

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

Table with 2 columns: RULE TITLES and RULE NOS.
Mortgage Broker License Renewal and Reactivation 3D-40.043
Mortgage Brokerage Business License and Branch Office License Renewal and Reactivation 3D-40.053
Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation 3D-40.205
Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation 3D-40.225

PURPOSE AND EFFECT: The proposed amendments provide that if August 31 of the renewal year falls on a Saturday, Sunday, or legal holiday, the renewals received on the next business day will be considered timely received.

SUBJECT AREA TO BE ADDRESSED: Renewals of licenses under Chapter 494, F.S.

SPECIFIC AUTHORITY: 494.0011(2), 494.0034(2), 494.0036(2), 494.0064(2) FS.

LAW IMPLEMENTED: 494.0011(2), 494.0032, 494.0034, 494.0036, 494.0064 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., December 4, 2000

PLACE: Room 550, Fletcher Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Morgan, Financial Control Analyst, 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-40.043 Mortgage Broker License Renewal and Reactivation.

(1) No change.

(2) A mortgage broker 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 reactivated within two (2) years after becoming

inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0034, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) No change.

Specific Authority 494.0011(2), 494.0034(2) FS. Law Implemented 494.0034 FS. History--New 11-2-86, Amended 6-23-91, 11-12-91, 9-3-95, 12-12-99, \_\_\_\_\_.

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

(1) No change.

(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. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) No change.

(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. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(5) through (6) No change.

Specific Authority 494.0011(2), 494.0032(2),(3), 494.0036(2) FS. Law Implemented 494.0011(2), 494.0032, 494.0036 FS. History--New 11-2-86, Amended 2-8-90, 10-1-91, 12-12-99, 11-1-00, \_\_\_\_\_.

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

(1) No change.

(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 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. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) No change.

(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 required by Section 494.0064, F.S., and submission of a completed license reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(5) through (6) No change.

Specific Authority 494.0011(2), 494.0064(2) FS. Law Implemented 494.0011(2), 494.0064 FS. History--New 10-1-91, Amended 9-3-95, 8-5-96, 12-12-99, 11-1-00, \_\_\_\_\_.

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

(1) No change.

(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. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) No change.

(4) A correspondent mortgage lender branch office 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 upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(5) through (6) No change.

Specific Authority 494.0011(2), 494.0064(2) FS. Law Implemented 494.0011(2), 494.0064 FS. History--New 10-1-91, Amended 9-5-95, 7-25-96, 12-12-99, 11-1-00, \_\_\_\_\_.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:

Consumer Collection Agency Registration Renewal Form and Procedures	RULE NOS.:	
Commercial Collection Agency Registration Renewal Form and Procedures		3D-180.050 3D-180.060

PURPOSE AND EFFECT: The proposed amendment will provide that if December 31 of the renewal year falls on a Saturday, Sunday, or legal holiday, the renewals received on the next business day will be considered timely received.

SUBJECT AREA TO BE ADDRESSED: Consumer collection agency and commercial collection agency renewals.

SPECIFIC AUTHORITY: 17.29 FS.

LAW IMPLEMENTED: 559.444, 559.545, 559.553, 559.555 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., December 4, 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 IS: Rick Morgan, Financial Control Analyst, 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-180.050 Consumer Collection Agency Registration Renewal Form and Procedures.

(1) Each active consumer collection agency registration shall be renewed for the annual period beginning January 1 of each year, upon submission of the renewal fee of \$200 and the renewal form. Form DBF-CCA-104, Consumer Collection Agency Registration Renewal Form, effective 1-1-95, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 E. Gaines Street, Tallahassee, Florida 32399-0350. If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(2) No change.

Specific Authority 17.29 FS. Law Implemented 559.553(2), 559.555(3) FS. History--New 1-1-95, Amended \_\_\_\_\_.

3D-180.060 Commercial Collection Agency Registration Renewal Form and Procedures.

(1) Each active commercial collection Agency registration shall be renewed for the annual period beginning January 1 of each year, upon submission of the renewal fee of \$500 and the renewal form. Form DBF-COM-105, Commercial Collection Agency Registration Renewal Form, effective 1-1-95, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 E. Gaines Street, Tallahassee, Florida

32399-0350. If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(2) No change.

Specific Authority 17.29 FS. Law Implemented 559.544(2), 559.545 FS. History—New 1-1-95, Amended \_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Investor Protection**

RULE TITLE: Registration Renewals RULE NO.: 3E-600.009

PURPOSE AND EFFECT: The purpose of the proposed rule change is to address registration expirations that occur on a Saturday, Sunday or legal holiday. The proposed rule allows renewals received on the following business day to be considered timely received.

SUBJECT AREA TO BE ADDRESSED: Registration expirations that occur on a Saturday, Sunday or legal holiday.

SPECIFIC AUTHORITY: 517.03(1), 517.12(15) FS.

LAW IMPLEMENTED: 517.12(1),(11),(15) 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., December 4, 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 IS: Rick White, Financial Administrator, Division of Securities and Finance, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.009 Registration Renewals.

(1) Every dealer and investment adviser, including issuer/dealers registered pursuant to Section 517.12, F.S. Florida Statutes, desiring to renew their registration shall annually verify with the Department prior to the date of expiration of registration, registration with the Department of the dealer or investment adviser, all associated persons of the dealer or investment adviser and all branch offices of the dealer or investment adviser in Florida, which the Department shows as being currently registered with such dealer or investment adviser subject to renewal, and which the dealer or investment adviser seeks to renew.

(2) In addition to verifying registration with the Department as provided in subsection (1), to renew its registration and that of its branch offices and associated persons, each dealer and investment adviser shall pay all

renewal fees as required by Section 517.12(11), F.S. Florida Statutes. Renewal fees for non-NASD member firms, associated persons of non-NASD member firms and all branch offices shall be sent directly to the Department. The Department shall deem a fee received as payment at such time as it has been date stamped by the cashier's office of the Department of Banking and Finance. All renewal fees for NASD member firms and for associated persons of NASD member firms shall be submitted through the CRD. All renewal fees must be received by the Department or the CRD by the last business day prior to January 1 of the year following the year the registration expires.

(3) Failure to submit the requisite amount of fees to the Department or to the NASD as appropriate and as provided for in subsection ~~Section~~ (2) of this Rule by December 31 of the year of expiration of the registration shall result in such registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day will be considered timely received. However, an expired registration may be reinstated in accordance with the provisions of Section 517.12(11), F.S. Florida Statutes, provided that all requisite information and fees are filed with the Department on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the year of expiration shall result in such registration not being reinstated. If January 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day will be considered timely received. In the event that the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration shall become the revenue of the state pursuant to Section 517.12(10), Florida Statutes, and shall not be returnable.

Specific Authority 517.03(1), 517.12(15) FS. Law Implemented 517.12(10),(11),(15) FS. History—New 12-5-79, Amended 9-20-82, 8-29-83, Formerly 3E-600.09, Amended 1-7-88, 6-16-92, 11-14-93, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

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), Florida Statutes, and s. 400.23(3)(b), Florida Statutes 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.

SUBJECT AREA TO BE ADDRESSED: Provide minimum staffing standards for nursing homes and establish training requirements in order for staff to assist residents with eating.

SPECIFIC AUTHORITY: 400.23 FS.

LAW IMPLEMENTED: 400.11, 400.022, 400.141, 400.23 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., December 5, 2000  
PLACE: Agency for Health Care Administration, 8355 N. W. 53rd Street, 2nd Floor, Miami, FL 33166  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Richard Kelly, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida or call (850)488-5861

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: Design of Structure Utilizing Prefabricated Wood Components  
RULE NO.: 61G15-31.003  
PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to truss fabrication drawings.  
SUBJECT AREA TO BE ADDRESSED: Design of structure utilizing prefabricated wood components.  
SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.  
LAW IMPLEMENTED: 471.033(1)(g) 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: Allison Deison, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Physical Plant Standards for Office Surgical Facilities  
RULE NO.: 64B8-9.0093  
PURPOSE AND EFFECT: The Board proposes the development of a rule to address the physical plant standards recommended by the ad hoc work group for office surgery physical plant standards.  
SUBJECT AREA TO BE ADDRESSED: Physical plant standards.  
SPECIFIC AUTHORITY: 458.309(3), 458.331(1)(v) FS.  
LAW IMPLEMENTED: 458.309(3), 458.331(1)(t),(v) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Inactive Status License  
RULE NO.: 64B15-12.007  
PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to update the rule text with regard to inactive status license of a licensee, and to delete rule text that is no longer desired by the Board.  
SUBJECT AREA TO BE ADDRESSED: Inactive status license.  
SPECIFIC AUTHORITY: 456.036 FS.  
LAW IMPLEMENTED: 456.036 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B15-12.007 Inactive Status License.
- (1) No change.
- (2) An inactive status licensee may change to active status at any time provided the licensee meets the continuing education requirements of rule 64B15-13.001, pays the reactivation fee and the active status renewal fee. ~~and if~~ If the request to change licensure status is made at any time other than at the beginning of a licensure cycle, the licensee shall only pay the difference between the inactive status renewal fee and the active status renewal fee and pays the additional processing fee. However, a licensee whose license has been in inactive status for more than two consecutive biennial licensure cycles shall be required to appear before the board

before the license can be placed into active status. The board at the time of the appearance shall impose upon the licensee reasonable conditions necessary to insure that the licensee can practice with the care and skill sufficient to protect the health, safety and welfare of the public.

~~(3) Any inactive licensee who elects active status is not eligible to elect to return to inactive status until the next licensure renewal period.~~

Specific Authority ~~456.036 455.744~~ FS. Law Implemented ~~456.036 455.744~~ FS. History--New 11-28-94, Amended 3-28-95, Formerly 59W-12.007, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: RULE NO.:

Violations and Penalties 64B15-19.002

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule text with regard to violations and penalties to be imposed by the Board.

SUBJECT AREA TO BE ADDRESSED: Violations and penalties.

SPECIFIC AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.079 FS.

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

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

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Law Enforcement**

RULE TITLE: RULE NO.:

Derelict Vessels 68D-16

PURPOSE AND EFFECT: To consider improvements to the Derelict Vessel Removal Grant Program administered by the Fish and Wildlife Conservation Commission.

SUBJECT AREA TO BE ADDRESSED: Improvements to the Derelict Vessel Removal Grant Program administered by the Commission. This program, funded from the Coastal Protection Trust Fund, provides grants to coastal local governments for the removal of derelict vessels from the public waters of the state.

SPECIFIC AUTHORITY: 376.15 FS.

LAW IMPLEMENTED: 327.15, 823.11 FS.

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

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

PLACE: FWC, Bureau of Marine Enforcement, District 2 Field Office, 3200 Northeast 151 Street, North Miami, Florida 33181

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Captain Alan S. Richard, Boating Law and Waterway Management Coordinator, Office of Enforcement Planning and Policy, 620 South Meridian Street, Tallahassee, Florida 32399-1600

A copy of the agenda may be obtained by contacting: Ms. Wendy Huszagh, Derelict Vessel Removal Grant Specialist, Boating Law and Waterway Management Section, Office of Enforcement Planning and Policy, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 5 calendar days prior to the workshop by contacting Ms. Wendy Huszagh, Derelict Vessel Removal Grant Specialist, Boating Law and Waterway Management Section, Office of Enforcement Planning and Policy, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

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**Section II  
Proposed Rules**

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Accounting and Auditing**

RULE TITLES: RULE NOS.:

Applicability 3A-5.001

Definitions 3A-5.002

Format of Schedule 3A-5.003

PURPOSE AND EFFECT: Chapter 2000-371, Laws of Florida, enacted the "Florida Single Audit Act" effective July 1, 2000. Section 215.97, F.S., requires the Comptroller to enact rules to provide guidance to state awarding agencies, recipients and subrecipients, and independent auditors of state financial assistance relating to the format of the Schedule of State Financial Assistance.

SUMMARY: The proposed rules set forth the format of the Schedule of State Financial Assistance to be used by state awarding agencies, recipients and subrecipients, and independent auditors of state financial assistance.

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: 17.29, 215.97(4) FS.

LAW IMPLEMENTED: 215.97 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., December 11, 2000

PLACE: Room 434, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bob Spooner, Chief, Bureau of Auditing, Room 448, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9194

THE FULL TEXT OF THE PROPOSED RULES IS:

3A-5.001 Applicability.

These rules apply to state agencies awarding state financial assistance; recipients and subrecipients of state financial assistance; and to independent auditors of state financial assistance.

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History—New

3A-5.002 Definitions.

(1) The terms in Section 215.97(2), F.S., shall have the same meanings when used in this Chapter and are hereby incorporated by reference.

(2) “State agency” or “agency” as defined in Section 216.011(1)(qq), F.S., shall have the same meanings when used in this Chapter and are hereby incorporated by reference.

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History—New

3A-5.003 Format of Schedule.

(1) The Schedule of Expenditures of State Financial Assistance shall be included on the nonstate entity’s Schedule of Expenditures of Federal Awards and State Financial Assistance. If a nonstate entity does not receive federal financial assistance, a Schedule of Expenditures of State Financial Assistance shall be prepared. At a minimum, the Schedule of Expenditures of State Financial Assistance shall:

(a) List individual state projects by state agency, including identifying contract or grant number.

(b) For state financial assistance received as a subrecipient, the name of the pass-through entity and identifying contract/grant number assigned by the pass-through entity.

(c) Provide total state financial assistance expended for each individual state project and the CSFA number.

(d) Provide total state financial assistance transferred to subrecipients for each state project.

(e) Include as expenditures in the schedule, the value of state financial assistance expended in the form of non-cash assistance. The value of state non-cash assistance will be established in accordance with the rules of the Executive Office of the Governor.

(f) Include notes that describe the significant accounting policies used in preparing the schedule.

(2) The Schedule of Expenditures of Federal Awards and State Financial Assistance shall be in a format similar to the sample presented below:

NAME OF NONSTATE ENTITY				
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS AND STATE FINANCIAL ASSISTANCE				
For the Fiscal Year Ended Month/Date/Year				
Federal/State Agency, Pass-through Entity	CFDA	Contract Grant	Expenditures (in thousands)	Transfers to Subrecipients (in thousands)
Federal Program/State Project	No.	No.		
FEDERAL AGENCY NAME				
Direct Programs				
XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
Indirect Programs				
Passed through (insert name of entity)				
XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
TOTAL FEDERAL AGENCY			XXXXX	XXXXX
TOTAL EXPENDITURES OF FEDERAL AWARDS			XXXXX	XXXXX
STATE AGENCY NAME				
Direct Projects				
XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
Indirect Projects				
Passed through (insert name of entity)				
XXXXXX	XXXXX	XXXXX	XXXXX	XXXXX
TOTAL STATE AGENCY			XXXXX	XXXXX
TOTAL EXPENDITURES OF STATE FINANCIAL ASSISTANCE			XXXXX	XXXXX

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Spooner, Chief, Bureau of Auditing, Division of Accounting and Auditing

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Doug Darling, Director, Division of Accounting and Auditing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2000

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE TITLE: Use of School Facilities and Equipment

RULE NO.: 6D-6.003

PURPOSE AND EFFECT: The purpose of this Rule is to increase the amount of personal liability and property damage insurance required from organizations requesting the use of FSDB facilities. Verification of insurance must be on file with FSDB earlier than previously stipulated.

SUMMARY: This proposed rule establishes an increase in the amount of insurance required by entities seeking to use the facilities of the Florida School for the Deaf and the Blind.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 242.331(3) FS.

LAW IMPLEMENTED: 229.053(2)(i),(j), 230.23(4)(m), 242.331(4) FS.

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

TIME AND DATE: 9:00 a.m., December 16, 2000

PLACE: Wilson Music Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 6D-6.003 Use of School Facilities and Equipment.

(1) Request for use of School facilities for educational, cultural, charitable and philanthropic purposes will be considered by the President's Administrative Management Team Advisory Committee, ~~consisting of the President, the two School Principals and the Business Manager~~, subject to the following conditions:

(a) All requests for use of campus facilities will only be considered if, in the opinion of the President's Administrative Management Team Advisory Committee, they are consistent with the best interests of the School, staff and students.

(b) Organizations granted use of FSDB facilities are required to obtain "not less than" ~~\$1,000,000.00~~ \$500,000.00 personal liability and ~~\$1,000,000.00~~ \$500,000.00 property damage insurance to cover persons and premises involved in the scheduled activity. FSDB will be named "additional insured" in the insurance of all organizations using FSDB facilities. Verification of this insurance must be on file in the FSDB Business Office at least ~~ten business~~ five days prior to the rental date.

(c) Charges for use of any campus facility will be based on flat rate usage fees and the prevailing hourly costs for utility fee recovery, services of custodial, technical, groundskeeping and security personnel, as well as additional flat rate fees per

use for equipment/supplies and normal repairs. These charges will preserve the high quality of FSDB service and support, as well as provide proper maintenance and operation of FSDB property. The Business Manager will recommend a schedule of determine charges through review of current fiscal data reflecting utility, labor and supply costs, for approval and adoption by the Board of Trustees on an annual basis.

~~(d) The Business Manager shall assess charges for use of any school facilities and equipment.~~

1. Charges may ~~shall~~ be waived if use is of obvious benefit to the educational, social, and health needs of the students or the School.

2. Levy charges for the recovery of costs for utilities, personnel services, security, materials, garbage removal, equipment, breakage and any other item or service directly connected with the use of the facility.

~~3. Levy charges specified in 2 above or when capital costs for normal wear and tear or indirect cost for processing, administration and any other service are required.~~

(d) Payment for facility usage shall require 50% of total fees due, along with the signed contract, immediately following the School's approval. The remaining balance of total fees is due at least 10 business days prior to the scheduled event. Non-payment by the scheduled due date, may result in the cancellation of the event.

(e) All arrangements regarding dates and purpose of use and appropriate fees will be coordinated by the Business Office, subject to the approval of the President's Administrative Management Team Advisory Committee.

(f) Only FSDB personnel will prepare, maintain, clean and repair FSDB's facilities and equipment. In addition, only FSDB personnel or approved contract personnel will operate campus HVAC, lighting and sound systems. All normal conditions of employment apply to FSDB personnel engaged in activities connected with facility rentals.

(g) All request for the use of FSDB facilities must be made to the FSDB Business office at least ~~30 business~~ 10 work days prior to the scheduled event. An estimate of Charges A Facility Rate Schedule and Agreement Form, Form FSDB R-1, effective 2-19-91, will be used to itemize charges and provide for signatures of consent to these charges by both lessor and lessee. All facility usage requests must be in writing and directed to Form FSDB R-1 can be obtained from the Business Manager, Florida School for the Deaf and the Blind, 207 North San Marco Avenue, St. Augustine, FL 32084. All written requests must describe, in detail the following:

1. Requested facility;
2. Hour(s) and date(s) of requested usage;
3. Type of use being requested;
4. Description of type of attendance expected for the event; and
5. Any benefits to the school.

It is understood that the School reserves the right, at anytime, to relocate or cancel an event, which may be deemed in the best interest of the School.

This form must be on file in the FSDB Business office at least 3 days prior to the event.

