

**FLORIDA HOUSING FINANCE CORPORATION**

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**PURPOSE AND EFFECT:** The purpose of Rule Chapter 67-21, Florida Administrative Code (FAC.), is to establish the procedures by which the Florida Housing Finance Corporation shall administer the application process, determine loan amounts and issue multifamily mortgage revenue bonds for new construction or substantial rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond Program.

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2001 application and program requirements for the Multifamily Bond Program, as specified in Rule Chapter 67-21, FAC.

**SPECIFIC AUTHORITY:** 420.507, 420.508 FS.

**LAW IMPLEMENTED:** 420.502, 420.503, 420.507, 420.508, 420.509 FS.

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

**TIME AND DATE:** 2:00 p.m., April 27, 2000

**PLACE:** Florida Housing Finance Corporation, Sixth Floor Seltzer Room, 227 North Bronough Street, Tallahassee, FL 32301

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Bill Metler, Bond Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Bill Metler at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE:	RULE NO.:
Florida Wild Turkey Stamp Design Contest	68A-28.003

**PURPOSE AND EFFECT:** The purpose of this rule change is to delete the rule. The result should cause no adverse effect to the participants since the language contained in the rule will be provided in the packets mailed to the participants each year.

**SUBJECT AREA TO BE ADDRESSED:** Deletion of the existing rule.

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

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

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

**TIME, DATES AND PLACE:** May 24-26, 2000, Time and Place to be announced at a later date

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 5 calendar days before the workshop by contacting Andrena Knicely, (850)487-1764. 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.**

**Section II  
Proposed Rules**

**DEPARTMENT OF INSURANCE**

**Division of Insurer Services**

RULE CHAPTER TITLE:	RULE NOS.:
Medical Incident Patient Compensation Program	4J-3.001-.007

**PURPOSE AND EFFECT:** To repeal rule Chapter 4J-3 FAC., pursuant to section 120.536(2)(b), F.S. review and analysis.

SUMMARY: The Medical Incident Patient Compensation Program, rule Chapter 4J-3, was promulgated pursuant to s. 768.42 and 768.43, F.S. created by the 1976 Florida legislature. However, both sections were then repealed by the legislature in 1977. Based on this the rule should be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 768.42(2)(a) FS.

LAW IMPLEMENTED: 768.42, 768.43 FS.

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

TIME AND DATE: 9:00 a.m., May 3, 2000

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eugenia Tyus, Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0314, (850)413-2552

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)922-3100, Ext. 4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4J-3.001 Definitions.

Specific Authority 768.42(2)(a) FS. Law Implemented 768.42, 768.43 FS. History--New 1-1-77, Amended 4-14-77, Formerly 4-40.01, 4-40.001, Repealed

4J-3.002 Methods of Funding Patient Compensation Program.

Specific Authority 768.42(2)(a) FS. Law Implemented 768.42, 768.43 FS. History--New 1-1-77, Formerly 4-40.02, 4-40.002, Repealed

4J-3.003 Administrative Fines and Other Disciplinary Measures.

Specific Authority 768.42(2)(a) FS. Law Implemented 768.42, 768.43 FS. History--New 1-1-77, Formerly 4-40.03, 4-40.003, Repealed

4J-3.004 Annual Audit.

Specific Authority 768.42(2)(a) FS. Law Implemented 768.42, 768.43 FS. History--New 1-1-77, Formerly 4-40.04, 4-40.004, Repealed

4J-3.005 Procedure for Conduct of Medical Incident Committee Meetings.

Specific Authority 768.42(2)(a), 768.42(3) FS. Law Implemented 768.42, 768.43 FS. History--New 1-1-77, Amended 4-14-77, Formerly 4-40.05, 4-40.005, Repealed

4J-3.006 Flexibility.

Specific Authority 768.42(2)(a) FS. Law Implemented 768.42, 768.43 FS. History--New 1-1-77, Formerly 4-40.06, 4-40.006, Repealed

4J-3.007 Medical Incident Information.

