory Group for the Little Gator Creek Wildlife and Environmental Area, located south of Dade City in Pasco County.

DATE AND TIME: Wednesday, July 12, 2000, 9:00 a.m.

PLACE: Pasco County Cooperative Extension Service, Clayton Hall Meeting Room, 36702 State Road 52, Dade City, Florida 33525-5198

PURPOSE: To convene a meeting of stakeholders to provide priority considerations to FWC for future management of the Little Gator Creek Wildlife and Environmental Area. The input received will be used to prepare an update of the five-year Conceptual Management Plan for the Wildlife and Environmental Area.

The Florida **Fish and Wildlife Conservation Commission** announces a public hearing for the Little Gator Creek Wildlife and Environmental Area, located south of Dade City in Pasco County.

DATE AND TIME: Thursday, July 27, 2000, 7:00 p.m.

PLACE: Pasco County Courthouse, Old Boardroom, First Floor, 38053 Live Oak Avenue, Dade City, Florida 33525

PURPOSE: To receive public comments regarding considerations for updating the five-year Conceptual Management Plan (CMP) for the Little Gator Creek WEA.

Participants in this hearing should understand that the purpose for this hearing does not include the opportunity to discuss public use regulations for Little Gator Creek WEA. There is a separate public process for this purpose. This hearing is designed exclusively for discussion of the draft management plan.

A copy of the Little Gator Creek WEA Management Prospectus is available upon request from: Keith Singleton, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, Telephone (850)487-1474.

The **Fish and Wildlife Conservation Commission, Division of Law Enforcement** announces a meeting of the Boating Safety Education Ad-Hoc Committee of the Boating Advisory Council, to which all persons are invited:

DATE AND TIME: July 19, 2000, 3:00 p.m. – 7:00 p.m.

PLACE: Holiday Inn SunSpree Resort, 2220 West First Street, Ft. Myers, Florida

PURPOSE: Committee meeting to address boating safety education in Florida.

An agenda of the meeting may be obtained by contacting: Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or by calling Paul Ouellette or Shelly Gurr, (850)488-5600.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should notify Andrena Knicely, (850)487-1406, at least five days before the preceding event.

The **Fish and Wildlife Conservation Commission, Division of Law Enforcement** announces the following Boating Advisory Council public meeting, to which all persons are invited:

DATE AND TIME: July 20, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Holiday Inn SunSpree Resort, 2220 West First Street, Ft. Myers, Florida

PURPOSE: Meeting of the Boating Advisory Council.

An agenda of the meeting may be obtained by contacting: Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or by calling Jim Brown or Shelly Gurr, (850)488-5600.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should notify Andrena Knicely, (850)487-1406 at least five days before the preceding event.

The Florida **Fish and Wildlife Conservation Commission** (FWC) announces a public hearing for the Caravelle Ranch Wildlife Management Area, located near Palatka in Putnam County.

DATE AND TIME: Thursday, July 20, 2000, 7:00 p.m.

PLACE: St. Johns Water Management District, Executive Building, 4049 Reed Street (also known as Highway 100, West), Palatka, Florida 32178

PURPOSE: To receive public comments regarding considerations for the FWC's five-year Conceptual Management Plan (CMP) for the Caravelle Ranch Wildlife Management Area.

Participants in this hearing should understand that the purpose for this hearing does not include the opportunity to discuss public use and/or hunting regulations for the Caravelle Ranch Wildlife Management Area. There is a separate public process for this purpose. This hearing is designed exclusively for discussion of the draft conceptual management plan.

A copy of the Caravelle Ranch Wildlife Management Area Management Prospectus is available upon request from the Florida Fish and Wildlife Conservation Commission, Land Management Planning Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600, Telephone (850)922-8777.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN that the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by Commercial Fire & Communications, Inc. on March 30, 2000. The following is a summary of the agency's disposition of the petition:

The provisions of Section 633.70, Florida Statutes and Rule 4A-48, Florida Administrative Code are interpreted to mean that the Authority Having Jurisdiction may require that the fire alarm system be brought up to code requirements. Section 633.70, Florida Statutes permits the installer who did the work in 1996 to perform the upgrading, since that could and should have been done in 1996.

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation received a Petition for Declaratory Statement from Robert A. Pauley on June 13, 2000, requesting an interpretation of Section 316.0747, Florida Statutes, as it relates to certain traffic control devices located within Frenchman's Landing subdivision, Palm Beach County, Florida.

A copy of the Petition may be obtained from: Clerk of Agency Proceedings, 605 Suwannee Street, MS 58, Tallahassee, Florida 32399-0458.

For additional information contact: Robert Downie, Assistant General Counsel, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, MS 58, Tallahassee, Florida 32399-0458, (850)414-5285.

NOTICE IS HEREBY GIVEN that the Department of Transportation has issued a Declaratory Statement in response to a request filed by Rancy F. Snyder on March 17, 2000. The following is a summary of the agency's Declaratory Statement: A Declaratory Statement was issued June 15, 2000, which concludes that pursuant to the Department's rule and federal regulations, bus drivers are required to be properly secured to the driver's seat with a restraining belt at all times while the bus is in motion, with passenger(s) aboard.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition for a Declaratory Statement from Valencia Area Condominium Association, Inc.

The Petitioner inquires as to the applicability of the individual meter rule exception, Rule 25-6.049(5)(a)3., FAC., to Petitioner.

Docket No. 000643-EG.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on June 13, 2000 from Paul E. Knight. Petitioner is a prisoner seeking amendment of 33-601.820, Florida Administrative Code.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on June 12, 2000 from Willie Lee Harper. Petitioner is seeking amendment of Rule 33-602.201, Appendix One, Florida Administrative Code, to allow inmates to possess rings which are not wedding and/or engagement rings.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement in In Re: Petition for Declaratory Statement, Whitehall Condominium Association, Inc., Petitioner.

The Petitioner requests an interpretation as to whether proposed renovations of the condominium's lobby area, an expense in excess of \$10,000, constitute a material alteration to the common elements of the condominium pursuant to section 718.112(2), Florida Statutes, requiring a vote of the unit owners or whether such renovations constitute a maintenance function of the Association pursuant to Section 718.113, Florida Statutes, requiring only Board approval, where the condominium documents provide that an expense for alterations in excess of \$10,000 requires the consent of the membership.

A copy of the Petition for Declaratory Statement, Docket Number CD2000-111, 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 Martha F. Barrera, 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

The Board of Nursing hereby gives notice that the Petition for Declaratory Statement filed on behalf of Florida Health Care Association, has been withdrawn. The Board published notice of receipt of the Petition in Vol. 26, No. 9, of the March 3, 2000, Florida Administrative Weekly. The Petition was on the agenda for the Board’s consideration at its April 11, 2000 and June 7, 2000 meetings, at which time said Petition was withdrawn.

The person to be contacted regarding the Petition is: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207.

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of David W. Shoemaker, M.D. The Petitioner seeks the Board’s interpretation of whether the proposed arrangement set forth in the Petition would be permitted pursuant to Section 455.654, F.S. (the Patient Self-Referral Act).

The Board will consider this petition at its meeting scheduled for August 5, 2000, 2:00 p.m., or as soon thereafter as can be heard, at the Hyatt Regency Tampa, Two Tampa City Center, Tampa, Florida 33602.

Copies of the petition may be obtained by writing: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753.