(2) through (5) No change.

Specific Authority 235.02, 242.331(3) FS. Law Implemented 235.02, 242.331(4), 273.01, 273.03 FS. History--New 12-19-74, Amended 4-17-85, 9-8-85, Formerly 6D-6.03, Amended 8-26-86, 2-19-91, 11-1-95, \_\_\_\_\_ Cf. Facility Rate Schedule and Agreement Form Form FSDB R-1.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President, Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2000

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Incorporation by Reference RULE CHAPTER NO.: 14-15

RULE TITLE: Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways RULE NO.: 14-15.002

PURPOSE AND EFFECT: The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, commonly referred to as the "Green Book," is being amended to include the following: definition of terms are alphabetized, the term "accident" is changed to "crashes," statutory language is inserted into the Introduction section, the revision date is added to the cover page, added figures and information are added to Chapter 9 on Bicycle Facilities, and a Chapter 14 is added for Design Exceptions.

Notice of Rule Development was published July 23, 1999. A Rule Development Workshop was scheduled and conducted on September 7, 1999. The manual was revised to reflect changes resulting from that Rule Development Workshop.

SUMMARY: The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways is amended significantly from the 1989 edition which was previously adopted.

SPECIFIC AUTHORITY: 334.044(2), 336.045(1) FS.

LAW IMPLEMENTED: 336.045 FS.

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.

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., December 20, 2000

PLACE: Suwannee Room, Room 250, Haydon Burns Building, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.002 Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, 2001 ~~"Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways"~~, 1989 edition, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. Copies of this Department manual and any amendments thereto are available from the Department of Transportation, Maps and Publications Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450, at no more than cost pursuant to 120.53(2)(a), Florida Statutes.

Specific Authority 334.044(2), 336.045(1) FS. Law Implemented ~~120.53(2)~~, 336.045 FS. History--New 1-22-76, Amended 7-13-81, 6-24-84, Formerly 14-15.02, Amended 8-25-86, 11-29-89, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Billy L. Hattaway, State Roadway Design Engineer

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2000

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Probation and Parole – Use of Force RULE NO.: 33-302.105

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the circumstances in which the use of force is appropriate in probation and parole settings and to establish procedures relating thereto.



SUMMARY: The proposed rule clarifies: situations in which use of force is permissible, the amount of force to be used, procedures relating to preparation of Use of Force Reports, review of Use of Force Reports, treatment of injuries sustained in incidents involving the use of force, and procedures relating to the use of chemical agents.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.35 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: Giselle Lysten Rivera, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.105 Probation and Parole – Use of Force.

(1) Physical force shall not be used on offenders under supervision ~~or others~~ in the performance of duty unless required:

(a) ~~In~~ self-defense or the protection of others; or

(b) ~~To~~ prevent damage to property or

(c) ~~To~~ quell a disturbance; or

(d) ~~To~~ overcome physical resistance to a lawful command; or

(e) To prevent an offender from inflicting injury to herself or himself; or

(f) When assisting law enforcement personnel in the lawful performance of their duties.

(2) Physical force shall be employed only as a last resort when it reasonably appears that other alternatives are not feasible. When use of force is justified, only that amount and type of force that reasonably appears necessary to accomplish the authorized objective shall be used. Force shall not be used solely in response to verbal abuse that does not rise to the level of a physical altercation.

(3) Use of Force Reports.

(a) The employee engaged in the use of force shall immediately notify his or her supervisor of the incident. A Community Corrections Report of Force Used, Form DC3-210, An Assault Incident Report Form shall be prepared, dated and signed by the employee using force and submitted to the circuit correctional probation administrator within one five working days (Monday through Friday) following the of such an incident with copies provided to the division director of

community corrections. If more than one employee was involved in the initial use of force, the circuit administrator will appoint the highest ranking official involved, or the most senior employee, to complete the report. Form DC3-210 is hereby incorporated by reference. Copies of this 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 \_\_\_\_\_.

(b) Each additional employee involved in the use of force who agrees with the facts and circumstances as reported shall prepare a Community Corrections Report of Force Used – Staff Supplement, Form DC3-211, and shall submit it to the circuit administrator within one working day (Monday through Friday) following the incident. Form DC3-211 is hereby incorporated by reference. Copies of this 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 \_\_\_\_\_.

(c) Any employee involved in a use of force who disagrees with the facts and circumstances as reported on the Community Corrections Report of Force Used shall complete a separate Community Corrections Report of Force Used within one working day following the incident.

(d) Whenever an employee witnesses a use of force incident, but was not physically involved in the use of force, the employee shall enter a report on the Management Information Notification System (MINS) database.

(e) The circuit administrator shall review the report and any other statements from the offender or witnesses and process his or her recommendation on whether the appropriate level of force was used in the incident to the inspector general field office for review within five working days (Monday-Friday).

(f) The inspector general field office shall review all reports for accuracy and forward their findings to the Office of the Inspector General in central office within five working days (Monday through Friday).

(g) The Office of the Inspector General in central office shall either approve the action, or if disapproved, refer it for investigation.

(h) If the use of force is approved by the Office of the Inspector General, the original DC3-210 packet will be retained by the Office of the Inspector General and a copy will be returned to the circuit administrator for distribution. The circuit administrator's office will be responsible for distributing copies of the DC3-210 to the locations designated on the form.

(i) The Office of the Inspector General will retain any reports that are associated with incidents referred for a criminal investigation as part of a case file.

(j) When a use of force occurs, the servicing personnel office will complete the Use of Force Log, Form DC2-802, utilizing information from the DC3-210 and DC3-211. The

DC2-802 will be the only document maintained in the employee's personnel file tracking the use of force incident. Form DC2-802 is incorporated in Rule 33-602.210(8). The effective date of this form is 2-7-00.

(k) The inspector general shall notify the circuit administrator and regional director of any officer involved in three or more use of force incidents in a 12-month period. The regional director shall review the circumstances for possible reassignment of the officer.

(4) Staff or Offender Injury Sustained During Use of Force Incident.

(a) Medical attention for any injury sustained by staff during an incident involving the use of force shall be sought through Worker's Compensation, unless injuries warrant the summoning of emergency medical personnel.

(b) When safety is not jeopardized, the offender will be asked if any injury was sustained as soon as possible following a use of force incident. If the offender responds in the affirmative and the offender is in the custody of law enforcement, the correctional probation officer shall convey the reported injury to law enforcement. The officer shall document details of this reported injury in case notes, including the name of the law enforcement officer and any witnesses.

(c) If the offender is not in custody, the officer shall call emergency services for the offender as soon as possible, without jeopardizing the officer's safety. Documentation of contacts for medical services shall be included in the Community Corrections Report of Force Used.

(5)(2) Use of Handcuffs.

(a) Officers shall use handcuffs only in case of emergencies in the office involving the following: self-defense or to prevent injury to others or required in accordance with use of force procedures.

1. Self-defense or the protection of others; or
  2. To prevent damage to property; or
  3. To quell a disturbance; or
  4. To overcome physical resistance to a lawful command;
- or
5. To prevent an offender from inflicting injury to herself or himself; or
  6. When assisting law enforcement in the lawful performance of their duties.

(b) The handcuffs shall be maintained by the supervisor in an accessible location in the office.

(c) No employee will be permitted to use or access the handcuffs until he or she has completed the basic handcuff training provided by the department.

(d) In any case in which handcuffs are used, an accurate record shall be maintained as to the location and reason for use, and a factual description of the circumstances and the incident. This information shall be reflected on the Community

Corrections Report of Force Used, Form DC3-210. The officer who used the handcuffs shall complete the report within one working day (Monday through Friday) after the incident.

(6)(3) Use of chemical agents.

(a) Chemical agents shall be used only for self defense or defense of another and only after all other reasonable efforts to avoid confrontation with a disorderly person or persons posing an immediate threat of bodily harm to an officer have been exhausted.

(b) Chemical agents shall be used only by persons trained by instructors certified by the Florida Department of Law Enforcement, as certified instructors and shall be used only for authorized purposes as outlined in this rule. FDLE training shall be coordinated by the director of the Florida Corrections Academy. Officers shall receive training within 6 months after hire and shall receive retraining yearly. Training documentation shall be maintained in the employee's personnel file. Chemical agents shall be used only according to the principles taught by FDLE and only in situations authorized in this rule.

(c) Only those chemical agents containing oleoresin capsicum and that are non-flammable shall be approved for use. Chemical agents may be issued to correctional probation staff including clerical support staff who have received training pursuant to (6)(3)(b). Support staff may, upon request, be issued a chemical agent with less than two (2) ounces. Correctional probation staff who have received training may carry chemical agents upon their persons during working hours. If an employee has a question regarding chemical agents, he shall refer to the manufacturer's instructions or shall contact his supervisor.

(d) through (e) No change.

(f) The supervisor and circuit administrator shall be notified immediately following the use of chemical agents.

(g)(f) No change.

(h)(g) In any case in which chemical agents are used, an accurate record shall be maintained as to what type was used, how much was used, and the location and reason for use, and a factual description of the circumstances and the incident. This information shall be reflected on the Community Corrections Report of Force Used Assault Incident Report, Form DC3-210 DC4-954. The officer who used the chemical agent shall complete the report within one working day (Monday through Friday) 48 hours after the incident. This form is hereby incorporated by reference. A copy of the form may be obtained from the Probation and Parole Services Program Office, 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 this form is March 4, 1992.

(7) Report of Suspected Offender Abuse.

(a) Any employee who witnesses, or has reasonable cause to suspect, that an offender has been unlawfully abused will immediately prepare an independent report (not a Community Corrections Report of Force Used form) pursuant to s. 944.35(3)(d), F.S.

(b) The report or written communication shall be delivered to the Inspector General's Office with a copy to the circuit administrator.

(c) If the Inspector General's investigation finds that a violation of law occurred, the State Attorney within the circuit of that probation office shall be notified by the Office of the Inspector General.

Specific Authority 944.09 FS. Law Implemented 944.35 FS. History--New 5-28-86, Amended 8-6-90, 2-15-98, Formerly 33-24.017, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2000

**DEPARTMENT OF CORRECTIONS**

RULE TITLES:	RULE NOS.:
Inmate Discipline – Terminology and Definitions	33-601.302
Reporting Disciplinary Infractions	33-601.303
Preparation of Disciplinary Reports	33-601.304
Inmate Discipline – Investigation	33-601.305
Inmate Discipline – Use of Confidential Informants During Investigation	33-601.3055
Disciplinary Hearings	33-601.307
Disciplinary Team, Hearing Officer Findings and Action	33-601.308
Inmate Discipline – Review and Final Action	33-601.309
Inmate Discipline – Rehearings	33-601.310
Inmate Discipline – Miscellaneous Provisions	33-601.311
Inmate Discipline – Forms	33-601.313

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to provide definitions of applicable terms, establish forms relevant to inmate discipline, and clarify procedures relating to inmate discipline.

SUMMARY: The proposed rules clarify: titles, waivers, procedures relating to deliberations and hearings, procedures relating to inmates held in administrative confinement pending disciplinary hearings, procedures relating to actions which may be taken following a finding of guilt, and procedures relating to rehearings. The proposed rules also establish time limits for investigations and establish procedures relating to the use of confidential information in disciplinary proceedings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.091 FS.

LAW IMPLEMENTED: 20.315, 120.55, 944.09, 944.34, 944.719, 945.04, 945.091 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Giselle Lysten Rivera, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of rule 33-601.302 follows. See Florida Administrative for present text.)

33-601.302 Inmate Discipline – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the Department:

(1) Classification officer – as used herein, refers to any classification officer position, including senior classification officer and classification supervisor.

(2) Contact Card – refers to Form DC4-364A, a written log used to document aberrant behavior of an inmate. Correctional officers maintain this card in the inmate's assigned dormitory.

(3) Corrective Consultation – A written reprimand for a violation of rules of such a minor nature that no disciplinary report is necessary.

(4) Department Head – The staff person in charge of a work unit at a correctional facility.

(5) Designating Authority – The employee assigned by the warden who shall review disciplinary reports prior to hearing to determine if the disciplinary report is in accordance with due process requirements and rules 33-601.301-601.314, and whether it shall be designated as minor or major as defined by 33-601.302(11) and (12).

(6) Disciplinary Hearing – The procedure used to provide administrative due process requirements for inmates charged with violating the rules of the Department.

(7) Disciplinary Report – A formal method of charging an inmate with a rule violation. The disciplinary report is an Offender Based Information System (OBIS) computer screen entry into the Automated Discipline and Integrated Offender System (ADIOS).

(8) Disciplinary Team – A team made up of at least two staff persons, one of whom shall be a correctional officer lieutenant or above who will be responsible for hearing disciplinary reports.

(9) Hearing Officer – An employee, who is of the rank of Lieutenant or higher, who will be responsible for hearing disciplinary reports designated as minor.

(10) Investigator – The staff member assigned to investigate infractions, conduct interviews and collect evidence relating to the disciplinary infraction.

(11) Major Violation – Any rule violation where the maximum penalty is 30 DC + 30 GT or greater, or where the maximum penalty is less than 30 DC + 30 GT and the designating authority has determined that based upon one or more of the criteria listed in 33-601.302(12), it is assigned to the disciplinary team as a major disciplinary report.

(12) Minor Violation – Any rule violation for which the maximum penalty that could be imposed is less than 30 days disciplinary confinement + 30 days loss of gain time shall be considered for assignment to the hearing officer as a minor disciplinary report based on:

(a) The nature and circumstances of the offense;

(b) The inmate's disciplinary history;

(c) The period of time that has elapsed since the inmate's last disciplinary report.

(13) Rehearing – A process to reconsider the disciplinary report due to discovery of an error at any time after a finding of guilt.

(14) Staff Assistant – An employee, appointed by the warden, whose name is placed on a list maintained by the disciplinary team and who is assigned by the team to assist the inmate. A staff assistant is not to take the position of an advocate or defense attorney. A staff assistant is assigned to an inmate under the following circumstances:

(a) To explain the charges or disciplinary procedures to the inmate.

(b) To assist the inmate when the disciplinary team determines that the inmate is illiterate or does not understand English.

(c) When the inmate has a disability that would hinder his or her ability to represent himself or herself.

(d) When the complexity of the issue makes it unlikely that the inmate will be able to properly represent himself.

(15) Shift Supervisor – The correctional officer in charge of security on any work shift.

(16) Witness – Any person having information relevant to facts in dispute of the case.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History–New 3-12-84, Formerly 33-22.02, Amended 12-30-86, 10-1-95, Formerly 33-22.002, Amended 5-21-00, \_\_\_\_\_.

33-601.303 Reporting Disciplinary Infractions.

(1) When any employee or person supervising inmates witnesses an act or has reason to believe that an act has been committed by an inmate which is in violation of the rules or procedures of the Department and that employee determines that the infraction can be properly disposed of without a formal disciplinary report, the employee shall take the necessary action to resolve the matter. The employee may decide to reprimand the inmate verbally or in writing through use of Form DC6-117, Corrective Consultation of Inmate.

(a) A verbal reprimand is any employee's verbal counseling to the inmate designed to motivate the inmate to comply with, or to clarify the rules of prohibited conduct, departmental rules or procedures or institutional regulations. Verbal reprimands will be documented on the inmate's contact card, Form DC4-364A.

(b) If the employee decides to reprimand the inmate in writing, the employee shall issue the inmate a Corrective Consultation, Form DC6-117. Form DC6-117 is incorporated in rule 33-601.313. A copy of the corrective consultation will be provided to the inmate within twenty-four hours of the writing of the corrective consultation and a copy will be placed in the inmate's institutional file.

(2) If the employee cannot resolve the matter through a verbal reprimand or corrective consultation, the employee shall consult with and obtain approval from his or her the employee's supervisor regarding preparation of a formal disciplinary report, ~~Form EF6-014~~ unless the employee is at the department head level or correctional officer lieutenant level or above.

(3) When it appears that laws of the state have been violated, the Office of the Inspector General shall be notified, who will in turn contact the State Attorney when deemed appropriate shall be notified. If the State Attorney decides to prosecute, his office shall be consulted as to the suitability of disciplinary action being taken by the institution prior to the prosecution being concluded.

(a) through (c) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History–New 3-12-84, Formerly 33-22.04, Amended 12-30-86, 10-1-95, Formerly 33-22.004, Amended 5-21-00, \_\_\_\_\_.

33-601.304 Preparation of Disciplinary Reports.

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

(3) The completed disciplinary report shall be turned in to the shift supervisor.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History–New 3-12-84, Formerly 33-22.05, Amended 12-30-86, 10-1-95, Formerly 33-22.005, Amended 5-21-00, \_\_\_\_\_.

## 33-601.305 Inmate Discipline – Investigation.

The investigating officer shall initiate the investigation of the infraction within 24 hours of the writing after receipt of the disciplinary report. The investigating officer is responsible for the following:

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

(b) Ensuring that the inmate has been provided a written copy of the charges.

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

(f) Completing and obtaining the inmate's signature on the Witness Disposition, Form DC6-112B. Form DC6-112B is incorporated by reference in Rule 33-601.313.

(3) Interviewing additional persons who may have information pertaining to the infraction, including those who are listed in the statement of facts or specifically referenced by the charging staff person or specifically identified by the charged inmate who may have information pertaining to the infraction.

(4) Recording the results of the investigation on the Disciplinary Investigative Report, Form DC6-112A. Form DC6-112A is incorporated by reference in Rule 33-601.313.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History—New 10-1-95, Formerly 33-22.0055, Amended 5-21-00, \_\_\_\_\_.

## 33-601.3055 Inmate Discipline – Use of Confidential Informants During Investigation.

The investigator shall interview the informant and obtain a statement of the incident in question. This information shall be recorded by the investigator in the disciplinary investigative report. The investigator shall also document whether the informant has direct or indirect knowledge of the case, whether the informant has provided information in the past, and whether the information has been reliable, unreliable, or both. If the informant has allegedly provided confidential information in the past, the investigator will document to whom and confirm with the staff member in the disciplinary investigative report. The investigator will document only the informant's social security number for identification purposes on the witness disposition form after the charged inmate reviews and signs the form.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History—New \_\_\_\_\_.

## 33-601.307 Disciplinary Hearings.

(1)(a) No hearing shall commence prior to 24 hours following the delivery of the charges except when the inmate's release date does not allow time for such notice or the inmate waives the 24 hour period. In such cases, an explanation shall be provided in the basis of findings section of the disciplinary report. The inmate may waive the 24-hour waiting period. In such cases, a waiver must be signed by the inmate, witnessed by an employee, and copies attached to each copy of the disciplinary report. Form DC6-112D, 24 Hour/Refusal to

Appear Waiver, shall be used for this purpose. The disciplinary team or hearing officer shall provide an explanation in the basis of findings section whenever the waiver process is utilized. Form DC6-112D is incorporated in Rule 33-601.313.

(b) through (f) No change.