Specific Authority 768.42(2)(a) FS. Law Implemented 768.42, 768.43 FS. History--New 1-1-77, Formerly 4-40.07, 4-40.007, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:

Fred Whitson, Legal Services and Eugenia Tyus, Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Belinda Miller, Director, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

March 28, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Community College Concurrent-Use Articulation Agreements 6A-14.0302

PURPOSE AND EFFECT: The purpose is to ensure that the State Board of Community Colleges has a process for community colleges to share information and to work with the State University System and the Independent Colleges and Universities to meet the needs for baccalaureate access in Florida through concurrent-use. The effect is that the State Board of Community Colleges will have rules for the community colleges to follow, as they enter into cooperative agreements to provide baccalaureate access to residents in their college service areas. Such rules will provide that, at a minimum, any private college working with a community college to increase access must be regionally accredited and licensed to operate in Florida.

SUMMARY: The proposed rule establishes guidelines for the State Community College System to follow as the community colleges enter into cooperative agreements to provide baccalaureate access to residents in their college service area.

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: 240.125, 240.325 FS.

LAW IMPLEMENTED: 240.325 FS.

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

TIME AND DATE: 9:00 a.m., May 9, 2000

PLACE: LL-03, The Capitol, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.0302 Community College Concurrent-Use Articulation Agreements.

(1) Community colleges are encouraged to enter into concurrent-use articulation agreements that allow community college service area students access to upper-division courses leading to a baccalaureate degree at the community college site. Such concurrent-use agreements shall be established in accordance with guidelines adopted by the State Board of Community Colleges and may be with either state universities or regionally accredited independent colleges or universities. Out-of-state colleges or universities must be in compliance with the licensure requirements of Section 246.021, Florida Statutes.

(2) The State Board of Community Colleges shall review, prior to final adoption by a local board of trustees, all concurrent-use articulation agreements. Approval of an agreement by a local board shall be based on local need and adherence to the guidelines developed by the State Board of Community Colleges. The State Board of Community Colleges shall consult with the Board of Regents and the Postsecondary Education Planning Commission during the review process. The State Board of Community Colleges shall complete their review within sixty (60) days of receiving a formal concurrent-use agreement proposal that addresses the points contained in the guidelines.

(3) Community colleges shall conduct a joint planning process which shall include, at a minimum, all state and independent universities in the community college service area that are interested in providing upper-level course offerings at a community college location. The joint planning process shall be used to determine which institution(s) can best meet the need for a baccalaureate degree program at a community college location. The community college board of trustees shall make the determination of the need for a baccalaureate degree program.

(4) The State Board of Community Colleges shall forward copies of agreements approved by local boards of trustees to the Board of Regents and the Postsecondary Education Planning Commission.

(5) Final approval by a local board is subject to review and action by the State Board of Education if the request for review and action occurs within forty-five (45) days of the local board

decision. If a request for review is not made by a member of the State Board of Education, then the local board determination shall automatically become effective forty-five (45) days from the date of the local board's decision to approve.

Specific Authority 240.125, 240.325 FS. Law Implemented 240.325 FS. History—New \_\_\_\_\_.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 1999

## DEPARTMENT OF REVENUE

### Miscellaneous Tax

RULE TITLE: Computation of Phosphate Rock Tax Rate

RULE NO.: 12B-7.0225

PURPOSE AND EFFECT: Section 211.3103(6), F.S., requires the Department to annually determine the phosphate rock base rate adjustment and the resulting annual phosphate rock tax rate, and to provide written notice to affected producers on or before April 15 of each year. Section 211.3103(6)(e), F.S., authorizes the adoption of another index if the Phosphate Rock Primary Products Index is discontinued. The U.S. Department of Labor, Bureau of Labor Statistics, has discontinued Commodity Code 1475. The Department will now use the Producer Price Index Commodity Code 147. Therefore, the creation of Rule 12B-7.0225, FAC., is necessary to adopted this index.

SUMMARY: The creation of Rule 12B-7.0225, FAC., adopts by reference the U.S. Department of Labor, Bureau of Labor Statistics, Producer Price Index Commodity Code 147, as the index used by the Department to determine the annual phosphate rock tax rate.

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

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

SPECIFIC AUTHORITY: 211.3103(6)(e), 213.06(1) FS.

LAW IMPLEMENTED: 211.3103 FS.

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

TIME AND DATE: 10:00 a.m., May 1, 2000  
 PLACE: Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joseph Parramore, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709  
 NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting: Jamie Phillips, (850)488-0717. If you are hearing or speech-impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-7.0225 Computation of Phosphate Rock Tax Rate.

The U.S. Bureau of Labor Statistics Producer Price Index Commodity Code 147, Chemical and Fertilizer Mineral Mining, is hereby adopted by reference for the purpose of calculating the annual base rate adjustment to the phosphate rock tax rate.