**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

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 01L-18, W/O 79163, TREEO Center, Replace Roof, estimated budget: \$330,000-\$360,000, to be opened August 8, 2000, 1:30 p.m., local time, in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Re-roof 30,000 square foot existing building. Multiple roof levels, minor roof top mechanical equipment, roof drains and scuppers, and a lightning protection system. Existing roof is a gravel built-up roof over lightweight insulating concrete. Removal of the existing roof system back to the structural concrete deck, raising existing mechanical curbs to meet UF flashing standards, installation of new tapered insulation to obtain 1/4" per foot slope, and a new lighting protection system. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, Telephone (352)392-1331. A Mandatory Pre-bid Meeting will be held July 20, 2000, 10:30 a.m., in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL. All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 01L-20, W/O 79326, Architecture Building – HVAC Controls Renovation,

estimated budget: \$200,000-\$225,000, to be opened August 3, 2000, 2:30 p.m., local time, in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Replace all VAV boxes in the Architecture Building. Provide all necessary sheet metal work to mount boxes in existing ductwork. Controls work includes VAV controllers, room temperature sensors, AHU controllers, water valves, AHU sensors, pump controls, etc. Access for the controls shall be provided in PCs at PPD Systems, either through the Johnson Controls Metasys network under the base bid or through modem connections under the alternates. Contractor shall be responsible for balancing the air flow for the entire building. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL Telephone (352)392-1331. A Non-mandatory Pre-bid Meeting will be held July 18, 2000, 10:00 a.m., in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL. All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing, (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid Opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

REQUEST FOR QUALIFICATIONS

Florida Atlantic University, on behalf of the State of Florida, Board of Regents, announces that Request for Qualifications for a Facility Assessment Feasibility Study and Facility Program for the renovations, re-development, and new construction of on-campus housing on the Florida Atlantic University Boca Raton Campus will be received until 5:00 p.m., local time, August 1, 2000, at Florida Atlantic University, 777 Glades Road, Facilities Planning Department, Building T-10, Room #9, Boca Raton, Florida 33431.

Project and Location: Project will be located on the Florida Atlantic University Boca Raton Campus.

The RFQ must be requested in writing, Fax (561)297-2260 or e-mail (silva@fau.edu).

A NON-MANDATORY pre-selection conference will be held at 2:00 p.m., local time, July 12, 2000, at Florida Atlantic University, 777 Glades Road, Facilities Planning Conference, Room #12, Building T-10, Boca Raton, Florida 33431, to answer questions relative to the RFQ and conduct a site visit. Failure to attend this pre-selection conference will not be cause for disqualification of your submittal. Please notify the Facilities Planning Department, (561)297-3141, at least seven (7) days in advance if special accommodations because of a disability is needed in order to participate in this activity.

Florida Atlantic University reserves the right to reject any and all submittals.

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 \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Project information, and selection criteria may be obtained by contacting: Florida Atlantic University, 777 Glades Road, Facilities Planning Department, Building T-10, Boca Raton, Florida 33431, (561)297-3141, Fax (561)297-2260.

Legal Advertisement

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona Beach Community College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for a project requiring construction management at risk services. The project is: Remodel/Renovate Building 27, Allied Health Project. The scope of work is: complete interior renovation and remodeling to include electrical, mechanical, and data systems. Includes major roof repairs or replacement, and brick repair. Design services provided by Hunton Brady Pryor Maso Architects, and Tilden Lobnitz Cooper Engineers. The facility will be approximately 120,000 gross square feet. The estimated construction budget is \$9,000,000.

Firms or individuals with experience in construction of higher education facilities and desiring to qualify for consideration must submit seven copies of a proposal to: Mr. Steven D. Eckman, Director, Facilities Planning Department, Daytona Beach Community College, Post Office Box 2811, Daytona Beach, Florida 32120-2811, or deliver to 1200 West International Speedway Boulevard, Building 37, Room 309, Daytona Beach, FL 32114, to arrive no later than 12:00 Noon, July 6, 2000. Each proposal must include:

1. A letter of interest.
2. United States Government Architect-Engineer Questionnaire Standard Form 254.
3. United States Government Architect-Engineer Questionnaire Standard Form 255, including in Section 10 of the questionnaire the firm's practice concerning affirmative action.
4. A letter from an insurance company certifying insurability in accordance with Board of Trustee's policy as summarized below:

a. Professional Liability Insurance in limits not less than One Million Dollars (\$1,000,000) per occurrence, covering errors, omissions or negligent acts, with a per occurrence deductible not to exceed Five Thousand Dollars (\$5,000).

b. Commercial Comprehensive Liability Insurance in limits of not less than One Million Dollars (\$1,000,000) per occurrence, with no deductible.

c. Comprehensive Automobile Liability Insurance (including owned and non-owned vehicles) in limits of not less than Five Hundred Thousand Dollars (\$500,000) per occurrence.

d. Workers' Compensation Insurance in compliance with Chapter 440, Florida Statutes, with unlimited employer's liability coverage.

e. Valuable papers and records insurance in an amount of not less than One Hundred Thousand Dollars (\$100,000) per occurrence, with no deductible.

f. All insurance will be with insurers authorized to do business in Florida and all non-self insured companies will be rated at least a VI by Best's Key Rating Guide.

g. The construction management at risk firm will provide the insurance listed above, in addition to the insurance coverages and limits, and bonds listed below:

(1) Commercial Comprehensive Liability Insurance (including blanket contractual liability and completed operations, explosion, collapse, and underground hazards) in limits of not less than Five Million Dollars (\$5,000,000), with no deductible, covering personal injury, death, sickness or disease, bodily injury, and property damage, including loss of use. The coverage may be provided in a primary policy or primary policy and umbrella policy. The umbrella, however, will stipulate that the Excess coverage is no less broad than the primary coverage. The Owner will be added as an additional insured.

(2) Comprehensive Automobile Liability Insurance (including hired and non-owned vehicles, if any) in limits of an additional Five Hundred Thousand Dollars (\$500,000), for a total of One Million Dollars (\$1,000,000) covering personal injury, death, bodily injury, and property damage.

(3) Builder's Risk Insurance with a deductible not to exceed One Thousand Dollars (\$1,000) per incident, for the total amount of the contract as established by the Insurance Services Office (ISO).

(4) Owner's and Contractor's Protective Liability Insurance in an amount not less than Five Million Dollars (\$5,000,000), with no deductible, covering personal injury, death, sickness or disease, bodily injury and property damage, including loss of use. The Owner will be named insured under this policy.

(5) Public Construction Bond, in compliance with Section 255.05, Florida Statutes, (or a performance bond and a labor and material payment bond, in compliance with Section 255.05, Florida Statutes) guaranteeing that the construction

management firm will perform its obligations under the contract, and will pay for all labor and materials furnished for the work. Such bond will be:

(a) Issued in a form and by a surety reasonably acceptable to Owner with a minimum rating by the most recent Best's Rating Classification of Class IV for contract sums less than \$1,000,000; Class VI for contract sums more than \$1,000,000 and less than \$2,000,000; and, Class VII for contract sums in excess of \$2,000,000.

(b) Submitted to Owner for approval as to form.

(c) Name the Owner as obligee.

(d) Will be in an amount equal to at least 100% of the contract sum (as the same may be adjusted from time to time pursuant to the contract).

(e) Contain a specific provision holding the surety liable for any consequential delay damages, liquidated or unliquidated, caused by the construction management firm's breach under the contract. The construction management firm will deliver the executed, approved bonds to the Owner contemporaneous with the execution of the Agreement. Notwithstanding any provision of Florida Statutes or language of the bond, the Statute Of Limitations for actions against the surety due to the alleged nonperformance (other than the delivery of labor or materials) of the construction management firm will be the same length of period as the Statute Of Limitations for actions against the construction management firm.

5. Copies of State of Florida licensing board certificates for the firm, members of the firm, and consultants of the proposed project.

6. A notarized statement of financial status. (The form of the statement is optional and could be in a form such as Dun & Bradstreet, by a certified public accountant, or other.)

7. A list of construction management at risk projects of similar size and complexity.

8. If guaranteed maximum price is required, the firm's bonding capacity.

9. Description of the program management techniques, scheduling techniques, and cost control techniques used on similar projects.

10. Description of firm's Value Engineering services.

11. Identification of litigation, major disputes, contract defaults, and liens over the past five (5) years in which the firm has been involved.

12. A history of project completion dates for similarly sized projects, in relation to the contract award schedule, over the past five (5) years.

13. Complete an Application for Certification as a Prequalified Construction Contractor. Applications may be obtained from the Facilities Planning Department, Daytona Beach Community College, 1200 West International Speedway Boulevard, Daytona Beach, Florida 32114,

telephone (904)947-3180. Applications must be submitted in six copies to be received no later than 12:00 Noon, July 6, 2000 with the RFP.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District 5 is soliciting a Letter of Interest from qualified Design/Build firms. Letters of Interest should be addressed to Mr. Michael Nohr, District Procurement Administrator and will be received in the Mail Room or Receptionist Desk on the First floor of the Florida Department of Transportation District Five Office, 719 South Woodland Boulevard, DeLand, Florida 32720-6834, until 5:00 p.m. (local time), on Friday, July 28, 2000. Short list consideration will be given to only those Design/Build firms who are prequalified pursuant to law, and shall satisfy the technical qualification requirements as required by Rule Chapter 14-75, FAC., and all qualification requirements of Rule Chapter 14-22, FAC., based on the applicable category of the specific project prior to the closing date for submittal of letter of interest.