(g) If the inmate pleads "guilty," no further evidence needs to be heard. If the inmate pleads "not guilty," evidence is to be presented, including witness statement forms obtained from witnesses. ~~The chairman of the disciplinary team or the hearing officer may determine that the source of certain information or the information itself should not be revealed to the inmate when the disclosure would endanger the safety or well-being of another person or affect institutional security and order. If a witness statement is not read, the reason(s) shall be documented in the witness disposition form.~~ If other evidence is not revealed to the inmate, the reason(s) shall be documented in the basis of findings section of the disciplinary report. The inmate may make any closing statement, written or verbal, concerning the infraction for consideration by the hearing officer or disciplinary team. In the event the inmate refuses to enter a plea, it shall be treated as a "not guilty" plea insofar as hearing procedures are concerned. A "no contest" plea shall be handled as a guilty plea.

~~(h) During disciplinary team deliberations, only the team, employees being trained, and others whom the warden, chief of security, or correctional probation supervisor have previously authorized to be present and have determined will not disrupt the hearing and will benefit by observing the proceedings, shall be present.~~ The hearing officer or disciplinary team shall ensure the following in accordance with 33-601.308:

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

(h) If the team or hearing officer utilizes confidential informant information during the hearing, the team or hearing officer shall determine whether the informant has direct or indirect knowledge of the events in question. The team or hearing officer shall consider the informant's reliability by analyzing the informant's past record for providing accurate or inaccurate information. The disciplinary team or hearing officer shall not accept assurance alone from an officer as to the authenticity of the informant's information. Hearsay and second-hand knowledge not corroborated by other evidence shall not be used to support a finding of guilt. Unless supported by other evidence, information provided by a single informant shall not be used to support a finding of guilt unless the information is especially compelling. The team or hearing officer shall document the information used to determine guilt and the reliability of the information in the basis of decision section of the Disciplinary Hearing Worksheet, Form DC6-112E. If disclosure of the information would endanger the informant or adversely affect institutional security and order, the team or hearing officer shall document the information and the reasons for not revealing it to the inmate in the comment section of the witness disposition form.

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

(k) The only persons present during disciplinary team deliberations shall be the team, employees being trained, and others whom the warden, the chief of security, or the classification supervisor have previously authorized to be present after having determined that these persons will not disrupt the hearing and will benefit by observing the proceedings.

(4) through (a) No change.

(b) If further review suggests a different charge should have been indicated or that additions, deletions or changes should be made in the statement of facts (change section narrative) then the originator shall rewrite the disciplinary report shall be rewritten, a copy of the new or corrected disciplinary report shall be delivered to the inmate, a new investigation shall be prepared and the disciplinary report shall be scheduled for a hearing. The original report shall not be processed. Notation of this occurrence shall be incorporated in the findings of the disciplinary team or hearing officer with an indication of the reason that the disciplinary report was rewritten and delayed.

(c) The inmate shall be informed of the final decision by the hearing officer or disciplinary team and the basis for that decision.

(d) The hearing officer's electronic signature and name or the electronic signature and names of all members of the disciplinary team shall be typed or printed on the Disciplinary Report, ~~Form EF6-011~~.

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

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History–New 3-12-84, Formerly 33-22.06, Amended 12-30-86, 10-1-95, 12-10-97, 5-19-98, Formerly 33-22.006, Amended 5-21-00, \_\_\_\_\_.

33-601.308 Disciplinary Team, Hearing Officer Findings and Action.

(1) The disciplinary team or hearing officer's findings shall enumerate the specific facts derived from the disciplinary report, the disciplinary investigative report investigation or the witness statements and what specific evidence was used in the disciplinary teams's or hearing officer's conclusion.

(2) through (c) No change.

(3) If the inmate has been held in administrative confinement pending the disciplinary hearing and the decision is not to impose disciplinary confinement as part of the disciplinary action, the disciplinary team or hearing officer shall notify the confinement supervisor who shall coordinate the release of the inmate from administrative confinement. If the confinement supervisor discovers other pending issues or actions, the institutional classification team will be required to immediately review the case.

~~(4)(3)~~ If the inmate is found guilty the disciplinary team shall impose any one or a combination of the below actions. The hearing officer's authority is limited to subparagraphs ~~(3)(a)~~ through ~~(3)(j)~~ below:

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

2. Payment for damaged, destroyed or misappropriated property shall be at the replacement value and inmate or staff labor costs shall not be included. However, outside labor costs may be charged when the damage is the result of a deliberate destructive act. In such cases, the disciplinary team chairman or hearing officer shall prepare a memo, forward a copy to the service center and place a copy ~~documentation shall be placed~~ in the inmate file at the local institution detailing the cost involved. The total cost shall be reflected in the disciplinary report.

3. through (n) No change.

(o) Require inmates assigned to work release a community correctional centers to participate in the work release program to pay the cost of substance abuse analysis test(s) administered when the result(s) are positive.

(4) through (5) renumbered (5) through (6) No change.

Specific Authority 944.09, 945.091 FS. Law Implemented 20.315, 944.09, 945.04, 945.091 FS. History–New 3-12-84, Formerly 33-22.08, Amended 11-13-84, 12-30-86, 6-25-89, 7-17-90, 10-1-95, 11-25-98, 8-5-99, Formerly 33-22.008, Amended 5-21-00, \_\_\_\_\_.

33-601.309 Inmate Discipline – Review and Final Action.

(1) The c~~Chief~~ correctional officers at a community work release centers, or the senior staff person at a contract facility~~ies~~ shall review the disciplinary action and recommend approval, modification or disapproval to the warden.

(2) No change.

(3) The regional director of institutions acts as the final reviewing authority for all disciplinary reports in which the recommended penalty exceeds 365 days loss of gain time.

(4) The warden or regional director of institutions shall approve, modify downward or disapprove the recommended disciplinary action. The above mentioned or the d~~Deputy~~ Director of i~~Institutions~~ (classification) is authorized to direct a rehearing of the disciplinary report as provided for in rule 33-601.310. Review of each disciplinary report is the responsibility of the warden or regional director and cannot be delegated to other staff members.

(5) When the warden ~~or regional probation administrator~~ is the reporting officer of a disciplinary report the regional director of institutions shall act as reviewing and approving authority.

(6) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04 FS. History–New 3-12-84, Formerly 33-22.09, Amended 12-30-86, 6-20-91, 10-1-95, Formerly 33-22.009, Amended 5-21-00, \_\_\_\_\_.

33-601.310 Inmate Discipline – Rehearings.

(1) If an error is discovered at any time after an inmate has been found guilty of a disciplinary infraction, the warden, the facility administrator of a private facility, or the ~~d~~Deputy ~~d~~Director of ~~i~~nstitutions (classification) or designee is authorized to cause a rehearing to take place within 30 days of the discovery of the error or the receipt of a successful grievance or appeal. The individual ordering the rehearing shall note the specific reasons for the rehearing on the disciplinary report. A rehearing shall not be held following a finding of “not guilty”.

(2) The investigation may incorporate those portions of the previous investigation that are not affected by the need for the rehearing. The rehearing shall proceed according to the provisions of rule 33-601.307. No inmate is authorized to request a rehearing.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04 FS. History–New 10-1-95, Formerly 33-22.0105, Amended 5-21-00,\_\_\_\_\_.

33-601.311 Inmate Discipline – Miscellaneous Provisions.

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

(c) If it becomes necessary to transfer an inmate who is serving a disciplinary penalty to another institution and the sending institutions feels this disciplinary penalty should continue at the receiving institution, the sending institution shall attach a copy of the disciplinary report to the inmate file, and attach a complete cover memorandum requesting that the penalty be continued at the receiving institution.

(3) Should disagreements occur between the facility administrator of a privately operated correctional institution and the classification staff pertaining to disciplinary matters, the regional director of institutions shall be responsible for resolution.

(4) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04 FS. History–New 3-12-84, Formerly 33-22.11, Amended 12-30-86, 5-24-90, 6-20-91, 10-1-95, Formerly 33-22.011, Amended 5-21-00,\_\_\_\_\_.

33-601.313 Inmate Discipline – Forms.

(1) through (b) No change.

(c) DC4-364A, Contact Card, effective date  
~~EF6 011, Disciplinary Report, effective date 5-21-00.~~

(d) through (h) No change.

(2) Copies of these forms can be obtained from The Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Fla. 32399-2500. ~~if forms are to be mailed, the request must be accompanied by a self addressed stamped envelope.~~

Specific Authority 944.09 FS. Law Implemented 20.315, 120.55, 944.09, 944.34, 945.04 FS. History–New 10-1-95, Formerly 33-22.0117, Amended 5-21-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard Dugger

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 18, 2000

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Inmate Substance Abuse Testing

RULE NO.: 33-602.2045

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct relevant titles, provide and update forms, and clarify procedures relating to inmate substance abuse testing.

SUMMARY: The proposed rule provides definitions of relevant terms, clarifies procedures for on-site testing of inmates by authorized personnel, clarifies procedures relative to confirmation testing, corrects titles, clarifies the titles of persons in authority who may order testing, and clarifies procedures relating to random drug testing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.472, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.472, 944.473 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: Giselle Lysten Rivera, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.2045 Inmate Substance Abuse Testing.

~~The Office of the Inspector General Bureau of Security and Institutional Operations~~ shall be responsible for the development and implementation of the department’s substance abuse testing program.

(1) Definitions.

(a) Random Selection – A computerized random selection model utilized to obtain a sample of inmates to be tested for drugs or alcohol. ~~Every inmate in the custody of the department has an equal chance of being selected.~~

~~(b) Collector~~ — a correctional officer who has been trained and certified by certified testing personnel or by other personnel who have been certified on the proper procedures for collecting, handling, and disposing of urine specimens, and on the procedures for completing the chain of evidence form.

~~(b)(e)~~ Tester — a correctional officer who has been trained and certified by the manufacturer of the onsite testing device or certified training personnel, affiliated with the department, on the proper procedures for collecting urine specimens, including the completion and maintenance of the Chain of Custody Form, the handling and disposing of urine specimens, and the administration and interpretation of the on-site testing device contractor or a master trainer to operate the drug testing equipment, and to review and certify test results. All testing personnel must be approved by the Office of the Inspector General. The Chain of Custody Form is incorporated by reference in Section (3)(g) of this rule.

~~(c)(d)~~ No change.

~~(d)(e)~~ Chain of Custody evidence Form — the form used to document the identity and integrity of an inmate’s specimen from time of collection until the specimen is prepared for shipment to a designated outside laboratory for confirmation testing, through specimen transport, testing, and reporting of results. Form DC6-217 is used for this purpose. This form will be provided by the laboratory conducting confirmation tests on specimens that had a positive result on the on-site testing device.

~~(e)(f)~~ Test refusal — failure on the part of an inmate to fully comply with the department’s substance abuse testing procedures, which includes failing to provide a valid urine specimen, attempting to alter his or her urine specimen with adulterants, as established by an on-site specimen validity testing device, and using substitute urine in makeshift devices or objects. Any inmate who refuses to comply with the testing process or fails to provide a valid specimen, within the specified time frames as stipulated in section (3)(b)8. and (3)(b)10., shall be given a disciplinary report in accordance with rules 33-601.301-601.314.

~~(f)~~ Dry cell — refers to a secure cell without a water supply or one in which the water supply has been interrupted.

~~(g)~~ Bashful Bladder (Avoidant Paruresis) — is a documented medical condition that prevents a person from urinating in the presence of another person or in a public facility.

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

1. Inmates suspected of involvement with drugs or alcohol shall be subject to for-cause testing upon order of the warden or, duty warden of the institution, or the correctional officer chief of the facility, or their designees, or the Office of the Inspector General the major of the community facility. An inmate should only ~~can~~ be tested for a maximum ~~minimum~~ of

four three drugs on a for-cause basis, unless extenuating circumstances exist. For-cause tests will only be conducted on inmates who meet the criteria outlined in 2.a. through c. below.

2. through 4. No change.

5. Upon approval of the warden, duty warden, correctional officer chief, or major ~~major~~ their designees, or the Office of the Inspector General, collection and testing procedures shall be conducted immediately pursuant to this rule.

6. A copy of the Incident Report, Form DC6-210, shall be attached to the facility’s copy of the Chain of Custody evidence Form for positive specimens sent to the laboratory for confirmation testing and both documents shall be immediately forwarded to the testing facility. Form DC6-210 is incorporated in Rule 33-602.210. The Chain of Custody Form is incorporated by reference in section (3)(g) of this rule.

(b) Random Substance Abuse Testing. All correctional facilities shall receive on a weekly basis a list of the names and DC numbers of inmates generated through random selection for substance abuse testing. The list will be electronically transmitted from the Offender Base Information System to the secure printer of the warden of each major institution or the correctional officer chief of the correctional facility and to the major of each community correctional center. Any facility that does not have a secure printer will have their respective list printed to a secure printer at another facility as designated by the warden of the institution or correctional officer chief of the facility. The list is considered confidential and shall not be disseminated to inmates or non-essential staff members prior to testing. Each time an inmate’s name appears on the random list, he or she shall be tested regardless of whether or not he or she has been previously tested.

(c) No change.

(3) Procedures.

(a) Chain of Custody evidence.

1. At a minimum, the Chain of Custody evidence Form, DC6-217, must include inmate offender and tester collector ~~tester collector~~ identification, initials initialed ~~initials~~ by both the inmate and the tester collector, date and time of collection, and type of test (i.e., random, for-cause or substance abuse treatment program participation), and identification of all individuals who had custody of the specimen from the time of collection until the specimen was prepared for shipment to the laboratory. Once the outside laboratory receives the specimen, it will become the laboratory’s responsibility to maintain a chain of custody throughout the testing process.

2. The Chain of Custody evidence Form, DC6-217 allows for any comments by the tester collector ~~tester collector~~ regarding any unusual observations. Any failure by the inmate to cooperate with the collection process, and the unusual nature (e.g., discolored urine or urine containing foreign objects) of any specimen provided shall be noted.



3. The ~~tester collector~~ shall ensure that all collected urine specimens, being sent to a designated outside laboratory for confirmation testing, are properly labeled and sealed with a security ~~evidence~~ label as provided on the Chain of Custody Form. The ~~tester collector~~ shall also ensure that the Chain of Custody evidence Form for all collected urine specimens is completed in accordance with procedures. ~~One form can be used to accompany multiple urine specimens collected and transported together.~~

4. If an inmate is unable or unwilling to enter his or her initials on the Chain of Custody evidence Form, the ~~tester collector~~ will make a notation in the comment section of the Chain of Custody evidence Form and leave the space blank. The ~~tester collector~~ will not under any circumstances sign the Chain of Custody evidence Form for an inmate.

~~5. An entry shall be made on the chain of evidence form, DC6-217, each time the urine specimens are transferred to the custody of another individual.~~

(b) Specimen Collection Procedures.

1. The ~~tester collector~~ shall ensure that all urine specimens are collected in accordance with procedures. All collections shall be performed under direct observation, where the ~~tester collector~~ directly observes the voiding of urine into the specimen cup. Direct observation may also be accomplished through use of mirrors strategically mounted in the collection rest room.

2. Under no circumstances is direct observation by a ~~tester collector~~ of the opposite sex from the inmate allowed.

3. The ~~tester collector~~ shall ensure that there is positive inmate identification prior to collecting the inmate's urine specimen. Sight, name, DC number, and examination of picture identification card shall provide positive identification of the inmate selected for drug testing.

4. The ~~tester collector~~ shall search the inmate to ensure that the inmate is not concealing any substances or materials that which could be used to alter or substitute his or her urine specimen. If any such substances or materials are found, the inmate will be charged with refusing to submit to a substance abuse test.

5. No change.

6. The ~~tester collector~~ shall give each inmate a closed specimen cup with an identification label containing the inmate's name and DC number prior to collecting the inmate's urine specimen. The ~~tester collector~~ shall ensure that the inmate acknowledges his or her correct identity information on the label of the specimen cup.

7. The inmate is expected to provide a minimum of 30 ml of urine. If the inmate provides less than this amount, the ~~tester collector~~ shall again attempt to collect an adequate specimen. If the inmate cannot immediately submit another urine specimen, then the procedure outlined in 8. below for a claimed inability to provide a urine specimen shall apply.

8. An inmate who has not provided an adulterated urine specimen and who indicates a claimed inability to provide an adequate urine specimen shall be detained in the presence of the ~~tester collector~~ or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period and an Acknowledgement of Beverage Form, DC1-823, shall be completed. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with rules 33-601.301-601.314. ~~The collector shall note such failure to provide a specimen on the chain of evidence form, DC6-217.~~ If an inmate claims an inability to urinate due to a "bashful bladder" condition, procedures set forth in (3)(c) shall apply. Forms DC1-823, Acknowledgement of Beverage Form, is incorporated by reference in Section (3)(g) of this rule.

9. After the inmate has voided a urine specimen into the cup, the tester will visually inspect the urine specimen to make sure that the specimen appears to be valid and unadulterated ~~collector shall direct the inmate to close the cup tightly before placing the cup into the collector's custody.~~ If the tester suspects that the specimen has been adulterated based upon observation, experience, or prior training, the tester will utilize the on-site specimen validity-testing device in front of the inmate following the manufacturer's testing protocols. If a positive result is received on the on-site specimen validity testing device indicating that the urine specimen was adulterated, the adulterated specimen will not be accepted as a valid specimen and will be discarded. The inmate will be required to submit a valid and unadulterated specimen. If the inmate cannot submit a valid and unadulterated specimen, then the procedure outlined below in section (3)(b)10. shall apply.

10. Inmates who have adulterated their urine specimen by ingesting substances, as established by the on-site testing device, shall be detained in the presence of the tester or placed in a "dry cell" for a period not to exceed two (2) hours. During that time, the inmate shall not be allowed to consume any water or other beverage. If, after the two hour period, an inmate still fails to submit an unadulterated valid urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with rules 33-601.301-601.314. The collector shall visually inspect all urine specimens placed in his or her custody to ensure that a valid, fresh, unadulterated urine specimen was provided. Urine specimens which are discovered to be obviously altered (e.g., discolored or containing foreign objects), will not be accepted as valid specimens. A suspect urine specimen will be discarded and the inmate will be required to submit another urine specimen. If the inmate

cannot submit a urine specimen, then the procedure outlined above for a claimed inability to provide a urine specimen shall apply.

11. Once the tester has determined that the urine specimen is valid and unadulterated, the tester shall direct the inmate where to place the urine specimen so that the on-site test can be conducted. The specimen must be in view of the inmate throughout the entire testing process.

~~12.44.~~ If a urine specimen contains blood or appears to contain blood, the inmate who produced the specimen shall be referred immediately to the medical department for evaluation. If no valid reason exists for having blood in the specimen, the inmate will be required to provide another urine specimen. If the inmate cannot submit a urine specimen, then the procedure outlined above for a claimed inability to provide a urine specimen shall apply.

~~12.~~ ~~Once the urine specimen has been securely closed by the inmate, the collector shall attach a security evidence label across the lid of the sample cup under the inmate's observation. The collector shall instruct the inmate to place his or her initials on the chain of evidence form verifying that the urine specimen was collected and sealed under the inmate's observation and that the specimen cup identification is correct.~~

(c) No change.

1. The inmate shall be informed that he or she will be placed in a dry holding cell until he or she can provide a valid urine specimen. The inmate shall be issued a hospital or other type privacy gown during the time that he or she is housed in the dry holding cell.