Specific Authority 211.3103(6)(e), 213.06(1) FS. Law Implemented 211.3103 FS. History—New

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Personnel  
 RULE CHAPTER NO.: 14-17  
 RULE TITLE: Ethical Conduct  
 RULE NO.: 14-17.011

PURPOSE AND EFFECT: This amendment adds a subsection (c) to Rule 14-17.011(9), which exempts approved employment teaching in educational institutions from the prohibition against employment or contractual relationship with any individual, partnership, corporation (profit or non-profit), utility, or other organization, whether public or private, doing business with or regulated by the Department. The current subsections (9)(c) through (9)(i) are renumbered as (9)(d) through (9)(j). In 14-17.011(10)(e)2., a revised version of DOT Form 250-011-01, Report of Relatives Working for the Department of Transportation, is incorporated by reference. The revised version of the form removes the Social Security Number in Section 2. and substitutes "District/Work Unit" as an identifier for the relatives listed. Also, the form is editorially updated to remove the obsolete "19\_" references in the date blanks.

SUMMARY: This amendment adds a subsection (c) to Rule 14-17.011(9) to provide a special exclusion relating to employment restrictions. The amendment to 14-17.011(10)(e)2. will incorporate a revised version of the form for reporting relatives working for the Department.

SPECIFIC AUTHORITY: 20.23(3)(a), 110.233(6), 110.403(5), 110.605(5), 120.53(1), 334.044(2) FS.

LAW IMPLEMENTED: 20.23(1)(b)1., 110.233(6), 110.403(5), 110.605(5), 334.193, 334.195 FS.

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

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

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: 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:

14-17.011 Ethical Conduct.

(1) through (8) No change.

(9) Conflicting Employment, Contractual Relationship, or Post Employment Prohibited.

(a) Employees of the Department are free to accept, have, or hold any employment or contractual relationship with any individual, partnership, corporation (profit or non-profit), utility or other organization, whether public or private, if the employment or contractual relationship does not constitute a conflict of interest; violate any applicable statutes; or violate the provisions of this rule.

(b) Employees of the Department shall not accept, have or hold any employment or contractual relationship with any individual, partnership, corporation (profit or non-profit), utility or other organization, whether public or private, doing business with or regulated by the Department. As a general rule such employment or contractual relationship shall be presumed to:

1. Cause or appear to cause the employees to be influenced in the conduct of their official duties;

2. Create or appear to create a continuing or frequently recurring conflict between their private interests and performing their duties;

3. Hinder or appear to hinder the full and faithful conduct of their duties; or

4. Interfere or appear to interfere with the normal conduct of their jobs; or

5. Be based or appear to be based upon any understanding that their official action or judgment will be influenced by the relationship.

(c) The prohibition in (b) above, shall not apply to an employee who, with the approval of a District Director, District Secretary, or appropriate SMS supervisor in Central Office, seeks to teach at an institution in the state system of public education as that term is defined in Section 228.041, Florida Statutes, or at a private, accredited, post-secondary educational institution, so long as the employee's teaching at such institution is not in connection with any contract for contractual services in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, or investigation on behalf of the Department while an employee.

(d)~~(e)~~ While employed by the Department, employees who participate in deciding, approving, disapproving, recommending, or preparing any part of a purchase request; influencing the content of any specification or procurement standard; rendering advice; investigating; auditing; or acting in any other advisory capacity in procuring contractual services may not work for a person or entity contracting with the Department. The term "contractual services" is defined in Section 287.012(4), Florida Statutes.

(e)~~(f)~~ Employees of the Department acting in their official capacities are restricted from directly or indirectly procuring contractual services for the Department from any business entity when a relative is an officer, partner, director, or owner or in which such employee or his/her spouse or child, or any combination of them has a material interest.

1. "Material interest" is defined in Section 14-17.011(7)(c) above.

2. For purposes of this section "Relative" means an individual who is related to a Department employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the employee or who otherwise holds himself or herself out as or is generally known as the person whom the employee intends to marry or with whom the employee intends to form a household, or any other natural person having the same legal residence as the employee.