PROJECT NAME: LEESBURG MAINTENANCE AND CONSTRUCTION CONSOLIDATION – LEESBURG, FL

FIN NUMBER: 243359 1 52 01 – FY 99-00

FIN NUMBER: 243359 2 52 01 – FY 00-01

PROJECT LOCATION: LAKE COUNTY

PROJECT DESCRIPTION: Design and construction of a new Administration Office Facility, Vehicle Repair Shop and Warehouse, Crew Building, Covered Equipment Storage Facility, Covered Hay Storage Facility, Covered Vehicle Wash Facility, Covered Smokers Facility, Covered Motorcycle Parking Facility, Site Development and Drainage Retention Ponds, Lift Station and Sewage Connections, Emergency Generator Power Supply, and a Refueling Station, as required in the Design/Build Criteria Package.

MANDATORY PRE-BID MEETING: After short listing of Design/Build firms, the Department will hold a pre-proposal conference and a formal site tour for all short listed proposers for the purpose of ensuring each Proposer's understanding of the project Design/Build Criteria Package and to review existing field conditions, identifying any improvements, corrective measures, or other changes that should be incorporated in the Design/Build Criteria Package. Attendance at the full pre-proposal conference and site visit is mandatory and any short listed proposer who fails to be on time and attend the full mandatory pre-proposal meeting will be automatically disqualified from further consideration. At least three days before the pre-proposal conference, proposers shall submit to Kenneth R. Blakeley, District FCO Manager, 719 South Woodland Boulevard, DeLand, Florida 32720, four copies of questions and issues which they want discussed at the pre-proposal conference.

MINORITY BUSINESS ENTERPRISE (MBE) PARTICIPATION: The Department encourages the recruitment and utilization of certified and non-certified minority businesses. The Department, its contractors, suppliers, and consultants should take all necessary and reasonable steps to ensure that minority businesses have an opportunity to compete for and perform contract work for the Department in a nondiscriminatory environment. The Design/Build Contractor should attempt to obtain MBE participation for this project. Proposers should submit a completed Minority Business Enterprise (MBE) Utilization form with their Technical Proposal showing the intended MBE utilization for the project. Design/Build Contractors who propose subcontracting at least 21% of the total contracted cost to certified MBE's will receive up to ten diversity achievement points, if the MBE utilization form reflects that they have met the 21% of MBE participation.

DESIGN/BUILD BONDING REQUIREMENTS: The Design/Build firm shall submit with their Technical Proposal/Price Proposal a 5% Bid Bond and a 100% Performance and Payment Bond.

FEDERAL DEBARMENT: By signing and submitting a Letter of Interest the Design/Build firm certifies that no principal (which includes officers, directors or executives) is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation on this transaction by any Federal Department or State Agency.

SELECTION PROCEDURE: The above project is covered by the selection process detailed in Rule Chapter 14-91, FAC., wherein at least three firms will be short listed and requested to provide technical proposals and price proposals to the Department for this project. The tentative date for establishing the short list of firms is Thursday the 10th day of August, 2000. The tentative date for final selection is Friday the 6th day of October, 2000. The Adjusted Score Design/Build process will be used for selection.

TECHNICAL AND PRICE PROPOSALS: Technical and Price Proposals from the short listed firms will be due on Tuesday the 19th day of September, 2000.

RESPONSE PROCEDURE: Qualified Design/Build firms who wish to be considered for this project shall submit a letter of interest for this project. The letter of interest (original plus five copies) should be no more than five pages and at minimum include the following information:

1. Project Name/FIN Number
2. Design/Build firms name, address, phone number and contact person
3. Proximity of Design/Build firm to project site
4. Names of companies proposed as team members and key personnel with titles and/or classification (Do not include resumes)

5. List of relevant design/build projects by the A & E firm completed within the last 10 years. Provide reference information for each project, consisting of contact name and telephone number
6. List of relevant design/build projects by the General Contractor completed within the last 10 years. Provide reference information for each project, consisting of contact name and telephone number
7. List of relevant design/build projects by this Design/Build Firm completed within the last 10 years. Provide reference information for each project, consisting of contact name and telephone number
8. Time commitment of key Design/Build personnel to this project
9. Relevant experience of key Design/Build personnel and resumes
10. Relevant experience of either the A & E Firm or the General Contractor on similar FDOT projects within the last 10 years. Provide reference information for each project consisting of contact name and telephone number

WATER MANAGEMENT DISTRICTS

REQUEST FOR PROPOSAL (“RFP”)
PROFESSIONAL APPRAISER SERVICES
RFP #00-003

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed proposals for Professional Appraiser Services until 1:30 p.m. (EDT), July 28, 2000.

All proposals must conform to the instructions in the respective RFP. Interested parties may obtain a copy of the complete RFP packages at the above address or by calling (850)539-5999.

The opening of the proposals is public. Provisions will be made to accommodate the handicapped provided the District is given at least 72 hours advance notice.

All proposals must comply with applicable Florida Statutes.

REQUEST FOR PROPOSAL (“RFP”)
REVIEW APPRAISER SERVICES
RFP# 00-004

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed proposals for Review Appraiser Services until 2:30 p.m. (EDT), July 28, 2000.

All proposals must conform to the instructions in the respective RFP. Interested parties may obtain a copy of the complete RFP packages at the above address or by calling (850)539-5999.

The opening of the proposals is public. Provisions will be made to accommodate the handicapped provided the District is given at least 72 hours advance notice.

All proposals must comply with applicable Florida Statutes.

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL OR BUILDING CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF MANAGEMENT SERVICES, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO: MA-89070000

PROJECT NAME AND LOCATION: National Guard Readiness Center, Ellyson Field, Pensacola, Florida

FOR: Department of Military Affairs

MINORITY PROGRAM: An MBE participation goal has been established for this project. The Bidder is required to meet or exceed MBE participation goals or make a good faith effort to contract with certified Minority Business Enterprises. The Bidder is advised to review the contract documents immediately in order to schedule the necessary tasks to accomplish good faith efforts. A pre-bid meeting will be held for all interested MBEs certified by the Minority Business Advocacy and Assistance Office on July 18, 2000, 10:00 a.m., Local time. Place: National Guard Armory, 1300 W. Gregory Street, Pensacola, Florida. All Prime Bidders interested in bidding on this project are encouraged to attend and address subcontracting opportunities for MBEs.

PREQUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Owner for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233, for information on prequalification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Chapter 60D-5.004. A copy of the requirements is included in the Instruction To Bidders under Article B-2 “Bidder Qualification Requirements and Procedures”.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and a Labor And Material Payment Bond are not required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: August 15, 2000, until 2:00 p.m., local time

PLACE: National Guard Armory, 1300 W. Gregory Street, Pensacola, Florida

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: Bullock Tice Associates, 909 East Cervantes, Suite B, Pensacola, Florida 32501

TELEPHONE: (850)434-5444

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at 2.00 p.m., local time, August 31, 2000, at the location where the bids were opened. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

Contract Award will be contingent upon the availability of State Construction Funds.

DEPARTMENT OF HEALTH

**NOTICE TO PROFESSIONAL CONSULTANTS
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
SERVICES FOR ARCHITECTURE-ENGINEERING**

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction, announces that professional services are required for the project listed below. Applications are to be sent to Mr. John C. Hayes, R.A., Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, BIN #B06, Tallahassee, Florida 32399-1734, Phone (850)245-4444, Ext. 3165, Facsimile (850)410-1474

PROJECT NUMBER: 70008150

PROJECT NAME: Charlotte County Health Department: New Facility, Port Charlotte

SERVICES TO BE PROVIDED: Architectural-Engineering

ESTIMATED CONSTRUCTION BUDGET: \$7,300,000.00

SAMAS NO: TBA

RESPONSE DUE DATE: Friday, July 28, 2000, 5:00 p.m. (EST)

INSTRUCTIONS: Submit three (3) bound copies of the following information: *

1. Table of contents
2. Letter of interest
3. A copy of the current Department of Health Professional Qualifications Supplement (PQS): Form DBC5112/Revised 10/97. A copy can be obtained from the Department of Health by calling (850)245-4066.
4. A copy of the firm's current Florida Professional License registration. (Proper registration at the time of application is required.)
5. (CORPORATIONS ONLY) Current Corporate Certification providing evidence of validation date and designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
6. Completed Standard Form 254.
7. Completed Standard Form 255.