2. The inmate shall remove the contents of his or her pockets, and his or her shirt, shoes, pants and hat. The inmate shall be thoroughly searched prior to entering the dry holding cell to prevent him or her from using any adulterants such as bleach or cleanser to alter his or her urine specimen.

3. The ~~tester collector~~ shall give the inmate a closed specimen cup with an identification label containing the inmate's name and DC number. The ~~testing collecting~~ officer shall ensure that the inmate acknowledges his or her correct identity information on the label of the specimen cup.

4. The inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of two cups during the time spent in the dry holding cell and an Acknowledgement of Beverage Form, DC1-823, shall be completed.

5. No change.

6. Upon receipt of the urine specimen ~~that has been securely closed by the inmate,~~ the ~~tester collector~~ shall visually inspect the urine specimen to ensure it appears valid and unadulterated and the procedures outlined in (3)(d)1. for the testing of urine specimens shall be followed ~~attach a security evidence label across the lid of the sample cup under the inmate's observation. The inmate shall be instructed to place~~

his or her initials on the chain of evidence form verifying that the urine specimen was collected and that the specimen cup identification is correct.

(d) Testing of urine specimens.

1. Only certified testing personnel are authorized to utilize the on-site testing equipment ~~operate the drug testing equipment.~~ For every on-site test conducted, regardless of purpose, the Inmate Scannable Drug Testing Control Card shall be filled out. The Inmate Scannable Drug Testing Control Card, is incorporated in section (3)(g) of this rule.

2. Certified testers shall follow collection procedures in section (3)(b) ~~examine each specimen prior to testing to ensure that the security evidence label is intact and that the specimen labeling and the chain of evidence form, DC6-217, is in proper order. In the event that the tamper-evident seal is damaged or the chain of evidence form is incomplete, the tester shall not test those urine specimens.~~

3. All on-site testing procedures shall be conducted in the presence of the inmate in accordance with the manufacturer's protocols. Any specimens found to be positive upon initial testing shall be re-tested at the department testing facility that day with a fresh aliquot of the specimen prior to reporting test results. Specimens testing negative on the retest shall be reported as negative.

4. After the tester has taken a sample of urine from the specimen cup for the on-site testing device, the tester shall close the cup tightly. When a urine specimen's initial test results are positive, the tester shall follow the following procedures:

a. ~~After double checking the positive specimen's identity, the tester shall pipette a second urine sample from the original urine specimen cup and conduct the urinalysis testing procedure again, testing each positive specimen only for those drugs found positive on the initial test. Batch runs of several initial positive specimens are authorized.~~

b. ~~If a specimen's results are negative on repeat testing, the tester shall document the test results on the random sample list and chain of custody form and dispose of the urine specimen and specimen cup.~~

e. ~~If the urine specimen's test results are again positive on repeat testing, the tester shall document the test results as positive on the random list and substance abuse list and chain of custody form.~~

5. Negative test results. The tester shall inform the inmate of the negative test results of the on-site testing device. The tester shall record all negative test results on the Inmate Scannable Drug Testing Control Card and the OBIS printout. The tester will then dispose of the remaining specimen, specimen cup and testing device. All forms shall be retained in accordance with state law and rules governing the retention of records.

6. Positive test results. The tester shall inform the inmate of the positive results of the on-site testing device. The inmate will then be given the opportunity to sign an Affidavit for Admission of Drug Use, DC1-824. Form DC1-824, Affidavit for Admission of Drug Use, is incorporated by reference in section (3)(g) of this rule.

a. If the inmate chooses to sign the Affidavit for Admission of Drug Use, DC1-824, the testing officer shall complete the affidavit form and have the inmate swear to its content, with the officer witnessing the inmate's signature. The inmate will be placed into administrative confinement and a disciplinary report written. The signed Affidavit for Admission of Drug Use, DC1-824, will be attached to the disciplinary report to be used as evidence in the disciplinary report hearing.

b. The testing officer will complete the Inmate Scannable Drug Testing Control Card indicating the positive results of the on-site testing device.

c. If the inmate does not sign the Affidavit for Admission of Drug Use, DC1-824, the following steps shall be taken:

i. Once the urine specimen has been securely closed by the tester, the tester shall attach a security seal from the Chain of Custody Form across the lid of the sample cup under the inmate's observation.

ii. The tester shall instruct the inmate to place his or her initials on the Chain of Custody Form verifying that the urine specimen was collected and sealed under the inmate's observation and that the specimen cup identification is correct.

iii. The tester shall then prepare the urine specimen for shipment, by a commercial carrier, to the designated outside laboratory for confirmation testing.

iv. Inmates with positive test results on the on-site testing device shall immediately be placed in administrative confinement pending investigation until results of the confirmation test are received.

7. Once received from the outside laboratory, the confirmation testing results will be entered onto the respective Inmate Scannable Drug Testing Control Card. If the confirmation testing results are positive, a copy of the results will be attached to the disciplinary report for use as evidence during the disciplinary hearing.

(e) Other on-site testing device procedures of urine specimens. Community correctional centers are authorized to conduct on-site testing of urine specimens in lieu of transporting specimens to testing facilities for initial testing.

1. Due to product limitations, it may become necessary to utilize other noninvasive on-site testing devices for alcohol testing. In such instances, the certified tester will utilize the on-site testing device in the presence of the inmate following the manufacturer's testing protocols. If the initial result of the on-site testing device is positive, and the inmate declines to sign the Affidavit for Admission of Drug Use Form, DC1-824, then a urine specimen will be obtained from the inmate and sent to a designated outside laboratory for confirmation testing,

in accordance with the procedures outlined in section (3)(b), specimen collection procedures, and section (3)(d), testing of urine specimens.

1. Specimen collection procedures. Collectors shall follow collection procedures in (3)(b), with the exception that a security evidence label shall not be placed on the lid of the cup unless the specimen is found to be positive.

2. Testing procedures. All on-site testing procedures shall be conducted in the presence of the inmate in accordance with the manufacturer's protocols.

a. After the collector has taken a sample of urine from the specimen cup for the test, the inmate shall be directed to close the cup tightly.

b. After the collector has followed the steps specified in the manufacturer's protocols, the collector shall record the test results on the chain of evidence form.

3. Negative test results. The collector shall inform the inmate of the negative test results of the on-site test. The collector shall record all negative test results on the chain of evidence form and dispose of the remaining specimen, specimen cup and test device. All chain of custody forms shall be retained in accordance with state law and rules governing the retention of records.

4. Positive test results. The collector shall inform the inmate of the positive test results of the on-site test. The collector shall record the positive test results on the chain of custody form and prepare the urine specimen for transfer to the designated testing facility in accordance with (3)(b) for a verification urine drug test. Inmates with positive test results on the initial on-site test shall immediately be placed in administrative confinement pending investigation until results of the confirmation test are received. a second test is conducted pursuant to (3)(d) and results are obtained.

2.5. All correctional facilities shall maintain a record of all reasonable suspicion substance abuse tests conducted. This record shall be maintained by the correctional officer chief or his designee. Form DC6-237, Reasonable Suspicion Testing Tracking Form, shall be utilized for this purpose. Form DC6-237, Reasonable Suspicion Testing Tracking Form, is incorporated by reference in section (3)(g) of this rule.

(f) Record keeping. Each testing facility shall keep all records pertaining to the testing program. This includes the drug testing list and results, Chain of Custody evidence documentation forms, laboratory confirmation reports, and inventory control logs hard copy instrument printouts of calibration and testing, results of performance on proficiency test specimens, results of performance on inspections, and instrument and other equipment maintenance records. All records shall be kept in accordance with state law and rules regarding retention of records.

(g) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of these forms, unless otherwise indicated, may be obtained from the Forms

Control Administrator, Office of the General Counsel, 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.~~

1. Form DC1-823, Acknowledgement of Beverage, effective date \_\_\_\_\_, Form DC6-217, Chain of Evidence, effective date February 8, 2000.

2. Form DC1-824 Affidavit for Admission of Drug Use, effective date \_\_\_\_\_.

3. Chain of Custody, effective date \_\_\_\_\_, is a vendor form that may be obtained directly from the vendor or through the Office of the Inspector General, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

4. Inmate Scannable Drug Testing Control Card, effective date \_\_\_\_\_, is a vendor form that may be obtained directly from the vendor or through the Office of the Inspector General, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

~~5.2.~~ Form DC6-237, Reasonable Suspicion Testing Tracking Form, effective date February 8, 2000.

Specific Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History--New 2-8-00, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fred Schuknecht  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF HEALTH  
Board of Osteopathic Medicine**

RULE TITLE: Procedure  
RULE NO.: 64B15-16.002

PURPOSE AND EFFECT: The purpose of the rule amendments is to impose further licensure requirements for applicants.

SUMMARY: The Board is amending subsection (3) of this rule to require applicants to document certain situations for having taken a non-AOA approved rotating internship.

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

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

SPECIFIC AUTHORITY: 459.005, 459.006(1), 459.007(1) FS.

LAW IMPLEMENTED: 459.006(1), 459.007(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-16.002 Procedure.

(1) through (2) No change.

(3) When the AOA approves the ACGME residency's PGY-1 year for educational equivalency and denies the demonstration of good cause for having taken the ACGME residency, the Board of Osteopathic Medicine shall review the applicant's demonstration of good cause. Good cause for having taken a non-AOA approved rotating internship shall be:

(a) Personal limitation created by a documented physical or medical disability.

(b) Unique documented opportunity otherwise unavailable that meets a practice area of critical need.

(c) Documented legal ~~Legal~~ restriction which requires physical presence in a particular state or local area.

(d) No change.

(e) Previous program met all AOA requirements but, due to documented circumstances beyond the control of the applicant, was discontinued.

(f) through (g) No change.

(4) No change.

Specific Authority 459.006(1), 459.007(1), 459.005 FS. Law Implemented 459.006(1), 459.007(1) FS. History--New 7-15-96, Formerly 59W-16.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 18, 2000

**Section III  
Notices of Changes, Corrections and  
Withdrawals**

**DEPARTMENT OF INSURANCE**

**Risidual markets and Special Risk Pools**

RULE NO.:  
4J-1.001

RULE TITLE:  
FWUA Plan of Operation and  
Articles of Agreement Adopted

SECOND 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., Florida Statutes, published in Vol. 26, No. 29, July 21, 2000 of the Florida Administrative Weekly and a Notice of Change was published in Vol. 26, No. 31, August 4, 2000.

This will be changed to read, "The Florida Windstorm Underwriting Association Amended and Restated Plan of Operation and Restated Articles of Agreement, as revised October 3, 2000, is hereby adopted and incorporated by reference."

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Emergency Management**

RULE NO.: 9G-2.002  
 RULE TITLE: State Comprehensive Emergency Management Plan Adopted

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to The State of Florida Comprehensive Emergency Management Plan as incorporated by reference in proposed Rule 9G-2.002, the Notice of Proposed Rulemaking for which appeared June 30, 2000, in Vol. 26, No. 26 of the Florida Administrative Weekly. Only the amended portions of the Plan are shown; strike-through and underline formatting is used to reflect the changes. To request a complete copy of this document, contact Michael McDonald, Response Planning Administrator, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9953, Suncom 293-9953.

- IV. Method of Operations
- B. Coordination, Direction and Control
- 2. State Level.

c. Coordination of regional and multi-regional evacuations, and subsequent re-entry into evacuated areas, will occur between all affected risk and host counties, other States, and the State Emergency Operating Center under the direction and control of the State Emergency Response Team Chief. Prior to a regional evacuation and under the direction of the State Emergency Response Team Chief, the State Emergency Response Team will implement coordination with the affected counties, the State guidelines for the lifting of tolls on State toll facilities per the Florida Department of Transportation, Office of Toll Operations, Emergency Response Plan for Hurricanes and Other Emergencies; as well as the locking down of drawbridges, deploying and pre-deploying personnel, determining regional evacuation routes; ensuring the sufficiency of reasonably priced fuel, and addressing any emergency medical issues per the State of Florida Regional Evacuation Procedure (June, 2000). Also, counties that are not impacted by an emergency/disaster situation, may be directed by the State Coordinating Officer to activate their emergency

operating centers to provide emergency assistance. (Regional and/or multi-regional evacuations will be in accordance to the most current version of the State of Florida Regional Evacuation Procedure.)

4. Intergovernmental Mutual Aid.

b. ~~The Statewide Mutual Aid Agreement for Disaster Response and Recovery allows "Participating Parties" (the Department of Community Affairs and any and all special districts, educational districts, and other local and regional governments signatory to the Agreement) to request assistance (oral or written) for a major or catastrophic disaster. If a Participating Party has no other mutual aid agreement that covers a minor disaster, it may also invoke assistance under the Statewide Agreement encourages the requesting county or political subdivision to submit a written request for mutual aid through the Division of Emergency Management or the assisting party.~~

C. Preparedness

4. Training and Exercise.

For the State's emergency management program to be successful, an effective and comprehensive Training and Exercise Program is essential. Therefore, the State Division of Emergency Management has designed a program with annual training and exercise components to evaluate the ability of the State and its political subdivisions to respond to minor, major, and catastrophic disasters and enhance the training of State, local, and volunteer personnel on their roles and responsibilities in the four phases of emergency management (i.e., preparedness, response, recovery, and mitigation). The program is an effort to ensure the operational readiness of the State Emergency Response Team and local governmental responders through the design and delivery of courses, professional development seminars and workshops, and hazard specific exercises (e.g., the Statewide Hurricane Exercise, Radiological Emergency Preparedness Exercises for commercial nuclear power plants, etc.) to test annually established plans and procedures that are activated during an emergency situation at all levels of the emergency management system.

5. Evacuation and Sheltering.

The State's vulnerability to disasters and emergencies, such as hurricanes, wild land fires, floods, etc., is a constant reminder of the gravity of planning for the safety of a growing population and millions more tourists each year. Because of this threat the importance of providing timely and well coordinated evacuation and sheltering efforts remains critical. To meet the threat the State has initiated a regional evacuation process that focuses on evacuation and sheltering as a statewide initiative. This regional evacuation process will be used by State and county government organizations to manage and coordinate any multi-county and/or regional evacuation in response to any hazard which would necessitate such actions, including the implementation of State guidelines for lifting

tolls on State toll facilities per the Florida Department of Transportation, Office of Toll Operations, Emergency Response Plan for Hurricanes and Other Emergencies; as well as the locking down of drawbridges, deploying and pre-deploying personnel, determining regional evacuation routes, ensuring the sufficiency of reasonably priced rule, and addressing any emergency medical issues per the most current versions of the State of Florida Regional Evacuation Procedure.

Since 1995 significant progress has been made towards reducing, and ultimately eliminating, the State's deficit of public shelter space to ensure the availability of adequate shelter space in each region of the State, particularly for hurricanes. Toward this end, a public shelter deficit elimination strategy that focuses on the following five components, specifically for hurricanes, is in place: 1) Surveying hurricane shelter facilities in existing local inventories to identify unutilized space; 2) Surveying facilities not currently in local inventories to identify additional capacity; 3) Providing funding for cost-effective retrofits, or other mitigation measures, on existing buildings that can provide additional shelter capacity; 4) Incorporating hurricane shelter design criteria into new public building construction projects, and; 5) Reducing hurricane shelter demand through improved public information, education and behavioral analysis.

#### V. Financial Management

The equipment, personnel and financial resources of State government may quickly be overtaxed in a disaster. The "State of Florida Resource and Financial Management Policies Policy and Procedures for Emergency Management," September 8, 2000 (February 1, 1966), establishes policy and procedure to implement statutory authorities and responsibilities for financial management related to response activities. This policy ensures that funds are provided expeditiously and that financial operations are conducted in accordance with appropriate policies, regulations and standards.

H. Appendix VIII: Emergency Support Function 8 – Health and Medical Services

#### II. Concept of Operations

#### G. Terrorism & Weapons of Mass Destruction:

The Terrorist Incident Response Annex to the Florida Comprehensive Emergency Management Plan establishes the policies, programs, and procedures that will be utilized by state agencies and statewide organizations to prepare for, respond to and recover from a threatened or actual emergency resulting from a terrorist act. It also defines the roles of local and federal government agencies and the volunteer organizations in the development, implementation and maintenance of the statewide system. A statewide plan is being developed which will be included in the Division of Emergency Management state annex to the Comprehensive Emergency Management Plan. Emergency Support Function B will have a section in this plan and references to responsibilities and actions of

Emergency Support Function 8 in this area will be included as part of the Emergency Support Function 8, Comprehensive Emergency Management Plan annex in 1998.

#### H. Mass Immigration:

Immigration is primarily a federal government responsibility. However, when the State is impacted by an influx of illegal aliens, support of federal efforts will be in accordance with The State of Florida's Standard Operating Procedure for Mass Migration Response. The mass immigration plan is being revised and when completed will become a part of the Emergency Support Function 8 Mass Immigration Annex of the State Comprehensive Management Plan. The current Plan, which is a combination of plan and standard operating procedure, will be maintained as a separate document at executive order until the revision is finished.

#### IV. Financial Management:

#### Guidelines for the Department of Health

#### 4th paragraph:

Expenditures by other departmental entities, i.e., county public health units, are documented by those entities and submitted directly to the Administrative Services disaster fiscal officer without any involvement of the Executive Order fiscal officer. ~~For additional information on the handling and processing for disaster related expenditures please see the Department of Health Federal Emergency Management Agency Grant Guide, updated for 1998.~~

## DEPARTMENT OF REVENUE

### NOTICE OF CABINET AGENDA ON NOVEMBER 29, 2000

The Governor and Cabinet, on November 29, 2000, sitting as head of the Department of Revenue, will consider approval of amendments to Rules 12-9.003, F.A.C., Qualifications; 12D-6.002, F.A.C., Assessment of Mobile Homes; 12D-7.015, F.A.C., Educational Exemption; 12D-8.013, F.A.C., Submission of Computer Tape Material to the Department; 12D-13.010, F.A.C., Destruction of Twenty-Year-Old Tax Receipts; 12D-13.063, F.A.C., Sale at Public Auction; 12D-16.002, F.A.C., Index to Forms; and consider approval of the repeal of 12D-7.017, F.A.C., Exemption of Homes for the Aged. The proposed amendment to Rule 12-9.003, F.A.C., is needed to incorporate changes to the Certified Florida Appraisers/Certified Florida Evaluators and Certified Florida Collectors/Certified Florida Collector Assistants certification course curriculum recommended by the Admissions and Certifications Committees for these certification programs. The proposed amendment to Rule 12D-6.002, F.A.C., is needed to conform the rule to section 320.055, Florida Statutes, which was amended under Chapter 99-248, Laws of Florida. The proposed amendment to Rule 12D-7.015, F.A.C., is needed to implement the provisions of Chapter 2000-306, Laws of Florida, providing for an ad valorem property tax exemption for charter school facilities. Rule 12D-7.017,

F.A.C., is proposed for repeal, as the statutes which it implements contain specific provisions relating to the exemptions provided for property used by nonprofit homes for the aged, and the rule is unnecessary. The proposed amendment to Rule 12D-8.013, F.A.C., is needed to provide for coding in property tax data files/records that will flag data that is exempt from the public records law, Chapter 119, Florida Statutes, in order to ensure confidentiality of such data. The proposed amendment to Rule 12D-13.010, F.A.C., is needed to update the rule to reflect current technologies used for storing and retrieving data. The proposed amendment to Rule 12D-13.063, F.A.C., is needed to remove language mandating acceptable methods of payment to the clerk of the circuit court for tax deeds, which methods are not statutorily required. The proposed amendment to Rule 12D-16.002, F.A.C., is needed to implement forms revisions created in Chapters 2000-262, 2000-223, and 2000-306, Laws of Florida, and incorporate other technical changes made to forms. The proposed amendments were originally noticed in the Florida Administrative Weekly of October 6, 2000, Vol. 25, No. 40, pp. 4568-4583. A public hearing on the proposed rules was held on October 30, 2000. No oral or written comments were received at the public hearing on the proposed rules as published in the October 6, 2000, Florida Administrative Weekly.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-302.104  
 RULE TITLE: Correctional Probation Officers Carrying Firearms

**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. 35, September 1, 2000, issue of the Florida Administrative Weekly:

33-302.104 Correctional Probation Officers Carrying Firearms.