(f)~~(e)~~ After employees of the Department retire or terminate, they are prohibited from having or holding any employment or contractual relationship with any business entity (other than an agency) in connection with any contract in which the employees participated personally and substantially through deciding, approving, disapproving, recommending, rendering of advice or investigating. An "Agency" means any state office, department, board, commission or council of the executive branch or the judicial branch of state government.

(g)~~(f)~~ Employees who retire or terminate from the Department are restricted for two years from having or holding any employment or contractual relationship with any business entity (other than agency) in connection with any contract for contractual services which was within their responsibility while employees of the Department.

(h)~~(g)~~ Senior Management Service (SMS) and Select Exempt Service (SES) employees of the Department are prohibited from personally representing (lobbying for) another person or entity, excluding another state agency, before the Department for a period of two years following the vacating of their respective position. Refer to Section 112.313(9), Florida Statutes, for further information. This post-employment restriction does not apply to:

1. Persons employed by the State prior to July 1, 1989.

2. Persons employed by the State after July 1, 1989 who reach normal retirement as defined in Section 121.021(29), Florida Statutes, and retire from the State by July 1, 1991.

(i)~~(h)~~ For their protection, employees of the Department who are uncertain if an anticipated employment or contractual relationship is permissible should submit the details, in writing, to the Central Personnel Resource Management Officer for further review. A copy of the request and the response will be placed in their official personnel files.

(j)~~(i)~~ All sworn law enforcement officers of the Department must notify the Secretary, the State Highway Engineer, or the Manager of the Motor Carrier Compliance Office of any anticipated acceptance or performance of either police or non-police employment outside the Department. The approval and continuation of such outside employment by Department law enforcement officers shall be subject to the provisions of Section 14-17.011(14) F.A.C., below, applicable statutes and any applicable collective bargaining agreement.

(10) Employment of Relatives.

(a) through (d) No change.

(e) Reporting of Relatives Working for the Department.

1. Each employee or successful applicant is hereby required prior to being appointed, promoted, demoted, transferred, or reassigned in or to a position in the Department, to report any relatives working for the Department who would be in the same organizational unit or who would be in a position in the line of authority above or below the employee or successful applicant as a result of such personnel action. Based on their personal knowledge and the information provided by the employee or successful applicant, each manager or hiring authority taking such personnel action shall certify compliance with Subsection 14-17.011(10)(d) above or gain approval as provided in Subsection 14-17.011(10)(f) below, prior to finalizing such personnel action.

2. Certification required by Subsection 14-17.011(10)(e)1. above, shall be accomplished by using DOT Form 250-011-01, Report of Relatives Working for the Department of Transportation, (Rev. 03/00 ~~2/94~~), which form is hereby

incorporated by reference. The form and any exception approval shall be completed and submitted with the employment paperwork required for the personnel transaction to the appropriate District or Central Personnel Resource Management Office. DOT Form 250-011-01, Report of Relatives Working for the Department of Transportation, (Rev. 03/00 ~~2/94~~) is available upon request from the Central Personnel Resource Management Office, any District Resource Management Personnel Office, or the Central Warehouse.

(f) through (16) No change.

Specific Authority 20.23(3)(a), 110.233(6), 110.403(5), 110.605(5), 120.53(1), 334.044(2) FS. Law Implemented 20.23(1)(b)1., 110.233(6), 110.403(5), 110.605(5), 334.193, 334.195 FS. History—New 7-9-89, Amended 1-22-92, 5-10-94, 4-21-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David Ferguson, Personnel Officer

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: December 17, 1999

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Procedural  
RULE CHAPTER NO.: 40D-1

RULE TITLE: Forms and Instructions  
RULE NO.: 40D-1.659

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to adopt a water use form entitled Modification Short Form. Forms which the District uses in its dealings with the public must be adopted by rule pursuant to Section 120.55(1)(a)4., Florida Statutes. This rule amendment will incorporate this form by reference into District Rule 40D-1.659, Florida Administrative Code.

SUMMARY: Modification of District Rule 40D-1.659 to incorporate by reference a water use form entitled Modification Short Form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rules 40D-1.659, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.4113 FS.

LAW IMPLEMENTED: 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 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: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

**GROUND WATER**

(1) through (14) No change.

(15) Modification Short Form – Form No. 42.00-034 (03/00)

(15) through (17) renumbered (16) through (18) No change.