*In Article Eight, Work by Firm or Joint-Venture Members, list only projects designed, under construction, and/or completed within the past five (5) years.

8. Applicants desiring selection credit as State Certified Minority Business Enterprises either as Prime Consultant or Sub-consultant shall include a copy of the State of Florida Minority Re-certification or Certification Letter.

9. A stamped self-addressed envelope if the applicant would like a copy of the Notice of Selection results.

* All applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and any section dividers. However, this is not a mandatory requirement.

EVALUATION: All submitted proposals shall become the property of the Department of Health. The submitted proposals will be placed on file and not returned to the applicant. Any proposals that do not comply with the above instructions as set forth and/or do not include the required qualification data will be considered improper and disqualify the applicant. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes.

SHORTLIST SELECTION PROCESS: From the proposals received, the department shall shortlist a minimum of three (3) firms.

**NOTICE TO PROFESSIONAL CONSULTANTS
FOR ARCHITECTURE-ENGINEERING**

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction, announces that professional services are required for the project listed below. Applications being sent via the U. S. Mail or via overnight express service shall be sent to: Mr. John C. Hayes, R. A., Senior Architect, Florida Department of Health, Office of Design and Construction,

4052 Bald Cypress Way, BIN #B06, Tallahassee, Florida 32399-1734, Phone (850)245-4444, Ext. 3165, Facsimile (850)410-1474.

PROJECT NUMBER: 70053400

PROJECT NAME: Polk County Health Department: Haines City-New Facility

SERVICES TO BE PROVIDED: Architectural-Engineering

ESTIMATED CONSTRUCTION BUDGET: \$2,400,000.00

SAMAS NO: TBA

RESPONSE DUE DATE: Friday, July 28, 2000, 5:00 p.m. (EST)

INSTRUCTIONS: Submit three (3) bound copies of the following information: *

1. Table of contents
2. Letter of interest
3. A copy of the current Department of Health Professional Qualifications Supplement (PQS) Form DBC5112 Revised 10/97. A copy can be obtained by calling (850) 245-4066.
4. A copy of the firm's current Florida Professional License registration. (Proper registration at the time of application is required.
5. (CORPORATIONS ONLY) Current Corporate Certificate providing evidence of validation date and designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
6. Completed Standard Form 254
7. Completed Standard Form 255

*In Article Eight, Work by Firm or Joint-Venture Members, list only projects designed, under construction, and/or completed within the past five (5) years.

8. Applicants desiring selection credit as State Certified Minority Business Enterprises either as Prime Consultant or Sub-consultant shall include a copy of the State of Florida Minority Re-certification or Certification Letter.

9. A stamped self-addressed if the applicant would like a Notice of Selection result.

* All applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and any section dividers. However, this is not a mandatory requirement. EVALUATION: All proposals submitted shall become the property of the Department of Health. The submitted proposals will be placed on file and not returned. Any proposals that do not comply with the above instructions as set forth and/or do not include the required qualification data will be considered improper and disqualify the applicant. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes.

SHORTLIST SELECTION PROCESS: From the proposals received, the department shall shortlist a minimum of three (3) firms.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Invitation to Negotiate

The Florida Department of Children and Family Services is requesting applications for Non-Judicial Backlog Protective Investigations. The program will be for a minimum of three months and will not exceed a maximum of eighteen months. General units of local government, minority businesses, non-profit agencies, for-profit agencies, and Indian tribes are eligible to apply.

District 13 (Citrus, Hernando, Lake, Marion and Sumter Counties) is in need of developing additional capacity to provide Protective Investigation Services to address the backlog status of reports made to the Florida Abuse Hotline. Pursuant to section 39.3065, Florida Statutes, the purpose of this Invitation to Negotiate is to attract qualified providers who will perform on a district specific contract designed to expand Protective Investigations Services in District 13, which will reduce the number of Non-Judicial Backlog cases and to assure the protection and safety of the child and secure necessary services for the family.

Copies of the Invitation to Negotiate may be obtained from the Department of Children and Family Services, District 13 beginning 8:00 a.m. (EDT), Monday, June 19, 2000. Written notices of intent to submit proposals should be received by the department by Monday, July 24, 2000. A prospective respondent's conference will be held on Monday, July 31, 2000, 10:00 a.m. (EDT) in Room 2002 of the Children and Family Services, District 13 Headquarters Office located at 1601 W. Gulf Atlantic Hwy., Wildwood, Florida. All applications for Non-Judicial Backlog Protective Investigations Services must be received by the department no later than Monday, August 21, 2000, 5:00 p.m. (EDT). Applications received after that time will not be considered. The department will post a list of the qualified applicants with whom it may seek to negotiate on Monday, September 4, 2000, 8:00 a.m. (EDT). Certified minority business enterprises are encouraged to participate in any respondents conferences, presolicitation or prebid meetings which are scheduled. The department reserves the right to reject any and all applicants or accept minor irregularities in the best interest of the state.

All invitations for negotiation, inquiries, notices of intent to respond to the Invitation to Negotiate, and submission of the applications for Non-Judicial Backlog Protective Investigation Services are to be directed in writing to the following: Phillip

C. Love, Contract Manager, Special Programs, Department of Children and Family Services, District 13, 1601 W. Gulf Atlantic Hwy., Wildwood, FL 34785.

and Protest Procedures”, the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

NOTICE TO MECHANICAL CONTRACTORS
INVITATION TO BID

Proposals are requested from qualified mechanical contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 98201080
PROJECT: REPLACE COTTAGE AIR
CONDITIONING UNITS
COMMUNITY OF LANDMARK
OPALOCKA, FLORIDA

PREQUALIFICATION: The Owner accepts bids from those contractors who demonstrate current licensed status with the Department of Business and Professional Regulations. The Instructions to Bidders “Bidder Qualification Requirements and Procedures” are included in the specifications under Article B-2.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: A Performance Bond and Labor and Material Payment Bond are required.

DATE AND TIME: Sealed bids will be received at the Facility’s Purchasing Office on July 10, 2000, until 1:00 p.m. local time, at which time they will be publicly opened and read aloud.

MANDATORY PRE-BID INSPECTION: We will conduct a mandatory prebid inspection with the architect at the project site on Wednesday, June 28, 2000, 1:00 p.m. for all interested contractors.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, and with a copy of the contractor’s license. The contract documents may be examined and obtained from the Architect/Engineer:

MR. WILLIAM E. TSCHUMY, JR.
2346 DOUGLAS ROAD
CORAL GABLES, FLORIDA 33134
TELEPHONE: (305)446-1789

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted at 1:00 p.m. local time, July 11, 2000, at the purchasing office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. “Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.” If no protest is filed per Section B-21 of the Instructions to Bidders, “Notice

NOTICE TO ROOFING CONTRACTORS
INVITATION TO BID

Proposals are requested from qualified roofing contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 99240240
PROJECT: REROOFING OF THE EAST
WASHINGTON BUILDING
SUNLAND TREATMENT CENTER,
MARIANNA
MARIANNA, FLORIDA

PREQUALIFICATION: The Owner accepts bids from those contractors who demonstrate current licensed status with the Department of Business and Professional Regulations. The Instructions to Bidders “Bidder Qualification Requirements and Procedures” are included in the specifications under Article B-2.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: A Performance Bond and Labor and Material Payment Bond are required.

DATE AND TIME: Sealed bids will be received at the Architect’s Office on July 20, 2000, until 2:00 p.m., local time, at which time they will be publicly opened and read aloud.