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

(e) Reviewing authority, for the purpose of this rule, refers to staff who are authorized to review and approve requests to carry firearms, issue Firearm Qualification and Authorization, DC3-223, maintain lists of staff under their supervision who have been authorized to carry a firearm, and permanently remove or temporarily suspend authorization for staff to carry a firearm.

1. Circuit Administrators are the reviewing authority for Correctional Probation Officers up to the level of Deputy Circuit Administrator.

2. Directors of Regional Community Corrections are the reviewing authority for Circuit Administrators and the Assistant to the Director of Regional Community Corrections.

3. The Deputy Assistant Secretary of Community Corrections is the reviewing authority for the Directors of Regional Community Corrections.

(3) Authorization Procedures.

(a) In addition to the requirements of this rule, correctional probation officers who ~~elect wants~~ to carry firearms shall also be required to comply with rule 33-209.103 ~~where applicable~~.

(b) Any correctional probation officer who ~~elects wants~~ to carry a firearm while on duty shall complete Form DC3-226, Request for Authorization to Carry a Firearm on Duty, and submit it for such authorization through the circuit administrator. Form DC3-226, Request for Authorization to Carry a Firearm on Duty, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_. Any circuit administrator or ~~deputy assistant~~ to the ~~regional~~ director of ~~regional~~ community corrections who ~~elects wants~~ to carry a firearm while on duty shall make application utilizing Form DC3-226 to the ~~regional~~ director of ~~regional~~ community corrections. A ~~regional~~ director of ~~regional~~ community corrections who ~~elects wants~~ to carry a firearm while on duty shall make application utilizing Form DC3-226 to the ~~deputy assistant secretary~~ ~~director~~ of community corrections. The written application shall contain documentation that the individual has complied with the training and qualification requirements set forth in (c) below. The application shall also contain a statement that the officer has read and understands rule 33-302.104 and 33-209.103.

(c) Correctional probation officers who ~~elect wish~~ to carry firearms while on duty shall complete training and qualification requirements pursuant to rule 33-209.103. Correctional probation officers shall not be allowed to carry a firearm on duty until firearms qualification is successfully completed and the Firearms Qualification and Authorization, Form DC3-223, has been issued. Qualification, re-qualification and training shall be completed using the specific weapon that the officer will be using on duty and any type of ammunition approved by the local training center. Documentation of the model, make, and serial number of the weapon used and firearm inspection by a certified gunsmith or law enforcement armorer shall be submitted on the Firearm Inspection/Repair Certificate, Form DC3-240, along with the documentation of training and qualification in the application for authority to carry the firearm. A receipt of purchase or affidavit of ownership for the weapon shall also be provided. Form DC3-240 is hereby incorporated by reference. A copy of the form is 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 \_\_\_\_\_.

(d) If an officer temporarily or permanently replaces the firearm used for qualification, the officer shall notify the department of the replacement and provide the model, make and serial number of the replacement firearm. The officer shall re-qualify with the replacement weapon and submit a Firearms Inspection/Repair Certificate, Form DC3-240, and Firearms Re-qualification Certificate, Form DC3-241, for the replacement firearm to the reviewing authority circuit administrator. Form DC3-241 is hereby incorporated by reference. A copy of the form is 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 \_\_\_\_\_.

(e) Upon review of the application, the documentation of training and qualification pursuant to 33-209.103, and after completing an FCIC/NCIC check on the firearm by serial number and an FCIC check has been completed on the applicant to determine if there is a domestic violence injunction that would disqualify the applicant from possessing a firearm if convicted of domestic violence, the reviewing authority circuit administrator or regional director of community corrections or deputy director of community corrections shall approve the request within 10 working days and shall issue a Firearms Qualification and Authorization, Form DC3-223, which establishes that the officer has been authorized to carry a firearm. Each reviewing authority circuit administrator administrator shall maintain a list of staff under their supervision officers in that circuit who have been authorized to carry firearms. Form DC3-224, Firearm Authorization List, will be used for this purpose. Form DC3-224 is hereby incorporated by reference. A copy of this form may be obtained 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 \_\_\_\_\_. A copy of the application (Form DC3-226), documentation of qualification (Form DC3-240), firearms authorization card (Form DC3-223), and receipt or affidavit of ownership shall be placed in the employee's personnel file. Subsequent re-qualification documentation (Form DC3-241) will also be placed in the employee's personnel file.

(f) No change.

(g) Re-qualification must occur within 90 days prior to the employee's firearm card expiration date. Upon re-qualification, the firearms instructor will complete the Firearm Re-qualification Certificate, Form DC3-241, with the re-qualification score, and will sign the form as the trainer. The officer will certify that the firearm referenced on this form is the firearm used in the course of his or her duties and that he or she uses only authorized ammunition, and shall return the form to the reviewing authority circuit administrator for issuance of a new Firearms Qualification and Authorization Card, Form

DC3-223. The new firearm card will be issued with an expiration date one year from the expiration date of the previous firearm card.

(h) The reviewing authority ~~A circuit administrator or designee~~ shall immediately suspend authorization to carry a firearm, except for firearm training purposes, and shall secure the firearm card from any officer who has failed to re-qualify as of the card expiration date. A correctional probation officer who attempts to re-qualify and fails shall be provided the opportunity to participate in remedial firearm training as specified in chapter 33-209 at a time approved by the reviewing authority circuit administrator.

(i) No change.

(j) A correctional probation officer who does not re-qualify prior to the date of expiration of the firearm card shall not be permitted to carry a firearm while on duty, except for firearm training purposes. The officer shall have one year from the date the firearm card expired to successfully re-qualify to continue to carry a firearm. If the officer successfully re-qualifies after the card expires, a new firearm card will be issued with an expiration date one year from the date of re-qualification. If the officer does not successfully re-qualify within that year, the officer will be required to re-attend and successfully complete basic recruit firearm training at his or her own expense.

(k) The officer shall immediately notify his or her immediate supervisor in the case of theft or loss of the authorized firearm. The supervisor shall notify local law enforcement agencies and the Florida Department of Law Enforcement. ~~An officer found to have been negligent by failure to comply with those standards and procedures provided in the training required by chapter 33-209 and the standards set forth in this rule in the case of loss or theft of the firearm while on duty shall have the authorization to carry the firearm removed and shall be subject to disciplinary action in accordance with chapter 33-208, Florida Administrative Code.~~ An Inspector General's Office Electronic Mail E-Form shall be prepared by the officer any time a loss or theft occurs and shall be submitted to his or her immediate supervisor within 24 hours.

(4) through (5) No change.

(6) Firearm Type and Ammunition.

(a) Correctional probation officers authorized to carry a firearm shall only be authorized to carry a five or six shot revolver of .38 or .357 caliber ~~calibre~~ with a barrel length not to exceed four inches.

(b) Correctional probation officers shall only be authorized to carry .38 special ammunition at standard velocity or plus p velocities with either a 125 to 158 grain semi-wad cutter hollow point or jacketed hollow point. The plus p rated ammunition shall not be authorized unless the firearm is rated for that type of ammunition. All ammunition shall be factory manufactured except ammunition used for training,



qualification, or re-qualification, which must be approved by the range facility for use. It shall be the correctional probation officer's responsibility to ensure that the ammunition used in his or her firearm complies with department guidelines as provided in this rule.

- (c) through (8) No change.
- (9) Removal of Authorization to Carry a Firearm.
- (a) No change.

(b) An officer found to have been negligent by failure to comply with those standards and procedures provided in the training required by chapter 33-209 and the standards set forth in this rule in the case of loss or theft of the firearm while on duty shall have the authorization to carry the firearm removed and shall be subject to disciplinary action in accordance with chapter 33-208, Florida Administrative Code.

(c)~~(b)~~ Should an officer fail to complete re-qualification, the reviewing authority circuit administrator shall immediately suspend the officer's authorization to carry a firearm and secure the officer's authorization card. Upon successful completion of re-qualification attempts and re-qualification pursuant to chapter 33-209, the officer shall have his or her authorization reinstated.

- (10) Care and Maintenance of Firearm.
- (a) through (d) No change.
- (e) Each officer shall be responsible for having the authorized firearm, including any temporary or replacement firearm, inspected annually by a certified gunsmith or law enforcement armorer to ensure that it performs properly and conforms with the manufacturer's standards. The officer shall present certification of such inspection to the reviewing authority circuit administrator via Form DC3-240.

- (11) through (12) No change.

Specific Authority 20.315, 120.53(1)(a), 790.06, 944.09 FS. Law Implemented 20.315, 120.53(1)(a), 790.06, 944.09 FS. History--New 5-28-86, Amended 7-7-92, 12-20-92, 3-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.:	RULE TITLE:
64B8-56.002	Equipment and Devices; Protocols for Laser and Light-based Devices

**NOTICE OF ADDITIONAL PUBLIC HEARING**

The Board of Medicine hereby gives notice of an additional public hearing on the above-referenced rule to be held on Saturday, December 2, 2000, at 6:00 p.m., or as soon thereafter as can be heard, at the Tampa Airport Marriott, Tampa International Airport. The rule was originally published in Vol. 26, No. 24, of the June 16, 2000, Florida Administrative Weekly. The additional public hearing is in response to a request for hearing following publication of the Notice of Change, which appeared in Vol. 26, No. 43, of the October 20, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

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**

**Board of Nursing**

RULE NOS.:	RULE TITLES:
64B9-3.001	Definitions
64B9-3.0015	Application for Licensure
64B9-3.002	Qualifications for Examination
64B9-3.003	Practice of Nursing by Applicant for Licensure by Examination
64B9-3.008	Licensure by Endorsement
64B9-3.009	Practice of Nursing by Applicants for Licensure by Endorsement

**NOTICE OF ADDITIONAL PUBLIC HEARING**

The Board of Nursing hereby gives notice of an additional public hearing on the above-referenced rule(s) to be held on December 6, 2000 at 4:00 p.m., at the Radisson Hotel, 415 North Monroe Street, Tallahassee, Florida 32301. The rule was originally published in Vol. 26, No. 36, of the September 8, 2000, Florida Administrative Weekly.

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).

**Section IV  
Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE TITLE:	RULE NO.:
Instant Game Number 325, HOLIDAY TREASURES	53ER00-47

SUMMARY OF THE RULE: This emergency rule describes Instant Game 325, "HOLIDAY TREASURES," for which the Department of the Lottery will start selling tickets on a date to

be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game. THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-47 Instant Game Number 325, HOLIDAY TREASURES.

(1) Name of Game. Instant Game Number 325, "HOLIDAY TREASURES."

(2) Price. HOLIDAY TREASURES tickets sell for \$1.00 per ticket.

(3) HOLIDAY TREASURES lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning HOLIDAY TREASURES lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any HOLIDAY TREASURES lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(5) Determination of Prize Winners.

(a) The holder of a ticket having three like amounts exposed in the play area shall be entitled to a prize of the amount shown. Prize amounts which may appear in the play area are: \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$40.00, \$100, \$500, \$1,000.

(b) The holder of a ticket having three "TICKET" symbols exposed in the play area shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a HOLIDAY TREASURES lottery ticket which entitles the holder to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(6) The value, number of prizes, and odds of winning in Instant Game Number 325 are as follows:

GET:	WIN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS	PER POOL	ODDS
3-TICKET's	\$1 TICKET		1,209,600	1 in 8.33
3-\$1's	\$1		504,000	1 in 20.00
3-\$2's	\$2		436,800	1 in 23.08
3-\$3's	\$3		235,200	1 in 42.86
3-\$5's	\$5		100,800	1 in 100.00
3-\$10's	\$10		67,200	1 in 150.00
3-\$20's	\$20		33,600	1 in 300.00
3-\$25's	\$25		25,760	1 in 391.30
3-\$40's	\$40		5,600	1 in 1,800.00
3-\$100's	\$100		560	1 in 18,000.00
3-\$500's	\$500		28	1 in 360,000.00
3-\$1,000's	\$1,000		14	1 in 720,000.00

(7) The over-all odds of winning any prize in Instant Game Number 325 are 1 in 3.85.

(8) For reorders of Instant Game Number 325, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(9) By purchasing a HOLIDAY TREASURES lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History—New 11-3-00.

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

EFFECTIVE DATE: November 3, 2000

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 327, HOLIDAY CASH  
 RULE NO.: 53ER00-48  
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 327, "HOLIDAY CASH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game. THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-48 Instant Game Number 327, HOLIDAY CASH.

(1) Name of Game. Instant Game Number 327, "HOLIDAY CASH" (referred to herein as HOLIDAY CASH).

(2) Price. HOLIDAY CASH tickets sell for \$2.00 per ticket.

(3) HOLIDAY CASH lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning HOLIDAY CASH lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any HOLIDAY CASH lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) The holder of a ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall be entitled to the corresponding prize amount shown for that number. Prize

amounts which may appear in the "PRIZE" area are: \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$100, \$200, \$1,000, \$10,000.

(b) The holder of a ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area and a "TICKET" shown as the corresponding prize shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a HOLIDAY CASH lottery ticket which entitles the holder to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(c) The holder of a ticket having a "horn" symbol exposed in the play area shall be entitled to a prize of \$25.00.

(9) The value, number of prizes, and odds of winning in Instant Game Number 327 are as follows:

<u>MATCH ANY OF YOUR NUMBERS TO ANY OF THE WINNING NUMBERS WIN PRIZE SHOWN GET A "HORN" SYMBOL AND WIN \$25 AUTOMATICALLY:</u>		<u>NUMBER OF WINNERS IN 63 POOLS OF 120,000 TICKETS</u>	<u>ODDS</u>
<u>TICKET</u>	<u>WIN \$2 TICKET</u>	<u>PER POOL</u>	
\$2	\$2	1,008,000	1 in 7.50
\$2 + \$2	\$4	302,400	1 in 25.00
\$2 + \$3	\$5	201,600	1 in 37.50
\$5	\$5	201,600	1 in 37.50
\$5	\$5	151,200	1 in 50.00
\$2 x 5	\$10	75,600	1 in 100.00
\$5 + \$5	\$10	75,600	1 in 100.00
\$10	\$10	50,400	1 in 150.00
Autowin	\$25	51,660	1 in 146.34
\$5 x 10	\$50	9,450	1 in 800.00
\$10 x 5	\$50	8,316	1 in 909.09
\$25 + \$25	\$50	6,300	1 in 1,200.00
\$10 x 10	\$100	315	1 in 24,000.00
\$20 x 5	\$100	315	1 in 24,000.00
\$100	\$100	315	1 in 24,000.00
\$200	\$200	126	1 in 60,000.00
\$100 x 10	\$1,000	10	1 in 756,000.00
\$1,000	\$1,000	10	1 in 756,000.00
\$1,000 x 10	\$10,000	2	1 in 3,780,000.00
\$10,000	\$10,000	2	1 in 3,780,000.00

(10) The over-all odds of winning any prize in Instant Game Number 327 are 1 in 3.53.

(11) For reorders of Instant Game Number 327, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(12) By purchasing a HOLIDAY CASH lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History--New 11-3-00.

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

EFFECTIVE DATE: November 3, 2000

**DEPARTMENT OF THE LOTTERY**

RULE TITLE:

RULE NO.:

Instant Game Number 326,

STOCKING STUFFER

53ER00-49

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 326, "STOCKING STUFFER" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-49 Instant Game Number 326, STOCKING STUFFER.

(1) Name of Game. Instant Game Number 326, "STOCKING STUFFER."

(2) Price. STOCKING STUFFER tickets sell for \$5.00 per ticket.

(3) STOCKING STUFFER lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning STOCKING STUFFER lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any STOCKING STUFFER lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) Design of Ticket. There are 4 different games and one "BONUS SPOT" in Instant Game Number 326, STOCKING STUFFER.

(5) The play symbols and play symbol captions in Game 1 are as follows:

INSERT SYMBOLS

(6) The "PRIZE BOX" prize symbols and prize symbol captions in Game 1 are as follows:

INSERT SYMBOLS

(7) The legends in Game 1 are as follows:

INSERT SYMBOLS

(8) The prize symbols and prize symbol captions in Game 2 are as follows:

INSERT SYMBOLS

(9) The legend in Game 2 is as follows:

INSERT SYMBOLS

(10) The prize symbols and prize symbol captions in Game 3 are as follows:

INSERT SYMBOLS

(11) The legends in Game 3 are as follows:

INSERT SYMBOLS

(12) The "YOUR SYMBOLS" play symbols and play symbol captions in Game 4 are as follows:

INSERT SYMBOLS

(13) The "PRESENT SYMBOL" play symbols and play symbol captions in Game 4 are as follows:

INSERT SYMBOLS

(14) The prize symbols and prize symbol captions in Game 4 are as follows:

INSERT SYMBOLS

(15) The legends in Game 4 are as follows:

INSERT SYMBOLS

(16) The play symbols and play symbol captions in the BONUS SPOT are as follows:

INSERT SYMBOLS

(17) The legend in the BONUS SPOT is as follows:

**INSERT SYMBOLS**

(18) Determination of Prize Winners. Each of the 4 games and the BONUS SPOT in Instant Game Number 326, STOCKING STUFFER, uses a different play methodology. The determination of prize winners for each game and the BONUS SPOT is as follows:

(a) Game 1.

1. In Game 1, the holder of a ticket having three "gift" symbols exposed in the play area in any one row, column or diagonal shall be entitled to the prize amount shown in the PRIZE BOX play area. Prize amounts which may appear in the PRIZE BOX play area are \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$100, \$1,000, \$10,000.

2. In Game 1, the holder of a ticket having three "gifts" exposed in the play area in any one row, column or diagonal and a "TICKET" shown as the prize in the PRIZE BOX play area shall be entitled to a prize of one \$5.00 instant ticket or any combination of instant and on-line tickets that totals \$5.00, except as provided in paragraph 18(f), below.

(b) Game 2.

1. In Game 2, the holder of a ticket having three like amounts exposed in the play area shall be entitled to a prize of the amount shown. Prize amounts which may appear in the play area are: \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$100, \$1,000, \$10,000, \$100,000.