**SURFACE WATER**

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (12) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.1.901, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Individual Environmental  
RULE CHAPTER NO.: 40D-4

Resource Permits  
RULE TITLE: Formal Determination of Wetlands and

Other Surface Waters  
RULE NO.: 40D-4.042

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to specify a time frame within which the District must act on a Petition for a Formal Determination of Wetlands and Other Surface Waters and provide that Sections 120.569 and 120.57 apply to Petitions for Formal Determinations. The amendments will also provide a time frame for submission of a petition for a property for which a formal determination already exists in order to qualify for a reduced fee.

SUMMARY: Formal determinations are issued in lieu of Declaratory Statements pursuant to Section 373.421(2), Florida Statutes (F.S.). Because the provisions of Section

373.421 do not specify a time frame within which the District must act on a petition, the District has relied on the provisions of Section 120.565, F.S. Section 120.565, F.S. provides that agencies must issue a declaratory statement or deny the petition for a declaratory statement within 90 days after the filing of the petition. This time frame does not provide the District with sufficient flexibility to adequately address insufficient petitions for formal determinations; requests for additional information; site visits and surveys where large geographic areas are involved; and the required advertising schedule. The amendments also specify that sections 120.569 and 120.57, F.S. apply to formal determinations made pursuant to this rule and provide a time frame within which a petition may be submitted for a property for which a formal determination already exists in order to qualify for a reduced fee.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rules 40D-1.659, FAC., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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:** 373.044, 373.113, 373.421(2) FS.

**LAW IMPLEMENTED:** 373.421(2) 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:** Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

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

40D-4.042 Formal Determination of Wetlands and Other Surface Waters.

(1) through (2) No change.

(3)(a) Within 30 days of receipt of a petition for a formal determination, the District shall notify the petitioner of any additional information which may be necessary to complete review of the petition. The District shall complete the determination and shall issue a notice of intended agency action within 90 days after the petition is deemed complete. The District shall publish the notice of intended agency action on the petition in a newspaper of general circulation in the county or counties where the property is located.

(b) The provisions of sections 120.57 and 120.569, F.S., apply to formal determinations made pursuant to this section. Any person whose substantial interests will be affected by the District's proposed action on the petition may request an administrative hearing on the proposed action. If no request for an administrative hearing is filed, the District will then take final action on the petition for the formal determination.

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

(7)(6) A petition for a new formal determination for a property for which a formal determination already exists shall require the reduced fee set forth in Rule 40D-1.607, F.A.C. provided:

(a) No change.

(b) the petition is submitted within 60 days prior to the existing determination's expiration.

(8)(7) No change.

Specific Authority 373.044, 373.113, 373.421(2) FS. Law Implemented 373.421(2) FS. History--New 10-3-95, Amended 7-2-98, \_\_\_\_\_.

**DEPARTMENT OF VETERANS' AFFAIRS**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Admittance Priority and Procedure	55-11.006
Health Records and General Register	55-11.007
Residents' Contribution to Support	55-11.008
Resident's Deposits of Personal Property	55-11.011

**PURPOSE AND EFFECT:** The purpose of the proposed rule amendments is to implement changes directed by the Joint Administrative Procedures Committee and to conform certain rule provisions to the requirements of, Title 38, United States Code, Section 1741.

**SUMMARY:** The proposed amendment to Rule 55-11.006(4) requires the administrator of the home to issue a certificate of eligibility for residence in the Veterans' Domiciliary Home of Florida to veterans who have been determined to be eligible. In its present form, the rule provides that issuance of such certificates is discretionary with the home administrator. The proposed amendment to Rule 55-11.007(2)(g) deletes a general reference to the information that may be placed in the health records of Veterans' Domiciliary Home residents, and adds a provision specifying certain kinds of documents which may be included in such records. The proposed amendment to Rule 11.008(1)(g) deletes a requirement that residents of the Veterans' Domiciliary Home must apply for certain government funding. The proposed amendment to Rule 11.008(4)(a) deletes the requirement for deduction, from the required contribution of certain residents of the Veterans' Domiciliary Home, of the amount of United States Department of Veterans' Affairs contributions to those residents. The proposed amendment to Rule 55-11.008(6) requires participation in a work incentive therapy program for certain residents who are physically able to work. The proposed amendment to Rule 55-11.011(3) makes mandatory rather than

discretionary the storage of unclaimed property, and the imposition of a storage charge, for one year after the departure or demise of a resident of the Veterans' Domiciliary Home.

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

SPECIFIC AUTHORITY: 296.04(2) FS.