MANDATORY PRE-BID INSPECTION: We will conduct a mandatory prebid inspection with the architect at the project site on Tuesday, July 11, 2000, 10:00 a.m. for all interested contractors.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, and with a copy of the contractor’s license. The contract documents may be examined and obtained from the Architect/Engineer:

MR. RANDY LEWIS
MANAUSA, LEWIS AND DODSON, ARCHITECTS
2074 RAYMOND DIEHL ROAD
TALLAHASSEE, FLORIDA 32308
TELEPHONE: (850)385-9200

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted at 2:00 p.m., local time, July 21, 2000, at the architect’s office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. “Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.” If no protest is filed per Section B-21 of the

Instructions to Bidders, "Notice and Protest Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

**NOTICE TO GENERAL CONTRACTORS
INVITATION TO BID**

Proposals are requested from qualified general contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 99240310

PROJECT: CONTROL ROOM RENOVATIONS
NORTH FLORIDA EVALUATION
AND TREATMENT CENTER
GAINESVILLE, FLORIDA

PREQUALIFICATION: The Owner accepts bids from those contractors who demonstrate current licensed status with the Department of Business and Professional Regulations. The Instructions to Bidders "Bidder Qualification Requirements and Procedures" are included in the specification under Article B-2.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: A Performance Bond and Labor and Material Payment Bond are required.

DATE AND TIME: Sealed bids will be received at the Facility on July 18, 2000, until 2:00 p.m., local time, at which time they will be publicly opened and read aloud.

MANDATORY PRE-BID INSPECTION: We will conduct a mandatory prebid inspection with the architect at the project site on Tuesday, July 11, 2000, 10:00 a.m. for all interested contractors.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, and with a copy of the contractor's license. The contract documents may be examined and obtained by the Architect/Engineer:

MR. ROBERT FLEET
FLEET AND ASSOCIATES
4041 SUNBEAM ROAD
JACKSONVILLE, FLORIDA 32257
TELEPHONE: (904)730-8103

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted at 2:00 p.m., local time, on July 19, 2000, at the facility's purchasing office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest

Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

AREA AGENCY ON AGING OF CENTRAL FLORIDA

**REQUEST FOR PROPOSAL
(SRA RFP #630)**

The Area Agency on Aging of Central Florida, Inc. d/b/a Senior Resource Alliance requests proposals for 2001 Older Americans Act Title III social and nutrition services in each county of Planning and Service Area (PSA) 7, including Brevard, Orange, Osceola, and Seminole counties. Proposals are due no later than 3:00 p.m. (EDT), August 23, 2000 and should be sent to the Senior Resource Alliance, 988 Woodcock Road, Suite 200, Orlando, FL 32803. Request for Proposal documents may be obtained at the above address on or after June 30, 2000, or by calling (407)228-1800.

**FLORIDA DEVELOPMENTAL DISABILITIES
COUNCIL**

**REQUEST FOR PROPOSALS
(FDDC RFP #2000-01-IP)**

The Florida Developmental Disabilities Council (FDDC) announces the availability of a Request for Proposals. This RFP is being issued to provide the opportunity for self-advocates with developmental disabilities (adults and transitioning high school students as young as 16 years of age) to plan a two-day statewide forum for their peers so that they can: 1) receive information on various self-determination initiatives and services in the state; 2) provide their opinion on the state of self-determination and services in Florida; 3) give their input concerning future initiatives needed to continue the development of self-determination, self-advocacy and to improve the quality of their lives in Florida; and 4) continue development of a formal statewide group of self-advocates with a defined purpose and plan of action.

Individuals, not-for-profits and for-profit agencies serving Florida citizens with developmental disabilities may submit proposal in response to this RFP. The approximate amount of funds available for project(s) awarded based on this RFP will be \$175,000.00. The amount of each contract will be developed during contract negotiations.

Copies of this RFP will be available from Florida Developmental Disabilities Council, 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD toll free 1(888)488-8633. The deadline for submitting letters of intent and written questions is July 14, 2000. The deadline for submitting proposals is 4:00 p.m. (EST) on August 15, 2000.

GULF COAST WORKFORCE BOARD

The Gulf Coast Workforce Board is issuing a Request for Proposals (RFP) for Year-Round Teen Pregnancy Prevention/WIA Youth programs on June 29, 2000.

The following are allowable activities to be provided: Eligibility Determinations, Assessment, Tutoring and Study Skills, Leadership Skills, Life Skills, Citizenship Skills, Educational Enrichment, Remediation, Work Experience, Counseling, Case Management, Job Placement, Supportive Services, Human Sexuality Education and other innovative approaches to Teen Pregnancy Prevention for youth between the ages of 10 and 21.

For more information, call (850)913-3285. Proposals are due on July 31, 2000, 1:00 p.m. (CT). Minority businesses are encouraged to apply.

**Section XII
Miscellaneous**

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mitsubishi Fuso, Truck of America, Inc., intends to allow the establishment of Proctor & Proctor, Inc. as a dealership for the sale of Mitsubishi Fuso FE, FG, FH, FK and FM model vehicles, 3122 Mahan Drive, Tallahassee (Leon County), Florida, on or after July 1, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Proctor & Proctor, Inc. are: dealer operators and principal investors Proctor Holding Co., which is owned by W. Theo Proctor, Jr., 1320 Piedmont Drive, Tallahassee, FL 32312, W. Theo Proctor, III, Route 1, Box 987, Tallahassee, FL 32312, Martin Proctor, 2218 Demeron Road, Tallahassee, FL 32312, M. Julian Proctor, 446 Lacy Woods Court, Tallahassee, FL 32312.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer

License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Deborah McTyre, Supervisor, Dealer Administration, Mitsubishi Fuso, Truck of America, Inc., P. O. Box 464, 100 Center Square Road, Bridgeport, NJ 08014.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

REGIONAL UTILITY AUTHORITIES

Notice is hereby given, in compliance with and by authority of Chapter 373, Florida Statutes, as amended, that the Board of Directors of Tampa Bay Water, a regional water supply authority, intends to adopt the following budget, or as the same may be amended, for the Fiscal Year beginning October 1, 2000 and ending September 30, 2001. No property taxes are to be levied under this budget.

TAMPA BAY WATER

Proposed Budget

2000-2001

Construction

Net Resources and Required Funds \$215,184,421
Expenditures:

Construction of Facilities \$215,184,421
TOTAL EXPENDITURES \$215,184,421

Production and Transmission of Water

Revenues and Fund Balances \$92,054,528

Expenditures:

Salaries and Wages \$ 7,279,976
Operating Expenses \$24,338,242
Capital Outlay & Replacement \$ 1,112,250
Debt Service-Transfer Out \$59,324,060

TOTAL EXPENDITURES \$92,054,528

On July 10, 2000, 10:00 a.m., the Board of Directors of Tampa Bay Water will meet to adopt the final budget. The meeting will be held in the Tampa Bay Water Board Room, 2535 Landmark Drive, Clearwater, FL 33761, (727)796-2355. Details of the budget are available from: Koni M. Manley, Director of Finance, Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, FL 33761. Comments may be presented in person or should be mailed to Tampa Bay Water's office by July 7, 2000.

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED
NOTICE OF WITHDRAWAL**

The Agency For Health Care Administration hereby notices withdrawal from review the following Certificate of Need applications:

County: Escambia Service District: 1
 CON #: 9349 Decision Date: 6/16/2000 Decision: W
 Facility/Project: Baptist Manor
 Applicant: Baptist Manor, Inc.
 Project Description: The addition of 10 community nursing home beds

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes and Chapter 59C-1, Florida Administrative Code.

AHCA Purchase Order Number S5900H0396.