2. In Game 2, the holder of a ticket having three "TICKET" symbols exposed in the play area shall be entitled to a prize of a \$5.00 instant ticket or any combination of instant and on-line tickets that total \$5.00, except as provided in paragraph 18(f), below.

(c) Game 3.

1. In Game 3, the holder of a ticket having an amount exposed in the "YOUR AMOUNTS" play area that matches the amount exposed in the "LUCKY AMOUNT" play area shall be entitled to a prize of that amount. Prize amounts which may appear in the play area are: \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$100, \$1,000, \$10,000, \$100,000.

2. In Game 3, the holder of a ticket having a "TICKET" symbol exposed in the "YOUR AMOUNTS" play area that matches a "TICKET" symbol exposed in the "LUCKY AMOUNT" play area shall be entitled to a prize of a \$5.00 instant ticket or any combination of instant and on-line tickets that total \$5.00, except as provided in paragraph 18(f), below.

(d) Game 4.

1. In Game 4, the holder of a ticket having a symbol exposed in the "YOUR SYMBOLS" play area that matches the symbol exposed in the "PRESENT SYMBOL" play area shall be entitled to a prize of the corresponding prize amount. Prize

amounts which may appear in the play area are: \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$100, \$1,000, \$10,000, \$100,000.

2. In Game 4, the holder of a ticket having a symbol exposed in the "YOUR SYMBOLS" play area that matches the symbol exposed in the "PRESENT SYMBOL" play area and a "TICKET" is shown as the corresponding prize shall be entitled to a prize of a \$5.00 instant ticket or any combination of instant and on-line tickets that total \$5.00, except as provided in paragraph 18(f), below.

(e) BONUS SPOT. The holder of a ticket having a "double dollar" symbol exposed in the BONUS SPOT play area shall be entitled to a prize of \$5.

(f) A person who submits by mail a STOCKING STUFFER lottery ticket which entitles the holder to a prize of \$5.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$5.00 in lieu of an actual ticket.

(19) Number and Size of Prizes: The value, number of prizes, and odds of winning in Instant Game Number 326 are as follows:

GET: TICKET	WIN	NUMBER OF WINNERS IN 34 POOLS OF 120,000 TICKETS PER POOL	ODDS
\$5 Ticket	\$5	544,000	1 in 7.50
G1-\$2 + G2-\$1 + G3-\$1 + G4-\$1	\$5	68,000	1 in 60.00
G4-\$1 x 5	\$5	68,000	1 in 60.00
G2-\$1 + G4-\$1 x 4	\$5	136,000	1 in 30.00
G5-\$5	\$5	170,000	1 in 24.00
G1-\$2 + G2-\$1 + G3-\$1 x 4 + G4-\$1 x 3	\$10	136,000	1 in 30.00
G4-\$2 x 5	\$10	34,000	1 in 120.00
G1-\$1 + G2-\$5 + G3-\$1 x 4	\$10	34,000	1 in 120.00
G1-\$5 + G2-\$2 + G3-\$1 x 3	\$10	34,000	1 in 120.00
G1-\$1 + G2-\$2 + G3-\$5 + G4-\$1 x 2	\$10	17,000	1 in 240.00
G2-\$2 + G3-\$1 + G4-\$2 + \$5 + G5-\$5	\$15	68,000	1 in 60.00
G1-\$5 + G3-\$2 + G4-\$2 x 4	\$15	34,000	1 in 120.00
G1-\$1 + G2-\$1 + G3-\$5 + G4-\$1 + \$2 + G5-\$5	\$15	34,000	1 in 120.00
G1-\$5 + G2-\$1 + G3-\$1 x 4 + G4-\$2 + \$1 x 3 + \$5 + G5-\$5	\$25	34,000	1 in 120.00
G1-\$2 + G2-\$1 + G3-\$1 x 4 + G4-\$2 x 4 + \$5 + G5-\$5	\$25	32,300	1 in 126.32
G1-\$10 + G2-\$2 + G4-\$1 + \$2 + \$5 x 2	\$25	6,800	1 in 600.00
G1-\$10 + G3-\$2 x 3 + G4-\$2 x 2 + \$5	\$25	3,400	1 in 1,200.00
G3-\$2 x 2 + G4-\$1 + \$5 x 2 + \$10	\$25	3,400	1 in 1,200.00

G2-\$5 + G3-\$5 x 2 + G4-\$1 x 3 + \$2 + \$5	\$25	3,400	1 in 1,200.00
G1-\$5 + G2-\$5 + G3-\$5 x 4 + G4-\$1 + \$2 x 2 + \$5 x 2 + G5-\$5	\$50	17,000	1 in 240.00
G1-\$10 + G3-\$10 x 2 + G4-\$5 x 4 + \$25	\$75	340	1 in 12,000.00
G1-\$5 + G2-\$10 + G3-\$5 x 4 + G4-\$5 x 3 + \$10 x 2 + G5-\$5	\$75	340	1 in 12,000.00
G1-\$25 + G3-\$1 x 3 + G4-\$2 + \$20 + \$25	\$75	340	1 in 12,000.00
G1-\$5 + G2-\$2 + G3-\$5 x 3 + G4-\$1 + \$2 + \$25 + \$20 + G5-\$5	\$75	340	1 in 12,000.00
G1-\$1 + G2-\$2 + G3-\$10 x 4 + G4-\$1 x 2 + \$5 + \$10 x 2 + G5-\$5	\$75	306	1 in 13,333.33
G1-\$5 + G2-\$25 + G3-\$1 x 3 + G4-\$2 + \$5 + \$20 + \$10 + \$25 + G5-\$5	\$100	1,700	1 in 2,400.00
G1-\$25 + G2-\$10 + G3-\$25 + G4-\$10 + \$25 + \$5	\$100	1,700	1 in 2,400.00
G1-\$100	\$100	680	1 in 6,000.00
G1-\$25 + G2-\$20 + G3-\$2 x 4 + G4-\$1 x 2 + \$5 + \$10 + \$25 + G5-\$5	\$100	680	1 in 6,000.00
G1-\$20 + G2-\$20 + G3-\$20 + G4-\$5 x 2 + \$10 + \$20	\$100	680	1 in 6,000.00
G1-\$100 + G2-\$10 + G3-\$100 x 3 + G4-\$10 x 2 + \$20 + 25 x 2	\$500	68	1 in 60,000.00
G1-\$25 + G2-\$100 + G3-\$25 x 3 + G4-\$100 x 3	\$500	68	1 in 60,000.00
G1-\$100 + G3-\$100 x 3 + G4-\$20 x 5	\$500	68	1 in 60,000.00
G1-\$1,000	\$1,000	34	1 in 120,000.00
G2-\$1,000	\$1,000	34	1 in 120,000.00
G3-\$1,000	\$1,000	34	1 in 120,000.00
G4-\$1,000	\$1,000	34	1 in 120,000.00
G1-\$100 + G2-\$100 + G3-\$100 x 4 + G4-\$100 x 4	\$1,000	34	1 in 120,000.00
G1-\$10,000	\$10,000	4	1 in 1,020,000.00
G2-\$10,000	\$10,000	4	1 in 1,020,000.00
G3-\$10,000	\$10,000	3	1 in 1,360,000.00
G4-\$10,000	\$10,000	3	1 in 1,360,000.00
G1-\$10,000 + G2-\$10,000 + G3-\$10,000 + G4-\$10,000	\$40,000	1	1 in 4,080,000.00
G2-\$100,000	\$100,000	1	1 in 4,080,000.00
G3-\$100,000	\$100,000	1	1 in 4,080,000.00
G4-\$100,000	\$100,000	1	1 in 4,080,000.00

(20) The over-all odds of winning any prize in Instant Game Number 326 are 1 in 2.75.

(21) For reorders of Instant Game Number 326, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(22) By purchasing a STOCKING STUFFER lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History—New 11-3-00.

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

EFFECTIVE DATE: November 3, 2000

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

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection gives notice of its intent to grant a variance (File No. 145230-004-EV) from Rule 40C-4.302(1)(c), Florida Administrative Code (F.A.C.), to Mr. John W. Blake, 3550 Darien Highway, Brunswick, Georgia 31525.

The variance is associated with Environmental Resource Permit Application No. 145230-003-ES, for the placement of a 30 foot by 30 foot parking pad and attendant structures in order to construct a piling-supported private residence within upper wetlands associated with the South St. Johns County Shellfish Harvesting Area, classified as Conditionally Approved/Conditionally Restricted.

The project site is located in Section 11, Township 09 South, Range 30 East, St. Johns County, within the landward extent of the Matanzas River, Class II Waters.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Department of Environmental Protection, Northeast District Office, 7825 Baymeadows Way, Suite 200B, Jacksonville, Florida 32256.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under section 120.573 of the Florida Statutes is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes the only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under rules 28-106.111(3) and 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of

that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based, must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are, or will be, affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301. Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

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NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on October 30, 2000, a petition from Environmental Chemical Corporation, seeking a

waiver of certain payment documentation and record-keeping requirements of Chapter 62-773, Florida Administrative Code and/or Section 376.3071, Florida Statutes. The petition has been assigned OGC case number 00-1131. Copies may be received from, and written comments submitted to: Inguna Varslavane-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.

The Department of Environmental Protection announces its entry of an Order Granting Variance, as required by Section 120.542(8), Florida Statutes.

NAME OF THE PETITIONER: Buttrey Development/Keene Road Disposal

DATE THE PETITION WAS FILED: May 26, 2000

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 62-701.340(4)(c), Florida Administrative Code, which requires a minimum horizontal separation between waste deposits in a landfill and the landfill property boundary of 100 feet.

REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Florida Administrative Weekly, June 16, 2000, Vol. 26, No. 24.

THE DATE OF THE ORDER APPROVING THE VARIANCE OR WAIVER: November 2, 2000

THE GENERAL BASIS FOR THE AGENCY DECISION: The Petitioner has demonstrated that allowing it to construct and operate a Class III landfill within 100 feet of the property boundary, in accordance with the conditions set forth in the variance approval, is expected to meet the purpose of the underlying statute, and that the Petitioner would suffer an undue hardship if the variance is not granted.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Requests for copies or inspections should be made to Mary Jean Yon, Section Administrator at the above address, telephone (850)488-0300, or e-mail to mary.jean.yon@dep.state.fl.us.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on October 20, 2000, a petition from the Department of the Air Force, seeking a variance under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under rule 62-522.300(2)(a), Florida Administrative Code, renumbered as rule 62-522.300(3) in August, to conduct a pilot study at Operable Unit 30 of the former Homestead Air Force Base to

clean up arsenic-contaminated ground water. The petition has been assigned OGC File No.: 00-2035. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Cynthia Christen. Comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on October 31, 2000, a petition from Environmental Chemical Corporation for a waiver pursuant to subsection 376.3071(12)(k)(5), F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition has been assigned OGC case number 00-1309 and is for the Pug's Beer and Wine located at 1080 W. Tennessee Street, Tallahassee, FL FDEP Facility #378510363. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Rebecca Grace. Comments must be received no later than 14 days from the date of publication of this notice.

## 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: November 29, 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 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.

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## DEPARTMENT OF STATE

The Board of Trustees of Northeast Florida Preservation, Inc., the citizens' support organization for the St. Augustine Regional Preservation Office, **Division of Historical Resources** announces a meeting to which all interested parties are invited.

DATE AND TIME: December 5, 2000, 1:30 p.m.

PLACE: Amelia Island Museum of History, 233 South Third Street, Fernandina Beach  
PURPOSE: Quarterly meeting.

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The **Southeast Florida Preservation, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 6, 2000, 11:00 a.m.

PLACE: Lyric Theatre, 59 S. W. Flagler Avenue, Stuart, FL  
PURPOSE: General Business Meeting.

A copy of the agenda may be obtained by writing: Palm Beach County Regional Office, Florida Division of Historical Resources, P. O. Box 1221, Delray Beach, Florida 33447-1221.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance, (561)279-1475.

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#### DEPARTMENT OF LEGAL AFFAIRS

The Annual Report Committee of the **Florida Commission on the Status of Women** will hold a conference call:

DATE AND TIME: Monday, November 27, 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.

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The **Florida Elections Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, November 28, 2000, 2:00 p.m. – 4:00 p.m.

PLACE: The Florida Elections Commission, Conference Room, Room 2002, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and approve of suggested legislation that addresses problems with the Florida Elections Code.

For a copy of the codument to be considered by the Commission, call Steve Christensen, (850)922-4539.

If you need an accommodation because of disability in order to participate, please call Steven Christensen at least 48 hours before the meeting.

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If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made.

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#### DEPARTMENT OF INSURANCE

The **Department of Insurance** is reviewing an application by ING Groep N.V. to acquire Aetna Insurance Company of America. If an interested party wishes to request an opportunity to present public comments, such party shall make such a request in writing no later than November 24, 2000. If a request for a public hearing is timely received, the public hearing will be held as follows:

DATE AND TIME: November 28, 2000, 9:00 a.m.

PLACE: Room 143, J. Edwin Larson Building, 200 E. Gaines Street, Tallahassee, Florida

PURPOSE: To take public testimony regarding the proposed acquisition of Aetna Insurance Company of America by ING Groep N.V.

If you need an accomodation because of disability in order to participate, please advise the Department at least 5 calendar days prior to the hearing by contacting Yvonne White, (850)413-4214.

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#### DEPARTMENT OF EDUCATION

The State of Florida, **Education Standards Commission and Education Practices Commission** announce a joint public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 7, 2000, 8:30 a.m. – 3:00 p.m.

PLACE: Sheraton Suites Tampa, Airport, 4400 West Cypress Street, Tampa, Florida 33607, (813)873-8675

PURPOSE: Pursuant to Sections 231.261(7)(c) and 231.546(4), Florida Statutes, commission members will meet for the purpose of cooperation in the development and implementation of standards.

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

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

DATES AND TIMES: Thursday, December 7, 2000, 3:00 p.m.; Friday, December 8, 2000, 8:30 a.m. – 12:30 p.m.

PLACE: Sheraton Suites Tampa, Airport, 4400 West Cypress Street, Tampa, Florida 33607, (813)873-8675

PURPOSE: Members of the Education Standards Commission will meet and discuss issues related to the Commission's charge.

To obtain a copy of the agenda, please call or write: Florida Education Standards Commission, 325 West Gaines Street, Room 224, Turlington Building, Tallahassee, Florida 32399, telephone (850)488-1523 or Suncom 278-1523.

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

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The **Board of Regents** of the State University System of Florida announces a meeting to which the public is invited. DATE AND TIME: November 28, 2000, 9:00 a.m. – 3:00 p.m. PLACE: Florida Education Center, Room 1706, 325 West Gaines Street, Tallahassee, Florida

**PURPOSE:** To negotiate the 2001-2002 Reopener Agreement between the Board of Regents and the Florida Police Benevolent Association (PBA).

The Board welcomes participation from any interested members of the public.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity Programs, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

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#### DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Tuesday, November 28, 2000, 1:00 p.m. – 5:00 p.m.; Wednesday, November 29, 2000, 8:30 a.m. – 4:00 p.m.

**PLACE:** Don Shula's Hotel and Golf Club, 6842 Main Street, Miami Lakes, Florida 33014, (305)820-8100

**PURPOSE:** The Regional Coordinators and any other interested individuals will meet Tuesday, November 28, 2000, to prepare a preliminary report on a proposed Violent Crime Summit; The Florida Violent Crime Council will meet Wednesday, November 29, 2000.

A copy of the agenda may be obtained by writing: Senior Management Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Investigations and Forensic Sciences Program, Post Office Box 1489, Tallahassee, Florida 32302 or by telephoning (850)410-7778.

Accommodations are made for individuals with disabilities as defined by the Americans With Disabilities Act (ADA).

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#### DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces a public meeting to which all persons are invited:

**DATE AND TIME:** November 28, 2000, 11:00 a.m. – 3:00 p.m.

**PLACE:** 4300 West Cypress Street, Suite 1000, Tampa, Florida 33607

**PURPOSE:** Discuss the Department of Transportation Performance Measures.

Information and a copy of the agenda may be obtained by contacting: Florida Transportation Commission, Room 176, 605 Suwannee Street, MS 9, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting are asked to advise the Commission at least 48 hours before the meetings by contacting Cathy Goodman, (850)414-4105.

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The Florida **Department of Transportation**, District Seven announces two public hearings to which all persons are invited: The hearings will be held at the following locations, where the Work Program will be available for viewing immediately prior to the hearings.

**DATE AND TIME:** Tuesday, December 5, 2000, 5:00 p.m. – 7:00 p.m.

**PLACE:** Florida Department of Transportation, District Seven Auditorium, 11201 N. McKinley Drive, Tampa, FL

**DATE AND TIME:** Thursday, December 7, 2000, 5:00 p.m. – 7:00 p.m.

**PLACE:** Hernando Co. Government Complex, BOCC Chambers, 20 N. Main Street, Brooksville, Florida

**PURPOSE:** The public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes. The public hearings are the forum to discuss the District Work Program for Fiscal Years July 1, 2001 through June 30, 2006. Comments, thoughts and ideas from the public, elected officials and others are needed at the public hearings. The District Work Program is a list of state-sponsored transportation projects proposed for the next five years. It consists of public transportation, preliminary engineering, right-of-way acquisition, construction and maintenance projects, including Florida Turnpike projects, for a five county area consisting of Citrus County, Hernando County, Hillsborough County, Pasco County and Pinellas County.

Under the provisions of the Americans with Disabilities Act, auxiliary aids, services and devices for ensuring effective communication will be provided upon request made at least five days prior to the public hearing or any person requiring assistance, please contact: Ms. Lee Royal, Local Government Liaison Administrator, (813)975-6427 or 1(800)226-7220.

The Department at the public hearings will receive verbal and written comments from organizations and the general public.

In addition, written comments may be submitted within ten days after the public hearings. Written comments should be addressed to: Florida Department of Transportation, District Seven, Kenneth A. Hartmann, P. E. District Secretary, 11201 N. McKinley Drive, MS 7-100, Tampa, Florida 33612.

**NOTICE OF CHANGE** – The **Department of Transportation**, District 5 announces a rescheduled public hearing to which all persons are invited.

**DATE AND TIMES:** December 6, 2000, 5:00 p.m. – 7:00 p.m., Open House; 7:00 p.m., Public Hearing

**PLACE:** Sheraton North, Salon 4, 600 N. Lake Destiny Dr., Maitland, FL \*

**PURPOSE:** This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects, of State Project Numbers 242499 1 31 01, 242587 1 31 01, Federal Aid Numbers FL 43001 and FL 0042193, otherwise known as Interstate 4. The limits of the project corridor are from John Young Parkway (SR 423) in Orange County, Florida to Semoran Blvd. (SR 436), in Seminole County, Florida.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call toll free, 1(888)797-1616. Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Alan Ledgerwood, Project Manager, 385 Center Pointe Circle, Suite 1303, Altamonte Springs, Florida 32701.