LAW IMPLEMENTED: 296.02, 296.04, 296.06, 296.09, 296.10, 296.11, 296.14 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., April 28, 2000

PLACE: Veterans' Affairs Regional Office, 9500 Bay Pines Blvd., Room 214F, Bay Pines, Florida 33708

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James W. Sloan, 2540 Executive Center Circle, West, Douglas Building, Suite 100, Tallahassee, Florida 32301, Telephone (850)487-1533, or Lyndette Aguirre, P. O. Box 31003, St. Petersburg, Florida 33731-8903, Telephone (727)319-7407

THE FULL TEXT OF THE PROPOSED RULES IS:

55-11.006 Admittance Priority and Procedure.

(1) through (3) No change.

(4) After certificates of eligibility have been issued to all applicants who are eligible to be included in the first priority group above, if there is room in the home for other residents, the Administrator will may issue certificates to veterans who are eligible to become residents who have sufficient means for their own support. Prior to admission, and while a resident of the home, such resident shall be required to pay to the home an amount sufficient to defer the full cost of support pursuant to section 55-11.008 herein.

(5) No change.

Specific Authority 296.04(2) FS. Law Implemented 296.08, 296.10(2), 296.10(3) FS. History--New 5-29-90, Amended 12-27-98,\_\_\_\_\_.

55-11.007 Health Records and General Register.

(1) No change.

(2) A General Register shall be kept in which shall be included the following information concerning each resident admitted to the home:

(a) through (g) No change.

(g) Commendations, disciplinary actions, and staff observation memos ~~Such additional information as the Administrator deems necessary.~~

Specific Authority 296.04(2) FS. Law Implemented 296.09 FS. History--New 5-29-90, Amended 1-17-98,\_\_\_\_\_.

55-11.008 Residents' Contribution to Support.

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

(d) As a condition for acceptance to residency in the home, and at the time of admission to the home, a resident will be required to authorize the Administrator to verify the resident's income. ~~A resident is required to apply for the receipt of all income that is reasonably made available to the resident through governmental funding sources.~~

(2) through (3) No change.

(4)(a) The required contribution for a resident who is eligible for the VA contribution is the daily cost of care as calculated under subsection (2)(a) herein, ~~minus the amount of the VA contribution~~, not to exceed the amount of the resident's income as calculated under subsection (1)(c) herein.

(b) No change.

(5) No change.

(6) Each resident shall pay the full amount of the resident's contribution for each calendar month, in advance, by the fifth day of the month. A resident who does not have income eligible for co-payment and is physically able to work will may be required to participate in the Work Incentive Therapy Program. In the event the resident is discharged for any reason before the end of the month, a pro-rata portion of the resident's contribution for the month shall be refunded to the resident.

Specific Authority 296.04(2) FS. Law Implemented 296.04(6), 296.10(1) FS. History--New 5-29-90, Amended 3-31-94, 1-25-96, 12-27-98,\_\_\_\_\_.

55-11.011 Residents' Deposits of Personal Property.

(1) through (2) No change.

(3) If such property is not claimed by the resident at the time of leaving the home, or if the resident is deceased, it will may be held for safekeeping as unclaimed personal property for up to one year from the date of the resident's demise or departure from the home. The Administrator will may make a reasonable monthly storage charge for the safekeeping of such unclaimed property which shall become a lien upon the property if not paid.

(4) through (5) No change.

Specific Authority 296.04(2) FS. Law Implemented 296.14 FS. History--New 5-29-90, Amended 3-31-94, 12-27-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lyndette Aguirre, Administrative Assistant III

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: James W. Sloan, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 28, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000



**DEPARTMENT OF VETERANS' AFFAIRS**

**RULE TITLES:**  
 Admissions Eligibility  
 Admittance Priority and Procedure  
 Residents' Contribution to Cost of Care

**RULE NOS.:**  
 55-12.004  
 55-12.005  
 55-12.006

**PURPOSE AND EFFECT:** The purpose of the proposed rule amendments is to implement changes directed by the Joint Administrative Procedures Committee and to conform certain rule provisions to the requirements of Title 38, Section 1741 of the United States Code.