CERTIFICATE OF NEED

DECISIONS ON BATCHED APPLICATIONS

The Agency For Health Care Administration made the following decisions on Certificate of Need applications for hospital batching cycle with an application due date of March 15, 2000:

County: Escambia Service District: 1
 CON #: 9288 Decision Date: 6/16/2000 Decision: A
 Facility/Project: Hospice of Northwest Florida, Inc.
 Applicant: Hospice of Northwest Florida, Inc.
 Project Description: Establish an 8 bed freestanding inpatient hospice through renovation and conversion of an existing hospice residence
 Approved Cost: \$45,600

County: Leon Service District: 2
 CON #: 9290 Decision Date: 6/16/2000 Decision: A
 Facility/Project: HealthSouth Rehabilitation Hospital of Tallahassee
 Applicant: HealthSouth of Tallahassee, L.P.
 Project Description: Add up to 10 comprehensive medical rehabilitation beds
 Approved Cost: \$2,843,580

County: Columbia Service District: 3
 CON #: 9291 Decision Date: 6/16/2000 Decision: A
 Facility/Project: Lake City Medical Center
 Applicant: Notami Hospitals of Florida, Inc.
 Project Description: Add up to 20 acute care beds
 Approved Cost: \$1,697,006
 County: Alachua Service District: 3
 CON #: 9292 Decision Date: 6/16/2000 Decision: A

Facility/Project: North Central Florida Hospice, Inc.
 Applicant: North Central Florida Hospice, Inc.
 Project Description: To convert 10 existing hospice residential beds into 10 hospice inpatient beds
 Approved Cost: \$1,409,485

County: Marion Service District: 3
 CON #: 9293 Decision Date: 6/16/2000 Decision: A
 Facility/Project: Munroe Regional Medical Center
 Applicant: Munroe Regional Health System, Inc.
 Project Description: Add 23 acute care beds
 Approved Cost: \$2,792,200

County: Citrus Service District: 3
 CON #: 9295 Decision Date: 6/16/2000 Decision: A
 Facility/Project: Citrus Memorial Hospital
 Applicant: Citrus Memorial Health Foundation, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$6,297,312

County: Hernando Service District: 3
 CON #: 9296 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Oak Hill Hospital
 Applicant: HCA Health Services of Florida, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$0

County: Citrus Service District: 3
 CON #: 9297 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Seven Rivers Community Hospital
 Applicant: Tenet HealthSystem Hospitals, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$0

County: Hernando Service District: 3
 CON #: 9298 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Brooksville Regional Hospital
 Applicant: Hernando HMA, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$0

County: Clay Service District: 4
 CON #: 9299 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Orange Park Medical Center
 Applicant: Orange Park Medical Center, Inc.
 Project Description: Add 38 acute care beds
 Approved Cost: \$0

County: St. Johns Service District: 4
 CON #: 9300 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Flagler Hospital
 Applicant: Flagler Hospital, Inc.

Project Description: Add 31 acute care beds through the conversion of 17 adult psy and 14 additional beds
 Approved Cost: \$0

County: Flagler Service District: 4
 CON #: 9301 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Halifax Fish Community Health, Inc.
 Applicant: Halifax Fish Community Health, Inc.

Project Description: Construct a 50 bed acute care hospital
 Approved Cost: \$0

County: Flagler Service District: 4
 CON #: 9302 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Halifax Fish Community Health, Inc.
 Applicant: Halifax Fish Community Health, Inc.

Project Description: Construct a 50 bed acute care hospital through the transfer of 50 acute care beds
 Approved Cost: \$0

County: Baker Service District: 4
 CON #: 9303 Decision Date: 6/16/2000 Decision: A
 Facility/Project: North Central Florida Hospice, Inc.
 Applicant: North Central Florida Hospice, Inc.

Project Description: Establish a hospice program
 Approved Cost: \$304,230

County: Volusia Service District: 4
 CON #: 9304 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Halifax Fish Community Health, Inc.
 Applicant: Halifax Fish Community Health, Inc.

Project Description: Construct a 50 bed acute care hospital
 Approved Cost: \$0

County: Volusia Service District: 4
 CON #: 9305 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Halifax Fish Community Health, Inc.
 Applicant: Halifax Fish Community Health, Inc.

Project Description: Construct a 50 bed acute care hospital through the transfer of 50 acute care beds
 Approved Cost: \$0

County: Volusia Service District: 4
 CON #: 9306 Decision Date: 6/16/2000 Decision: A
 Facility/Project: Florida Hospital Fish Memorial
 Applicant: Southwest Volusia Healthcare Corp.

Project Description: Add 42 acute care beds
 Approved Cost: \$14,196,434

County: Duval Service District: 4
 CON #: 9307 Decision Date: 6/16/2000 Decision: A
 Facility/Project: Shands Jacksonville Medical Center
 Applicant: Shands Jacksonville Medical Center, Inc.

Project Description: Establish a 20 bed Level II NICU through the conversion of 15 Level III NICU beds and the conversion of 5 acute care beds
 Approved Cost: \$236,858

County: Duval Service District: 4

CON #: 9308 Decision Date: 6/16/2000 Decision: A
 Facility/Project: St. Luke's Hospital

Applicant: St. Luke's Hospital Association
 Project Description: Establish a 10 bed Level II NICU through the conversion of 10 existing hospital-based skilled nursing beds

Approved Cost: \$508,237

County: Pinellas Service District: 5
 CON #: 9309 Decision Date: 6/16/2000 Decision: A
 Facility/Project: All Children's Hospital
 Applicant: All Children's Hospital, Inc.

Project Description: Add up to three Level III NICU beds
 Approved Cost: \$218,150

County: Pasco Service District: 5
 CON #: 9310 Decision Date: 6/16/2000 Decision: D
 Facility/Project: University Community Hospital
 Applicant: University Community Hospital, Inc.

Project Description: Construct a 50 bed long-term care hospital
 Approved Cost: \$0

County: Hillsborough Service District: 6
 CON #: 9311 Decision Date: 6/16/2000 Decision: A
 Facility/Project: Hernando Pasco Hospice, Inc.
 Applicant: Hernando Pasco Hospice, Inc.

Project Description: Establish a hospice program
 Approved Cost: \$151,476

County: Hillsborough Service District: 6
 CON #: 9314 Decision Date: 6/16/2000 Decision: D
 Facility/Project: University Community Hospital
 Applicant: University Community Hospital, Inc.

Project Description: Establish up to a 15 bed Level III NICU through the conversion of up to 15 existing acute care beds
 Approved Cost: \$0

County: Orange Service District: 7
 CON #: 9315 Decision Date: 6/16/2000 Decision: A
 Facility/Project: Nirvana Health Services, Inc.
 Applicant: Nirvana Health Services, Inc.

Project Description: Establish a Medicare certified home health agency

Approved Cost: \$63,711

County: Sarasota Service District: 8
 CON #: 9318 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Doctors Hospital of Sarasota
 Applicant: Sarasota Doctors Hospital, Inc.

Project Description: Establish an adult open heart surgery program

Approved Cost: \$0

County: Sarasota Service District: 8
 CON #: 9319 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Bon Secours-Venice Hospital
 Applicant: Bon Secours-Venice Healthcare Corporation

Project Description: Establish an adult open heart surgery program
 Approved Cost: \$0
 County: Sarasota Service District: 8
 CON #: 9320 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Doctors Hospital of Sarasota
 Applicant: Sarasota Doctors Hospital, Inc.
 Project Description: Add 21 acute care beds
 Approved Cost: \$0
 County: St. Lucie Service District: 9
 CON #: 9323 Decision Date: 6/16/2000 Decision: A
 Facility/Project: St. Lucie Medical Center
 Applicant: HCA Health Services of Florida, Inc.
 Project Description: Add 14 acute care beds
 Approved Cost: \$6,458,160
 County: Palm Beach Service District: 9
 CON #: 9326 Decision Date: 6/16/2000 Decision: A
 Facility/Project: Heritage Home Health, Inc.
 Applicant: Heritage Home Health, Inc.
 Project Description: Establish a Medicare certified home health agency
 Approved Cost: \$5,000
 County: Palm Beach Service District: 9
 CON #: 9327 Decision Date: 6/16/2000 Decision: A
 Facility/Project: Recovery Home Care, Inc.
 Applicant: Recovery Home Care, Inc.
 Project Description: Establish a Medicare certified home health agency
 Approved Cost: \$54,228
 County: Palm Beach Service District: 9
 CON #: 9329 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Palms West Hospital
 Applicant: Columbia Palms West Hospital, L.P.
 Project Description: Add up to 10 Level II NICU beds
 Approved Cost: \$0
 County: Palm Beach Service District: 9
 CON #: 9330 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Wellington Regional Medical Center
 Applicant: Wellington Regional Medical Center, Inc.
 Project Description: Establish up to a 10 bed Level II NICU
 Approved Cost: \$0
 County: Broward Service District: 10
 CON #: 9333 Decision Date: 6/16/2000 Decision: A
 Facility/Project: Catholic Hospice, Inc.
 Applicant: Catholic Hospice, Inc.
 Project Description: Establish a hospice program
 Approved Cost: \$69,453
 County: Broward Service District: 10
 CON #: 9334 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Memorial Hospital West