\*NOTE: This is a change in location only. The previous notice, published on November 9, 2000, listed the meeting location as the Orlando Expo Center. All other project information remains as stated.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

NOTICE IS HEREBY GIVEN that the **Board of Trustees of the Internal Improvement Trust Fund** of the State of Florida, or designee, is proposing the establishment of an Erosion Control Line, pursuant to Section 161.161, Florida Statutes, and will hold a Public Hearing.

**DATE AND TIME:** Wednesday, November 29, 2000, 7:00 p.m.

**PLACE:** Anna Maria Island Community Center, 407 Magnolia Avenue, Anna Maria, Florida

**PURPOSE:** To consider evidence bearing on the location of a proposed Erosion Control Line for the beach erosion control project known as Anna Maria Island Shore Protection Project; City of Anna Maria Segment. The location of the proposed Erosion Control Line is as follows:

The proposed Erosion Control Line lies along the shoreline of Anna Maria Island fronting The Gulf of Mexico at the line of mean high water. The proposed Erosion Control Line lies in Section 18, Township 34, South, Range 16, East.

Written objections to, or inquires regarding, the proposed Erosion Control Line should be submitted to: Office of Beaches and Coastal Systems, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, prior to the date mentioned above. The Board of Trustees of the Internal Improvement Trust fund of the State of Florida reserves the right to deny establishment of the Erosion Control Line.

BY ORDER OF THE BOARD OF TRUSTEES  
OF THE INTERNAL IMPROVEMENT TRUST  
FUND OF THE STATE OF FLORIDA  
JEB BUSH, GOVERNOR

**STATE BOARD OF ADMINISTRATION**

NOTICE IS HEREBY GIVEN by the Board of Directors for The **Florida Hurricane Catastrophe Fund Finance Corporation** (“the Board”) that it will hold a public meeting to which all persons are invited.

**TIME AND DATE:** Wednesday, November 29, 2000, 9:00 a.m.

**PLACE:** Cabinet Meeting Room, Lower Level, The Capitol Building, Tallahassee, FL

**PURPOSE:** The Board of Directors of The Florida Hurricane Catastrophe Fund Finance Corporation will meet to (1) accept the resignations of Joan Stafford-Lazar, who is currently the Treasurer for the Corporation and Ruth L. Gokel, who is currently the Secretary for the Corporation and (2) to vote on the approval of Anne T. Bert as the new Treasurer and Tracy L. Allen as the new Secretary for the Corporation and (3) to conduct other general business of the Corporation.

A copy of the agenda may be obtained by writing: State Board of Administration, Attention: Dorothy Westwood, 1801 Hermitage Boulevard, Suite 100, Tallahassee, FL 32308 or by calling Ms. Westwood, (850)413-1350.

Any person requiring special accommodations to participate in this hearing is asked to advise Tracy L. Allen, (850)413-1341.

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, November 29, 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.

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### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: \*December 4, 2000, 9:30 a.m.

PLACE: Room 140, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission through the Florida Relay Service by using the following numbers 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

\* In the event of a scheduling conflict, this meeting may be moved to December 4, 2000, immediately following the Commission Conference, in Room 140.

\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\*

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The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: December 5, 2000, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, FAC.), by contacting: Division of Records and Reporting, (850)413-6770 or writing to the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

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The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 000907-TP – Petition by Level 3 Communications, LLC for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc.

DATE AND TIME: December 6, 2000, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To permit parties to present testimony and exhibits relative to the petition by Level 3 Communications, LLC for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc., 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 November 8, 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, 1(800)955-8771 (TDD).

**EXECUTIVE OFFICE OF THE GOVERNOR**

NOTICE OF CANCELLATION – originally published in the November 9, 2000, Florida Administrative Weekly. The **Office of the Governor** announces the following conference call to which all persons are invited.

DATE AND TIME: November 20, 2000, 10:00 a.m. – 11:00 a.m.

PLACE: Telephone number (850)410-0966, Suncom 210-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: Commission on the Homeless.

Any person requiring special accommodations to participate in this conference call is asked to advise staff at least 48 hours before the meeting by contacting Kimberly Dale, (850)488-5000 or at Executive Office of the Governor, 208 The Capitol, Tallahassee, Florida 32399.

**REGIONAL PLANNING COUNCILS**

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Wednesday, November 29, 2000, 9:00 a.m. – 12:00 Noon

PLACE: NEFRPC office, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: Board Orientation.

The **Central Florida Regional Planning Council** announces a public meeting of the District 7, Local Emergency Planning Committee’s Hazardous Materials Exercise Subcommittee to which all persons are invited.

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

PLACE: Highlands County Emergency Operations Center, 5860 West George Blvd., Sebring, Florida

PURPOSE: Develop a Full Scale Exercise to Test the LEPC Plan.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** will hold its public meeting and the Council’s Executive Committee meeting to which all persons are invited.

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

PLACE: Central Florida Regional Planning Council. 555 East Church Street, Bartow, Florida

PURPOSE: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council. P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony an evidence upon which the appeal is to be based.

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

DATE AND TIME: Monday, December 4, 2000, 10:30 a.m.

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

PURPOSE: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Proposed Local Government Comprehensive Plan Amendment for South Miami; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendment for Miami-Dade County and Hialeah Gardens; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

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

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

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

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD). If you require additional information regarding the

above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

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### WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: November 30, 2000, 1:30 p.m. (EST)

PURPOSE: District Lands Committee – To discuss District land issues.

DATE AND TIME: November 30, 2000, 2:30 p.m. (EST)

PURPOSE: Personnel Committee – To consider Personnel matters.

DATE AND TIME: November 30, 2000, 3:00 p.m. (EST)

PURPOSE: Governing Board Meeting – To consider District business.

DATE AND TIME: November 30, 2000, 3:15 p.m. (EST)

PURPOSE: Public Hearing – To consider Regulatory matters.

DATE AND TIME: November 30, 2000, 3:30 p.m. (EST)

PURPOSE: Public Hearing – To consider Land Acquisition matters.

DATE AND TIME: December 1, 2000, 9:00 a.m. (EST)

PURPOSE: Governing Board meeting – To consider District business.

PLACE: District headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, FL

DATE AND TIME: December 1, 2000, immediately following the Governing Board meeting

PLACE: Apalachicola River, Florida

PURPOSE: Field Trip for Governing Board Members – to Apalachicola River and Bay.

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999, also available through the Internet at [www.state.fl.us/nwfwmd](http://www.state.fl.us/nwfwmd).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, 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 or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

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The **St. Johns River Water Management District** announces a Public Hearing to which all persons are invited.

MEETING: Public Hearing to approve the 2001 update of the Save Our Rivers Five-Year Plan

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

PLACE: District Headquarters, 4049 Reid Street, Palatka, Florida 32177

PURPOSE: To receive public comment on the Save Our Rivers, Preservation 2000, Land Acquisition and Management Five-Year Plan. The 2001 Plan will be submitted to the Florida Legislature by January 15, 2001.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

If, due to disability, you require a special accommodation to participate in this public meeting, contact Linda Lorenzen, (904)329-4262 or (904)329-4450 (TDD), at least five work days before the date of the meeting.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

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

PLACE: Northern Palm Beach County Improvement District, Auditorium, 357 Hiatt Drive, Palm Beach Gardens, Florida

PURPOSE: The Loxahatchee River Management Coordinating Council will hold a special meeting to hear a presentation on a golf resort/residential development proposal called "WCI-Parcel 19", and to discuss relevant issues.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information may contact: P. K. Sharma, (561)682-6779.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: December 5, 2000, 11:00 a.m.

PLACE: Stormwater Treatment Area-1, West, West Palm Beach, Florida

PURPOSE: G-310 Pump Station Dedication.

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 of the meeting to make appropriate arrangements.

For more information, contact Sharon Garbriel, Senior Governmental Representative, (561)682-6844.

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**The South Florida Water Management District** announces a public hearing required under Sections 373.59 and 373.139, Florida Statutes, to which all interested parties are invited:

DATE AND TIME: December 14, 2000, 8:50 a.m.

PLACE: South Florida Water Management District, 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 CREW Project comprised of seven parcels referred to as SFWMD Tract Nos. 09-003-288, 09-003-839, 09-005-091, 09-005-057, 09-005-056, 09-005-016 and 09-005-044 consisting of approximately 39.62 acres and lying in Sections 27 and 32, Township 47, South, Range 26, East, Lee County, Florida.

FAW Reference No. 1190

Part of the CREW Project comprised of twenty-two parcels referred to as SFWMD Tract Nos. 09-003-418, 09-003-420, 09-003-421, 09-003-423, 09-003-426, 09-003-437, 09-003-439, 09-003-442, 09-003-444, 09-003-445, 09-003-450, 09-003-452, 09-003-453, 09-003-458, 09-003-461, 09-003-462, 09-003-465, 09-003-468, 09-003-471, 09-003-476 and 09-003-479 consisting of approximately 106.50 acres and lying in Section 25, Township 47, South, Range 26, East, Lee County, Florida.

FAW Reference No. 1191

Part of the East Coast Buffer Project comprised of three parcels referred to as SFWMD Tract Nos. W9-300-997, W9-305-940 and W9-311-941, consisting of approximately 56.36 acres and lying in Section 25, Township 47, South, Range 26, East, Lee County, Florida.

FAW Reference No. 1191

Part of the East Coast Buffer Project comprised of three parcels referred to as SFWMD Tract Nos. W9-300-997, W9-305-940 and W9-311-941, consisting of approximately 56.36 acres and lying in Sections 4, 8 and 17, Townships 53 and 54, South, Range 39, East in Miami-Dade County, Florida.

FAW Reference No. 1192

Part of the East Coast Buffer Project comprised of ten parcels referred to as SFWMD Tract No. W9-309-084, W9-309-085, W9-309-162, W9-309-163, W9-309-164, W9-309-165, W9-310-418, W9-310-419, W9-310-572 and W9-310-573 consisting of approximately 18.41 acres and lying in Section 17, Township 54, South, Range 39, East in Miami-Dade County, Florida.

FAW Reference No. 1193

Part of the East Coast Buffer Project comprised of two parcels referred to as SFWMD Tract Nos. W9-200-006 and W9-200-007, consisting of approximately 10.00 acres and lying in Section 21, Township 51, South, Range 39, East in Broward County, Florida.

FAW Reference No. 1194

Part of the East Coast Buffer Project being acquired under the terms of an Interlocal Agreement with Palm Beach County comprised of one parcel referred to as SFWMD Tract No. W9-100-085, consisting of approximately 626.94 acres and lying in Section 12, Township 41, South, Range 46, East, in Palm Beach County, Florida.

FAW Reference No. 1195

Part of the Ten Mile Creek Project comprised of one parcel referred to as SFWMD Tract No. GI-100-013, consisting of approximately 8.00 acres and lying in Sections 25, 26, 35 and 36, Township 35, South, Range 39, East, in St. Lucie County, Florida.

FAW Reference No. 1196

Part of the West Palm Beach Field Station-Operations Center Project comprised of one parcel referred to as SFWMD Tract No. GK-100-002 consisting of approximately .67 acres and lying in Section 31, Township 43, South, Range 42, East in Palm Beach County, Florida.

FAW Reference No. 1197

Part of the Kissimmee Chain of Lakes Project comprised of two parcels referred to as SFWMD Tract Nos. 18-001-050 and 18-001-051 consisting of approximately 0.739 acres and 2.291 acres, respectively, and lying in Section 3, Township 31, South, Range 31, East, Polk County, Florida.

FAW Reference No. 1198

Consider the disposal of structures, improvements and nursery stock on thirteen parcels in the 8.5 Square Mile Area referred to as SFWMD Tract Nos. GE-311-409, GE-311-467, GE-317-959, GE-317-969, GE-319-903, GE-322-706, GE-327-438, GE-328-624, GE-328-635, GE-328-657, GE-328-824, GE-328-829 and GE-328-862, lying in Sections 11, 22, 27, 28 and 29, Township 55, South, Range 38, East in Miami-Dade County, Florida.



FAW Reference No. 1199

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, (561)686-8800.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For additional information, contact: Blair LittleJohn, III, Interim Division Director, Real Estate, Engineering and Construction, (561)686-8800.

The **South Florida Water Management District** announces a public hearing to which all interested parties are invited:

DATE AND TIME: December 14, 2000, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: To adopt a resolution advising the Department of Environmental Protection of the Land Management adopted budget needs for Fiscal Year 2001, utilizing funds from the Water Management Lands Trust Fund.

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 of the meeting to make appropriate arrangements.

For more information, contact Fred Davis, (561)682-6636.

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Department of Business and Professional Regulation** announces a public meeting of the Regulatory Council of Community Association Managers, to which all persons are invited.

DATE AND TIME: Friday, December 8, 2000, 10:30 a.m. or soon thereafter

PLACE Department of Business and Professional Regulation, Board Conference Room, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-1040

PURPOSE: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-1040 or by calling their office, (850)488-2141.

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 Regulatory Council of Community Association Managers, (850)488-2141. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The **Department of Business and Professional Regulation** announces the following meeting to be conducted by the Florida **Board of Architecture and Interior Design** (Board):

MEETING: Probable Cause Panel

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

PLACE: The Department of Business and Professional Regulation, Northwood Centre, Secretary's Conference Room, 1940 North Monroe Street, Tallahassee, FL 32399

PURPOSE: To conduct an official meeting of the Probable Cause Panel of the Florida Board of Architecture and Interior Design. Only that portion of the meeting wherein probable cause has previously been found on noted cases will be open to the public.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, Board of Architecture and Interior Design, (850)488-6754, forty eight (48) hours prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Architecture and Interior Design using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Auctioneers** announces the following meeting to which all persons are invited.

DATE AND TIME: Friday, December 1, 2000, 12:00 Noon (EST) or soon thereafter

PLACE: The Best Western Admiral's Inn, 5665 Cypress Gardens Blvd., Winter Haven, Florida 33884

PURPOSE: General meeting of the Board to conduct regular Board business.

A copy of the agenda may be obtained by writing: Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762 or by calling Daryl Dempsey, (850)488-5189.

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 forty-eight (48) hours before to the meeting by contacting Daryl Dempsey, (850)488-5189. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

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

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces two public training workshops on "Getting Ready for NELAP" to which all persons are invited.

DATE AND TIME: Tuesday, November 28, 2000, 8:30 a.m. – 4:00 p.m.

PLACE: Florida Department of Environmental Protection, Twin Towers Office Complex, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

DATE AND TIME: Thursday, November 30, 2000, 8:30 a.m. – 4:00 p.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, Florida

PURPOSE: This workshop is intended to inform laboratories that have not been required to obtain laboratory certification about the National Environmental Laboratory Accreditation Program. The invited speakers include representatives from the Environmental Protection Agency, the Department of Health Environmental Laboratory Certification Program, the Department's Environmental Assessment Section, Industry, Municipalities and private sector individuals who have been active in the National Environmental Laboratory Accreditation Conference.

A copy of the agenda may be obtained by contacting: Tjuni Bouie, Department of Environmental Protection, Environmental Assessment Section, 2600 Blair Stone Road,

Mail Station 3511, Tallahassee, Florida 32399-2400, (850)488-2796 or by accessing the Department's website at <http://www.dep.state.fl.us/labs/nelac.htm>.

These workshops are limited to approximately 100 people. Interested individuals may preregister on-line at the above-mentioned address or by contacting Tjuni Bouie at the above-mentioned address.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings 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).

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#### DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine** will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Monday, November 27, 2000, 12:15 p.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, FL (Interested Parties should call (850)245-4355 to obtain the meet me number for this conference call)

PURPOSE: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence form which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

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The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: December 1-3, 2000, 8:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

PURPOSE: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

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

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The Florida **Board of Medicine**, Surgical Care Committee announces a meeting to which all persons are invited.

DATE AND TIME: December 1, 2000, 5:00 p.m. or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

PURPOSE: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, Florida Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

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

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The Florida **Board of Medicine**, Expert Witness Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: December 1, 2000, 7:00 p.m. or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

PURPOSE: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech

impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

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

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The **Board of Medicine** hereby gives notice that a public workshop for the purposes of rule development on Rule 64B8-51.005 – Rule Governing Licensure and Inspection of Electrology Facilities, will be held as follows:

DAT AND TIME: Saturday, December 2, 2000, 6:00 p.m. or as soon thereafter as can be heard

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida

A notice of rule development was published in Vol. 26, No. 38, of the September 22, 2000, Florida Administrative Weekly.

The person to be contacted regarding the rule development workshop is: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-1753.

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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Department of Health, Board of Nursing** announces public meetings to which all interested persons are invited.

MEETING: Education Rules Task Force

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

PLACE: Tallahassee Community College, 444 Appleyard Dr., Tallahassee, Florida 32304-2895

PURPOSE: To consider rules for education issues.

MEETING: Intervention Project for Nurses Committee

DATE AND TIME: Wednesday, December 6, 2000, 8:00 a.m.

PLACE: Radisson Hotel, Magnolia Room, 415 North Monroe St., Tallahassee, Florida 32301, (850)224-6000

PURPOSE: To discuss matters relating to the policies and procedures of the Intervention Project for Nurses.

MEETING: Advanced Registered Nurse Practitioner's Committee

DATE AND TIME: Wednesday, December 6, 2000, 8:30 a.m.

PLACE: Radisson Hotel, Camellia Room, 415 North Monroe St., Tallahassee, Florida 32301, (850)224-6000

PURPOSE: To consider applications and review certification of Advanced Registered Nurse Practitioners.

MEETING: Education Committee

DATE AND TIME: Wednesday, December 6, 2000, 8:30 a.m.

PLACE: Radisson Hotel, Magnolia Room, 415 North Monroe St., Tallahassee, Florida 32301, (850)224-6000

PURPOSE: To consider matters relating to nursing programs and applications for licensure.

MEETING: Continuing Education

DATE AND TIME: Wednesday, December 6, 2000, 9:30 a.m.

PLACE: Radisson Hotel, Camellia Room, 415 North Monroe St., Tallahassee, Florida 32301, (850)224-6000

PURPOSE: To discuss and hold hearings on procedures for continuing education rules.

MEETING: Credentials Committee

DATE AND TIME: Wednesday, December 6, 2000, 10:30 a.m.

PLACE: Radisson Hotel, Camellia Room, 415 North Monroe St., Tallahassee, Florida 32301, (850)224-6000

PURPOSE: To discuss and hold hearings on credential issues.

MEETING: Board of Nursing, Bi-Monthly Board Meeting

DATES AND TIMES: Wednesday, December 6, 2000, 1:30 p.m.; Thursday, December 7, 2000, 8:30 a.m.; Friday December 8, 2000, 8:30 a.m.

PLACE: Radisson Hotel, Magnolia Room, 415 North Monroe St., Tallahassee, Florida 32301, (850)224-6000

PURPOSE: Rule Hearing/Adoptions; Nursing Education Program Requests and Reports; Advanced Registered Nurse Practitioners Certificates and matters relating advanced nursing practice; Continuing Education matters; Legal and Disciplinary Actions; Licensing Problems, Informal Hearings, Declaratory statements, Correspondence and other miscellaneous matters relating to the practice of nursing.

A copy of the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Florida Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207.

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

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact the Board of Nursing office, (904)858-6940, at least five calendar days prior to the

meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATES AND TIME: November 27-28, 2000, 9:00 a.m. – 4:00 p.m.