**SUMMARY:** The proposed amendment to Rule 55-12.004(1)(d) deletes, from the admissions criterion to the Veterans' Nursing Homes of Florida, the restriction from eligibility of any applicant who owes money to the Department for services rendered during any previous stay at a Department facility. The proposed amendment to Rule 55-12.005(1)(b) deletes the requirement that an eligible veteran with a non-service connected disability must have been determined by the United States Department of Veterans' Affairs to be unable to defray the expense of nursing home care, and replaces it with a provision requiring the veteran to make a sworn statement of inability to defray such expense. The proposed amendment to Rule 55-12.006(4)(a) deletes the requirement for deduction, from the required contribution of certain residents of the Veterans' Domiciliary Home, of the amount of United States Department of Veterans' Affairs contributions to those residents.

**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 within 21 days of this notice.

**SPECIFIC AUTHORITY:** 296.34(3) FS.

**LAW IMPLEMENTED:** 296.32, 296.33, 296.34, 296.35, 296.36, 296.37, 296.41 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m., April 28, 2000

**PLACE:** Veterans' Affairs Regional Office, 9500 Bay Pines Blvd., Room 214F, Bay Pines, Florida 33798

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** James W. Sloan, 2540 Executive Center Circle, West, Douglas Building, Suite 100, Tallahassee, Florida 32301, or Lyndette Aguirre, P. O. Box 31003, St. Petersburg, Florida 33731-8903, Telephone (727)319-7407

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

55-12.004 Admission Eligibility.

(1) To be eligible for admission an applicant must:

(a) through (c) No change.

~~(d) Not owe money to the Department for services rendered during any previous stay at a Department Facility.~~

(2) No change.

Specific Authority 296.34(3) FS. Law Implemented 296.36 FS. History--New 5-23-93, Amended 12-27-98, \_\_\_\_\_.

55-12.005 Admittance Priority and Procedure.

(1) In determining admittance priority the following eligible veterans shall be given priority:

(a) A veteran who requires nursing home care for a condition determined by the VA to be service-connected, or be a condition for which the veteran was released from service for disability incurred or aggravated in the line of duty.

~~(b) A veteran who requires nursing home care for a disability which is not service-connected, who is unable to defray the expense of nursing home care and who so states under oath before a notary public or other official authorized to administer an oath. A veteran who requires nursing home care for a nonservice-connected disability and has been determined by the VA to be unable to defray the expense of nursing home care.~~

(2) No change.

Specific Authority 296.34(3) FS. Law Implemented 296.36, 296.37(2) FS. History--New 5-23-93, Repromulgated 12-27-98, Amended \_\_\_\_\_.

55-12.006 Residents' Contribution to Cost of Care.

(1) through (3) No change.

(4)(a) The required contribution for a resident who is eligible for the VA contribution is the daily cost of care as calculated under paragraph (2)(a) herein, ~~minus the amount of the VA contribution~~, not to exceed the amount of the resident's income as calculated under paragraph (1)(c) herein.

(b) The required contribution for a resident who is not eligible for the VA contribution is the daily cost of care as calculated under paragraph (2)(a) herein.

(5) through (7) No change.

Specific authority 296.34(3) FS. Law Implemented 296.37. History--New 5-23-93, Repromulgated 12-27-98, Amended \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Lyndette Aguirre, Administrative Assistant III

**NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE:** James W. Sloan, General Counsel

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** December 28, 1999

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** January 21, 2000

**DEPARTMENT OF VETERANS' AFFAIRS**

**Division of Veterans' Benefits and Assistance**

RULE TITLE: Definitions  
RULE NO.: 55A-7.003

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to implement changes directed by the Joint Administrative Procedures Committee.

SUMMARY: The proposed amendment to Rule 55A-7.003 deletes the conjunction "or" from a list of kinds of qualifications set forth in the definition of minimum qualifications to be used as criteria for making an employment selection and adds the phrase "if applicable" in reference to the qualifications of licensure or certification.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 295.07(2) FS.

LAW IMPLEMENTED: 1.01(14), 295.07, 295.11, 295.123, 295.15 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., April 28, 2000  
PLACE: Veterans' Affairs Regional Office, 9500 Bay Pines Blvd., Room 214F, Bay Pines, Florida 33798

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James W. Sloan, 2540 Executive Center Circle, West, Douglas Building, Suite 100, Tallahassee, Florida 32301, Telephone (850)487-1533, or Lyndette Aguirre, P. O. Box 31003, St. Petersburg, Florida 33731-8903, Telephone (727)319-7407

THE FULL TEXT OF THE PROPOSED RULE IS:

55A-7.003 Definitions.