Applicant: South Broward Hospital District
 Project Description: Add an adult open heart surgery program
 Approved Cost: \$0
 County: Dade Service District: 11
 CON #: 9337 Decision Date: 6/16/2000 Decision: A
 Facility/Project: American Health Services of Dade, Inc.
 Applicant: American Health Services of Dade, Inc.
 Project Description: Establish a Medicare certified home health agency
 Approved Cost: \$10,000
 County: Dade Service District: 11
 CON #: 9338 Decision Date: 6/16/2000 Decision: A
 Facility/Project: Miami Jewish Home and Hospital for the Aged, Inc.
 Applicant: Miami Jewish Home and Hospital for the Aged, Inc.
 Project Description: Establish a hospice program
 Approved Cost: \$223,318
 County: Dade Service District: 11
 CON #: 9339 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Alive Hospice, Inc.
 Applicant: Alive Hospice, Inc.
 Project Description: Establish a hospice program
 Approved Cost: \$0
 County: Dade Service District: 11
 CON #: 9340 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Select Specialty Hospital – Miami, Inc.
 Applicant: Select Specialty Hospital – Miami, Inc.
 Project Description: Establish a 40 bed long-term care hospital
 Approved Cost: \$0
 County: Dade Service District: 11
 CON #: 9342 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Palmetto General Hospital
 Applicant: Lifemark Hospitals of Florida, Inc.
 Project Description: Establish an adult open heart surgery program
 Approved Cost: \$0
 County: Dade Service District: 11
 CON #: 9343 Decision Date: 6/16/2000 Decision: A
 Facility/Project: Cedars Medical Center
 Applicant: Cedars Healthcare Group, Ltd.
 Project Description: Add 24 adult inpatient psychiatric beds through the delicensure of 32 acute care beds
 Approved Cost: \$1,169,844
 County: Dade Service District: 11
 CON #: 9344 Decision Date: 6/16/2000 Decision: D
 Facility/Project: Southern Winds Hospital
 Applicant: Westchester General Hospital, Inc.
 Project Description: Add 18 child/adolescent psychiatric beds
 Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes and Chapter 59C-1, Florida Administrative Code.

AHCA Purchase Order Number S5900H00396.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for hospital outpatient services.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for hospital outpatient services, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its Florida Title XIX Outpatient Hospital Reimbursement Plan (The Plan) to provide for the following:

1. An exemption for teaching, specialty and Community Health Education Program (CHEP) hospitals from the outpatient hospital reimbursement ceilings.
2. A correction related to previous state plan amendment Version VII, September 6, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.
3. The provision for canceling a provider agreement for late filing of a cost report is replaced with language providing for a retroactive recalculation of the reimbursement rate.

FINAL RATES: The final rates, effective July 1, 2000, for hospital outpatient reimbursement will be rates resulting from the current methodology used to calculate rates, except for:

1. Teaching, specialty, and Community Health Education Program (CHEP) hospitals will be exempt from the outpatient reimbursement ceilings.
2. A correction related to previous state plan amendment Version VII, September 6, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.
3. The provision for canceling a provider agreement for late filing of a cost report is replaced with language providing for a retroactive recalculation of the reimbursement rate.

METHODOLOGIES: The methodology underlying the establishment of the final rates for outpatient hospital services is based on methodology currently being used for calculating rates, except that, effective July 1, 2000, it will include:

1. Teaching, specialty, and Community Health Education Program (CHEP) hospitals will be exempt from the outpatient reimbursement ceilings.
2. A correction related to previous state plan amendment Version VII, September 6, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.
3. The provision for canceling a provider agreement for late filing of a cost report is replaced with language providing for a retroactive recalculation of the reimbursement rate.

JUSTIFICATION: The justification for the final rate change in number 1 from the methodologies section above is based on the legislative direction provided in the 2000-2001 General Appropriations Act, (House Bill 2145) Specific Appropriation 220, and proviso language following that specific appropriation.

The justification for number 2 in the methodologies section above is a correction related to previous state plan amendment Version VII, September 6, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.

The justification for number 3 from the methodologies section above is to amend the policy regarding the impact of filing a cost report late from canceling a provider agreement to providing for a retroactive recalculation of the reimbursement rate.

The agency is proposing the above rates and changes in methodology effective July 1, 2000. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the final rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Carol Shotwell, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308

Copies of the final reimbursement plan incorporating the above changes may be obtained by contacting Carol Shotwell, Medicaid Cost Reimbursement Section, at the address above.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for nursing home facilities participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for nursing home facilities, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its

Title XIX Long-Term Care Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology regarding the following:

1. Interim rate adjustments
2. Clarification of the Medicaid Adjustment Rate (MAR).

FINAL RATES: Effective July 1, 2000, the final rates for Medicaid nursing home reimbursement will be rates resulting from the current methodology used to calculate per diems rates except for the following

1. There will be a provision for an interim rate adjustment for the increased costs of general and professional liability insurance when specified requirements are met.
2. Only providers being paid a prospective rate under section V.B.6. of the Long-Term Care Reimbursement Plan shall be eligible for the Medicaid Adjustment Rate (MAR).

METHODOLOGIES: The methodology underlying the establishment of the final rates for Medicaid nursing facilities will be rates resulting from the current methodology used to calculate per diems unless:

1. The provider receives an interim rate adjustment to reflect increases in the cost of general or professional liability insurance for nursing homes. The requirements to receive an interim rate include at least a 65 percent Medicaid utilization in the most recent cost report submitted to the Agency and at least a 5 percent effect on the total Medicaid per diem due to increase in the costs of general or professional liability insurance for the most recent policy period. This interim rate shall not result in the per diem exceeding the class ceiling.
2. Only providers being paid a prospective rate under section V.B.6. of the long-term care reimbursement plan shall be eligible for the Medicaid Adjustment Rate (MAR).

JUSTIFICATION: The justification for the final rate change in number 1 from the methodologies section above is based on the legislative direction provided in Section 8(2)(b) of Senate Bill 2242. Additionally, the justification for number 2 in the methodologies section above is to clarify which providers are eligible for the Medicaid Adjustment Rate (MAR) and is not a change from current methodology.

The Agency is proposing the above rates and changes in methodology, effective July 1, 2000. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the final rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Carol Shotwell, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.

Copies of the final reimbursement plan incorporating the above changes may be obtained by contacting Carol Shotwell, Medicaid Cost Reimbursement Section, at the address above.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for Hospital Inpatient Services.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for Hospital Inpatient Services, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its Florida Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate the following changes to the reimbursement methodology. Effective July 1, 2000, the Plan will provide for the following:

1. An exemption for teaching, specialty, and Community Hospital Education Program (CHEP) hospitals from the variable costs reimbursement ceilings.
2. Special Medicaid payments to statutory teaching hospitals, children's hospitals, and other hospitals for costs associated with providing inpatient medical education and serving significant numbers of low-income patients.
3. Provide for a children's hospital disproportionate share program.
4. A correction related to previous state plan amendment Version XVIII, November 10, 1999, deleting language regarding the reporting of budgeted data for capital

improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.

5. The provisions for canceling a provider agreement for late filing of a cost report to be replaced with language providing for a retroactive recalculation of the reimbursement rate.
6. The January 1, 1999 Medicaid per diem and 1994 audited financial data shall be used in calculating Hospital Regular Disproportionate Share program payments under section V.D. of the Plan.

FINAL RATES: The final rates, effective July 1, 2000, for hospital inpatient services will provide for the following:

1. An exemption for teaching, specialty, and Community Hospital Education Program (CHEP) hospitals from the variable costs reimbursement ceilings.
2. Special Medicaid payments to statutory teaching hospitals, children's hospitals, and other hospitals for costs associated with providing inpatient medical education and serving significant numbers of low-income patients.
3. Provide for a children's hospital disproportionate share program.
4. A correction related to previous state plan amendment Version XVIII, November 10, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.
5. The provisions for canceling a provider agreement for late filing of a cost report to be replaced with language providing for a retroactive recalculation of the reimbursement rate.

6. The January 1, 1999 Medicaid per diem and 1994 audited financial data shall be used in calculating Hospital Regular Disproportionate Share program payments under section V.D. of the Plan.