PLACE: Hilton Tampa Airport Westshore, 2225 N. Lois Avenue, Tampa, Florida 33607

PURPOSE: A task force appointed by the Department of Health and the Agency for Health Care Administration is meeting to implement legislation, conduct a study and develop recommendations regarding the following:

- Hospital diversion of Emergency Medical Services
- Closure of hospital emergency departments
- Staffing and coverage of physicians and other ancillary services and providers of hospital – based emergency care
- Impact of unfunded mandates and uncompensated care on the provision of emergency services and care.

The task force is directed to submit to the legislature a report of the study and recommendations by January 1, 2001.

A copy of the agenda may be obtained by writing: Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, BIN #C18, Tallahassee, Florida 32399-1739 or by calling Jeanine Dawson, (850)245-4440, Ext. 2711.

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 before November 23, 2000, by contacting Jeanine Dawson, (850)245-4440, Ext. 2711. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Purchase Order Number FOO396

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District Ten in conjunction with the community will conduct the following meetings:

The Economic Self-Sufficiency Sub-Committee announces public meetings to which you are invited to attend:

DATES AND TIME: First Wednesday of every month, 3:00 p.m.

PLACE: Department of Children and Family Services, District Office, 201 W. Broward Blvd., Suite 510, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to Economic Self-Sufficiency.

The Mental Health Standing Committee announces a public meeting to which you are invited to attend:

DATE AND TIME: December 11, 2000, 3:00 p.m.

PLACE: Broward Regional Health Planning Council, Inc., 915 Middle River Drive, Suite 115, Ft. Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to mental health clients.

The Developmental Services Florida Local Advocacy Council announces a public meeting to which you are invited to attend.

DATES AND TIME: November 8, 2000; December 13, 2000; January 10, 2001, 6:00 p.m.

PLACE: 201 W. Broward Blvd., Suite 408, Ft. Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to Developmentally Disabled clients.

The Mental Health Florida Local Advocacy Council announces public meetings to which you are invited to attend.

DATES AND TIME: November 23, 2000; December 28, 2000; January 25, 2001, 6:00 p.m.

PLACE: 201 W. Broward Blvd., Suite 408, Ft. Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to mental health clients.

The Multi-Program Florida Local Advocacy Council announces public meetings to which you are invited to attend.

DATES AND TIME: November 14, 2000; December 5, 2000; January 2, 2001, 5:30 p.m.

PLACE: 201 W. Broward Blvd., Suite 408, Ft. Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to DCF clients.

A copy of the agenda may be obtained by writing: Scott Silverman, Management Review Specialist, Regional Office, 201 W. Broward Blvd., Suite 200, Ft. Lauderdale, FL 33301.

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

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

EXECUTIVE COMMITTEE

DATES AND TIME: November 22, 2000; November 29, 2000, 8:30 a.m.

PLACE: Department of Children and Family Services, 337 North 4th Street, Room 327D, Fort Pierce, FL 34950

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174.

The **Florida Advocacy Committee**, District 15 announces a public meeting to which all persons are invited.

DATE AND TIME: November 21, 2000, 9:30 a.m.

PLACE: 337 North 4th Street, Benton Regional Service Center, Room 104, Fort Pierce, FL 34950

A copy of the agenda may be obtained by contacting: Ellen Higinbotham, FLAC Liaison, (561)467-3042.

NOTICE OF CHANGE – The Florida **Department of Children and Family Services** announces the District 8, Charlotte County Community Alliance meeting has been changed.

DATE AND TIME: December 7, 2000, 12:00 Noon

PLACE: Charlotte County Courthouse, 2nd Floor, Conference Room, 350 East Marion Avenue, Punta Gorda, Florida

PURPOSE: Community-Based Care Alliance Meeting.

The Florida Department of Children and Family Services also announces the District 8, Hendry and Glades County Community Alliance meetings have been changed:

DATE AND TIME: December 1, 2000, 8:15 a.m.

PLACE: LaBelle Service Center, 100 Pratt Boulevard, LaBelle, Florida

PURPOSE: Combined meeting of the Hendry and Glades County Community-based Care Alliance Meeting.

For copies of the agenda, further information, or persons needing accommodation to participate in this meeting, please contact Nadereh Salim, (941)338-1343.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The **Florida Sturgeon Production Working Group** announces a meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, December 6, 2000, 9:30 a.m. – 11:30 a.m.

PLACE: Alligator Room, Bryant Building, 620 South Meridian Street, Tallahassee, FL

AGENDA: 9:30 a.m. – Introduction, Approval of June 27 FSPWG Meeting minutes and Election of new officers; 10:00 a.m. – Discussion of issues, Updates of status of Atlantic Sturgeon to Florida, Formation of Cooperative Broodstock Development and Husbandry Board, for the purpose to collect and disseminate biological data on all sturgeon life history stages; 10:30 a.m. – Break; 11:00 a.m. – Brief presentations of sturgeon research projects (5 minutes per person or project); 11:30 a.m. – Adjourn.

**FLORIDA SPORTS FOUNDATION**

The **Florida Sports Foundation** announces a public meeting of the Florida Sports Foundation Regional Grant Committee to which all persons are invited.

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

PLACE: Florida Sports Foundation, 2930 Kerry Forest Parkway, Tallahassee, FL 32308

**NORTHEAST FLORIDA CRIMINAL JUSTICE TRAINING AND EDUCATION CENTER**

The Region V, **Training Council** will hold its Bi-Annual Advisory Meeting:

DATE AND TIME: December 7, 2000, 2:00 p.m.

PLACE: St. Johns River Community College, Administration Bldg., Conference Room, 2990 College Drive, St. Augustine, FL

For an advance copy of the agenda, contact: Frank Heinze, Northeast Florida Criminal Justice Training and Education Center, (904)928-1277, Fax (904)928-1295.

**SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION**

NOTICE OF CHANGE – The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited:

DATE AND TIME: Friday, November 17, 2000, 9:30 a.m. (Revised Time)

PLACE: Conference Room “R”, Second Floor, City Hall, City of Orlando, 400 South Orange Avenue, Orlando, FL

PURPOSE: Board of Directors Meeting.

NOTE: A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

**AREA AGENCY ON AGING OF PASCO-PINELLAS**

The **Area Agency on Aging of Pasco-Pinellas, Inc. (AAAPP)** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, November 20, 2000, 11:00 a.m. or immediately following the AAAPP board meeting (Please call to confirm date, time and location)

PLACE: Area Agency on Aging of Pasco-Pinellas, Inc., 9455 Koger Boulevard, St. Petersburg, Florida 33702

PURPOSE: Area Agency on Aging of Pasco-Pinellas, Inc. Membership and Nominating Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a

verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

**H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE**

The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 29, 2000, 11:30 a.m.

PLACE: Moffitt Board Room, 12902 Magnolia Drive, Tampa, FL

PURPOSE: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.

A copy of the agenda may be obtained by writing: Ms. Barbara Sawyer, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612.

Persons requiring special accommodations due to disability or physical impairment should contact Ms. Barbara Sawyer, by Friday, November 24, 2000.

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

**DEPARTMENT OF INSURANCE**

NOTICE IS HEREBY GIVEN that the petition for declaratory statement filed by Christopher Spencer, President of the International Fire Fighters Association, Local #2887 on October 20, 2000 with the Department of Insurance has been withdrawn by the petitioner.

**DEPARTMENT OF CORRECTIONS**

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Douglas Jackson. The Petitioner requested that the Department of Corrections repeal Rule 33-602.405, Florida Administrative Code, on the ground that the rule constituted an invalid exercise of legislative authority, in that no statutory authority exists to justify charging inmates for photo copying services.

The Department denied Inmate Jackson’s Petition. The Petition constitutes a rule challenge. As such, the Petitioner, an inmate of the Department, lacks standing to present such a rule challenge.

A copy of the Order may be obtained: 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 October 27, 2000 from Douglas Jackson. Petitioner is seeking repeal of Rule 33-602.405, Florida Administrative Code, on the grounds that no statutory authority supports the charging of inmates for photo copying services.

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, has issued a Order Denying Petition for Declaratory Statement In Re: Petition for Declaratory Statement Florida Yacht Brokers Association, Inc.; Docket Number YD2000-144.

The Order Denying Petition for Declaratory Statement states that the Petition for Declaratory Statement fails to comply with Chapter 120, Florida Statutes and Chapter 28-105, Florida Administrative Code. Second, Petitioner has requested a declaratory statement on hypothetical questions. Third, there is no showing that there is a present controversy as to a state of facts and no showing that there is an actual, present and practical need for a declaratory statement. Fourth, the Petition seeks adjudication concerning the rights of unknown third parties, i.e., the hypothetical parties contemplated in Petitioner’s “scenarios”, and fifth, the petition does not address a statute, rule or administrative final order of the Division.

A copy of the Declaratory Statement 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 32399-1030.

**DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of the Federation of Physicians and Dentists. The Petitioner seeks the Board’s interpretation of whether Sections 458.310, 458.315 and 458.317, Florida Statutes, authorize physicians licensed under any or all of these provisions to practice medicine in Florida in the employ of private, for profit subcontractors to

State agencies in the same sense they would be authorized to engage in similar medical practices as employees of the Department of Corrections or other agencies of the State.

The Board will consider this petition at its meeting scheduled for December 1, 2000, 8:00 a.m. or as soon thereafter as can be heard, at the Marriott Hotel, Tampa International Airport, Tampa, Florida.

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:**

RPK Associates, LTD. vs. Florida Housing Finance Corporation; Rule No.: 4408RU

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

Philip J. Stoddard vs. Department of State, Division of Licensing; Case No.: 00-4199RU; Dismissed

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

**NONE**

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

**NONE**

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

**DEPARTMENT OF EDUCATION**

**NOTICE OF CANCELLATION  
DCSB PROJECT NO. C-90360**

Remodeling, Renovations and Site Improvements at Long Branch Elementary School, No. 106  
The bid opening for this project, originally scheduled for 2:00 p.m., December 12, 2000, is cancelled.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**REQUEST FOR PROPOSAL**

The Department of Children and Family Services, Economic Self-Sufficiency Program Office in District 12 is requesting proposals to provide services to the homeless population in Volusia and Flagler Counties. A Request For Proposal will be available from, and proposals should be received by Kathy Spencer, Program Specialist, Economic Self-Sufficiency Program Office, Room 144, 210 North Palmetto Avenue, Daytona Beach, Florida 32114. Notice of Intent to Submit a Proposal must be received by December 8, 2000, by 5:00 p.m. (Eastern Standard Time). Six (6) copies of the Proposal must be received by 5:00 p.m. (Eastern Standard Time), December 29, 2000. Proposals will be opened on January 2, 2001, 9:00 a.m. (Eastern Standard Time), in the Economic Self-Sufficiency Program Office. Certified Minority Business Enterprises are encouraged to participate in any offeror's conference, pre-solicitation or pre-bid meetings which are scheduled. The department reserves the right to reject any and all bids or accept minor irregularities in the best interest of the State.

**JACKSON COUNTY BOARD OF COUNTY COMMISSIONERS**

**REQUEST FOR PROPOSALS (RFP)**

Request for proposals for a county wide visioning project. Jackson County, Florida is requesting consultant assistance in the planning and implementation of a county wide visioning project.

To apply: To request an RFP packet, contact: Rick Pettis, Director, Department of Community Development, 4487 Lafayette Street, Marianna, Florida 32448, (850)482-9637 or email: cddir@digitalexp.com. The submittal deadline is 4:30 p.m., January 30, 2001.

**Section XII  
Miscellaneous**

**DEPARTMENT OF BANKING AND FINANCE**

**NOTICE OF FILINGS**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350,

for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., December 8, 2000):

**APPLICATION TO MERGE**

Constituent Institutions: Friendship Community Bank, Ocala, Florida and FCB Interim Bank, Ocala, Florida  
Resulting Institution: Friendship Community Bank  
Received: November 3, 2000

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: State Employees Credit Union, Post Office Box 2927, Jacksonville, Florida 32232-0056  
Expansion Includes: Anyone who resides or works in Leon County, Florida.  
Received: November 3, 2000

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Expansion Includes: Anyone who resides or works in Leon County, Florida.  
Received: November 3, 2000

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE OF LITIGATION**

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on October 26, 2000, concerning certificate of need decisions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a



grant or denial of their certificate of need at issue will determine substantial interest of person. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 28-5.111 and 28-5.207, FAC. In deference to rights of substantially affected person, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON# INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)

- 9362 Denial, transfer the construction of an 81-bed skilled nursing facility from National Healthcare, L.P., Brevard County, (PRH) same as applicant
- 9363 Denial, transfer the construction of a 120-bed skilled nursing facility from National Healthcare, L.P., Duval County, Life Care Health Resources, Inc., (PRH) same as applicant
- 9364 Denial, transfer the construction of a 120-bed skilled nursing facility from National Healthcare, L.P., Duval County, Life Care Health Resources, Inc., (PRH) same as applicant
- 9365 Denial, transfer the construction of a 120-bed skilled nursing facility from National Healthcare, L.P., Escambia County, Life Care Health Resources, Inc., (PRH) same as applicant
- 9366 Denial, transfer the construction of an 81-bed skilled nursing facility from National Healthcare, L.P., Brevard County, (PRH) same as applicant
- 9367 Denial, transfer the construction of a 120-bed skilled nursing facility from National Healthcare, L.P., Duval County, Life Care Health Resources, Inc., (PRH) same as applicant

**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:

Cedar Bay Cogeneration Project  
 Cedar Bay Generating Company,  
 U.S. Generating Company,  
 P G & E Generating Company & Stone Container Corp.  
 Power Plant Siting Application: PA88-24C  
 OGC Case No. 99-1417  
 Duval County, Florida

On March 22, 1999, Cedar Bay Generating Company (CBCG) filed a request to modify the PSD Permit (PSD-FL-137). On May 24, 1999, CBCG requested corresponding modifications to the conditions of certification pursuant to Section 403.516(l)(b), F.S. CBCG requested changes in the mercury test method, language concerning burning of short fiber recycle rejects, method of maximum heat input rate measurement and providing for modifications to conditions to conform to amendments to federally delegated or approved permits.

On August 11, 1999, Stone Container Corporation, a co-applicant with CBCG, filed a request for modification to allow an increase in steam production at the associated paper mill. On August 23, 1999, Stone Container filed a copy of the requested modification with all parties to the proceeding.

On July 23, 1999, the Department issued an Air Operation Permit No. 0310337-002-AV. On October 28, 1999, the Department issued DEP Permit No. FL0061204-Minor for stormwater discharge for the Cedar Bay facility. On March 9, 2000, the Department issued final revised PSD-FL-137 permit. Also in March 2000, the Department issued an amendment to PSD-FL-252 for Stone Container that would allow an increased steam production.

These actions require that the Department make certain modifications to conform the Conditions of Certification for the above referenced facility to the revised PSD, Title V, and stormwater permits. Additionally the Department proposes and the applicants concur to update and correct the conditions of certification to reflect the applicants' current names, the Department's current name, current rule citations, and agreed that Condition XXII should be modified to allow for conforming conditions of certification to future amendments to federally delegated permits. These changes are being made in accordance with DEP Rule 62-17.211, Florida Administrative Code, and Section 403.516, Florida Statutes.

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.

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#### **DEPARTMENT OF HEALTH**

On November 2, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Alan I. Richman, M.D., license number ME 0039879. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On November 2, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Cynthia Bloskey, R.N., license number RN 3376632. BLOSKLEY's last known address is: 726 1/2 Darmore Street, North, Apartment 1, St. Petersburg, Florida 33701. This Emergency Order was predicted upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Section 456.073(8) and 120.60(8), Florida Statutes. The secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On November 2, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Mary Fain, R.N., license number RN 1214082. FAIN's last known address is: 9 Southeast 13th Street, Deerfield Beach, Florida 33441. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8),

Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On November 2, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Patrick Maltais, R.N., license number RN 2656002. MALTAIS's last known address is: Post Office Box 356, Indian Rocks River, Florida 33785. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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#### **STATEWIDE NOMINATING COMMISSION FOR JUDGES OF COMPENSATION CLAIMS**

##### **Notice of Public Hearing**

The Statewide Nominating Commission for Judges of Compensation Claims announces that it is accepting applications for the judge of compensation claims vacancy in District K (Miami). This vacancy has been created by the announced resignation of Judge Judith Nelson.

Qualified applicants must submit the original completed application and one copy to the Chairperson, and one additional copy must be submitted to each Commission member, by 5:00 p.m., December 1, 2000. Applications may be obtained from the Commission chairperson.

A public hearing will be held on Monday, December 11, 2000, at the Hyatt Regency Miami, 400 S. E. 2nd Avenue, Merrick-One, Third Floor, Miami, FL 33131, commencing 9:30 a.m., for the purpose of conducting interviews of the applicants for this position. Written commentary concerning any applicant by any person is welcome and must be submitted to the Commission chairperson and a copy to each Commission member at least two business days in advance of the hearing date.

Any questions should be directed to: G. Bart Billbrough, Commission Chairperson, 1390 Brickell Avenue, Third Floor, Miami, FL 33131, (305)350-5358, Fax (305)373-2294.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN October 30, 2000  
 and November 3, 2000

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF STATE**

**Division of Historical Resources**

1A-43.007	11/3/00	11/23/00	26/33	
1A-43.009	11/3/00	11/23/00	26/33	

**DEPARTMENT OF LEGAL AFFAIRS**

2-40.005	10/30/00	11/19/00	26/39	
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**DEPARTMENT OF INSURANCE**

4-151.011	11/1/00	11/21/00	26/32	
4-189.003	11/1/00	11/21/00	26/13	26/38

**DEPARTMENT OF TRANSPORTATION**

14-93.001	11/1/00	11/21/00	26/28	
14-93.002	11/1/00	11/21/00	26/28	
14-93.003	11/1/00	11/21/00	26/28	
14-93.004	11/1/00	11/21/00	26/28	26/40

**DEPARTMENT OF CORRECTIONS**

33-602.101	11/1/00	11/21/00	26/22	
33-602.201	11/1/00	11/21/00	26/22	26/27
33-602.202	11/1/00	11/21/00	26/22	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

61G8-17.0034	10/31/00	11/20/00	26/39	
61G8-23.004	10/31/00	11/20/00	26/39	
61G8-28.001	11/3/00	11/23/00	26/39	

**Board of Landscape Architecture**

61G10-13.005	10/30/00	11/19/00	26/24	
61G10-13.007	10/30/00	11/19/00	26/24	26/39
61G10-14.003	10/30/00	11/19/00	26/24	26/39

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

64B2-11.013	10/30/00	11/19/00	26/38	
64B2-12.003	10/30/00	11/19/00	26/38	
64B2-15.001	10/30/00	11/19/00	26/38	

**Board of Osteopathic Medicine**

64B15-6.0038	11/3/00	11/23/00	26/39	
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**Board of Pharmacy**

64B16-25.180	11/3/00	11/23/00	26/39	
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**Board of Podiatric Medicine**

64B18-14.010	11/3/00	11/23/00	26/39	
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