METHODOLOGIES: The methodology underlying the establishment of the final rates for inpatient hospital services is based on the methodology currently being used for calculating rates, except that it will include:

1. An exemption for teaching, specialty, and Community Hospital Education Program (CHEP) hospitals from the variable cost reimbursement ceilings
2. Special Medicaid payments totaling \$144,349,164 will be made to certain hospitals for costs associated with providing inpatient medical education and serving significant numbers of low-income patients. The following amounts shall be paid to teaching and children's hospitals:

\$2,998,909	All Children's Hospital
\$87,142,115	Jackson Memorial Hospital
\$1,617,294	Miami Children's Hospital
\$3,251,838	Mount Sinai Medical Center
\$2,511,252	Orlando Regional Medical Center
\$2,876,386	Shands Hospital-Alachua
\$9,356,836	Tampa General Hospital
\$21,126,584	Shands Hospital-Duval

The remaining funds shall be distributed to hospitals that qualify for the regular disproportionate share hospital program in proportion to each hospital's payments under the program.

3. Provides for payments to hospitals qualifying for the disproportionate share program for children's hospitals under CS/HB 2339 creating section 409.9119, Florida Statutes.
4. A correction related to previous state plan amendment Version XVIII, November 10, 1999, deleting language regarding the reporting of budgeted data for capital

improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.

- 5. The provisions for canceling a provider agreement for late filing of a cost reports is replaced with language providing for a retroactive recalculation of the reimbursement rate.
- 6. The January 1, 1999 Medicaid per diem and 1994 audited financial data shall be used in calculating Hospital Regular Disproportionate Share program payments under section V.D. of the Plan.

JUSTIFICATION: The justification for the final rate changes in numbers 1, 2 and 3 from the methodologies section above is based on the legislative direction provided in House Bill 2145, General Appropriations Act 2000-2001 and CS/HB 2339 creating the disproportionate share program for children’s hospitals.

The justification for the final rate change in number 4 from the methodologies section above is a correction related to previous state plan amendment Version XVIII, November 10, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.

The justification for the final rate change in number 5 in the methodologies section above is to amend the policy regarding the impact of filing a cost report late from canceling a provider agreement to providing for a retroactive recalculation of the reimbursement rate.

The justification for the final rate change in number 6 in the methodologies section above is House Bill 2147, Section 14, which requires the January 1, 1999 Medicaid per diem and 1994 audited financial data to be used in calculating Hospital Regular Disproportionate Share program payments under section V.D. of the Plan.

The Agency is proposing the above rates and changes in methodology, effective July 1, 2000. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the final rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Carol Shotwell, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.

Copies of the final reimbursement plan incorporating the above changes may be obtained by contacting Carol Shotwell, Medicaid Cost Reimbursement Section, at the address above.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**NOTICE OF INTENT TO ISSUE PROPOSED
MODIFICATION OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify Power Plant Certification Conditions issued pursuant to the Florida Electrical Power Plant Siting Act, § 403.501, et seq., Florida Statutes. A Proposed Final Order has been prepared in accordance with Rule 62-17.211(4) concerning:

Lee County Resource Recovery Facility
Power Plant Siting Application No. PA 90-30C
OGC NO. 99-1343
Lee County, Florida

On August 10, 1999, Lee County (County) filed a request to modify the certification order to clarify the testing and other requirements concerning the airborne emissions for the Facility, clarify the description of fuels that may be used at the Facility, authorize the construction and operation of a yard waste processing facility on the certified site, authorize the construction and operation of a materials recovery facility on the certified site, and revise the conditions to conform with amended permits issued under federally delegated or approved permit programs. Furthermore, on March 21, 2000 the Department issued an amendment to permit PSD-FL-151 and PSD-FL-151(A) for the County as PSD-FL-151(B). This action requires the Department to make certain modifications to conform the Conditions of Certification for the above referenced facility to the revised PSD permit. Additionally, the Department proposes and the petitioner concurred that the conditions should be updated to reflect the applicants current name, the Department's current name and current rule citations.

On June 23, 1999, the South Florida Water Management District approved the discontinuance of a surface water monitoring program subject to Condition XV.C.3.c.(4). The District's action is included in this modification. The District has also requested revisions to the water use conditions, specifically those pertaining to impacts on legal uses, impacts on existing off-site land uses, impacts to natural resources, modification of authorized withdrawals and a water conservation plan.

A copy of the proposed modification order is available from: Hamilton S. Oven, P. E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, MS 48, Tallahassee, Florida 32399-2400, (850)487-0472.

POINT OF ENTRY

Pursuant to § 403.516, F.S., and Rule 62-17.211(5), FAC., all parties to the certification proceeding have 45 days from the issuance of notice by mail to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification.

Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to § 403.516(1)(c), F.S., the applicant may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed.

Mediation is not available in this proceeding.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN June 12, 2000
 and June 16, 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-3.001	6/13/00	7/3/00	26/18	
5F-5.001	6/13/00	7/3/00	26/18	
5F-7.005	6/13/00	7/3/00	26/18	

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

6D-1.006	6/14/00	7/4/00	26/13	
6D-1.007	6/14/00	7/4/00	26/13	
6D-1.009	6/14/00	7/4/00	26/13	
6D-1.010	6/14/00	7/4/00	26/13	
6D-2.002	6/14/00	7/4/00	26/13	
6D-2.003	6/14/00	7/4/00	26/13	
6D-6.019	6/14/00	7/4/00	26/13	

STATE BOARD OF ADMINISTRATION

19-8.028	6/13/00	7/3/00	26/18	
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PUBLIC SERVICE COMMISSION

25-4.003	6/15/00	7/5/00	26/11	
25-4.110	6/15/00	7/5/00	26/11	
25-4.113	6/15/00	7/5/00	26/11	
25-24.490	6/15/00	7/5/00	26/11	
25-24.845	6/15/00	7/5/00	26/11	

COMMISSION ON ETHICS

34-8.002	6/12/00	7/2/00	26/18	
34-8.007	6/12/00	7/2/00	26/18	
34-11.001	6/12/00	7/2/00	26/18	
34-11.0015	6/12/00	7/2/00	26/18	
34-11.0016	6/12/00	7/2/00	26/18	
34-11.0017	6/12/00	7/2/00	26/18	
34-11.002	6/12/00	7/2/00	26/18	
34-11.0035	6/12/00	7/2/00	26/18	
34-11.004	6/12/00	7/2/00	26/18	
34-11.005	6/12/00	7/2/00	26/18	
34-11.006	6/12/00	7/2/00	26/18	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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34-11.007	6/12/00	7/2/00	26/18	
34-11.008	6/12/00	7/2/00	26/18	
34-11.010	6/12/00	7/2/00	26/18	
34-11.017	6/12/00	7/2/00	26/18	
34-11.0171	6/12/00	7/2/00	26/18	
34-11.020	6/12/00	7/2/00	26/18	
34-11.024	6/12/00	7/2/00	26/18	
34-11.025	6/12/00	7/2/00	26/18	
34-12.010	6/12/00	7/2/00	26/18	
34-12.020	6/12/00	7/2/00	26/18	
34-12.130	6/12/00	7/2/00	26/18	
34-12.750	6/12/00	7/2/00	26/18	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

61G4-15.031	6/14/00	7/4/00	26/11	26/20
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Board of Cosmetology

61G5-25.001	6/12/00	7/2/00	26/15	
61G5-25.002	6/12/00	7/2/00	26/15	
61G5-25.003	6/12/00	7/2/00	26/15	

DEPARTMENT OF HEALTH

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

64B4-3.003	6/12/00	7/2/00	26/8	26/19
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Board of Occupational Therapy

64B11-3.003	6/15/00	7/5/00	26/17	
64B11-4.001	6/12/00	7/2/00	26/13	

FLORIDA HOUSING FINANCE CORPORATION

67-44.001	6/15/00	7/5/00	26/9	
67-44.002	6/15/00	7/5/00	26/9	
67-44.003	6/15/00	7/5/00	26/9	
67-44.004	6/15/00	7/5/00	26/9	
67-44.005	6/15/00	7/5/00	26/9	
67-44.006	6/15/00	7/5/00	26/9	
67-44.007	6/15/00	7/5/00	26/9	26/20
67-44.008	6/15/00	7/5/00	26/9	
67-44.009	6/15/00	7/5/00	26/9	26/20
67-44.010	6/15/00	7/5/00	26/9	
67-44.011	6/15/00	7/5/00	26/9	26/16