As used in this chapter:

(1) through (7) No change.

(8) "Minimum Qualifications" means a specification of the kinds of experience, training, education, and ~~for~~ licensure or certification (if applicable) that provides appropriate job-related evidence that an applicant possesses the minimum required knowledge, skills, and abilities necessary to the discharge of the duties involved.

(9) through (12) No change.

Specific Authority 295.07(2) FS. Law Implemented 1.01(14), 295.07(1) FS. History--New 3-30-88, Formerly 22VP-1.003, Amended 2-12-90, 6-21-92, 7-12-93, 12-27-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lyndette Aguirre, Administrative Assistant III

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: James W. Sloan, General Counsel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 28, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000

**DEPARTMENT OF MANAGEMENT SERVICES**

**Florida Commission on Human Relations**

RULE TITLE: Statutory Chapter and Rules  
RULE NO.: 60Y-2.006

PURPOSE AND EFFECT: The goal and effect of the proposed rule amendments is to annunciate and identify the statutory chapter and rules that affect and govern the operations of the Florida Commission on Human Relations.

SUMMARY: The proposed rule amendments will update the current rule by listing all of the statutory chapters and rule chapters that directly affect and govern the operations of the Florida Commission on Human Relations.

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

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

SPECIFIC AUTHORITY: 760.06(12), 760.11(14), 760.31(5) FS.

LAW IMPLEMENTED: 760, 509.092 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., May 2, 2000  
PLACE: Florida Commission on Human Relations, Suite 240, Building F, 325 John Knox Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stan Gorsica, Attorney, Florida Commission on Human Relations, Suite 240, Building F, 325 John Knox Road, Tallahassee, Florida 32303-4149, (850)488-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-2.006 Statutory Chapter and Rules.

The mission and duties of the Commission are carried out pursuant to statutory authority delineated in Chapter 760, Florida Statutes. The following additional statutory chapters and rule chapters directly affect and govern the operations of the Commission:

(1) Chapter 120, Florida Statutes.

(2) Chapters 60Y-1, ~~60Y-2~~ through 60Y-10 ~~60Y-5~~, and 60Y-25, Florida Administrative Code.

(3) Chapters ~~28-101 through 28-106, 28-108, 28-109~~ ~~28-4 through 28-5, and 28-8~~, Florida Administrative Code.

Specific Authority ~~760.06(12), 760.11(14), 760.31(5), 760.06(13)~~ FS. Law Implemented 760, 509.092, ~~760.06~~ FS. History—New 11-2-78, Amended 8-12-85, Formerly 22T-6.06, 22T-6.006, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dana Baird, General Counsel, Florida Commission on Human Relations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ronald McElrath, Executive Director, Florida Commission on Human Relations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Probable Cause Determinations

RULE NO.: 61G1-11.005

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule text.

SUMMARY: The Board proposes to amend this rule to update the rule text with regard to its board members.

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

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

SPECIFIC AUTHORITY: 455.225 FS.

LAW IMPLEMENTED: 455.225 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-11.005 Probable Cause Determinations.

Probable cause determination as to violation of Chapter 481, Chapter 455 and rules promulgated pursuant thereto shall be made by a probable cause panel of three (3) Board members, consisting of two (2) architects and one (1) interior designer. Said members shall be appointed as a standing probable cause committee at the first board meeting of each calendar year and shall serve for a period of one (1) year. A former Board

member, if willing to serve, may be appointed. All proceedings of the probable cause panel shall be conducted in accordance with Chapters 120 and 455, Florida Statutes.

Specific Authority 455.225 FS. Law Implemented 455.225 FS. History—New 12-23-79, Amended 2-3-81, Formerly 21B-11.05, Amended 8-20-89, Formerly 21B-11.005, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Grounds for Disciplinary Proceedings

RULE NO.: 61G1-12.001

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text.

SUMMARY: The Board has determined that the rule text should be amended to further clarify grounds for disciplinary proceedings for architects, interior designers, firms or businesses holding a certificate of authorization.

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

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

SPECIFIC AUTHORITY: 455.304, 481.2055 FS.

LAW IMPLEMENTED: 455.303, 455.304, 481.225, 481.2251 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-12.001 Grounds for Disciplinary Proceedings.

(1) No change.

(2) As provided in Sections 481.225(1)(h) and 481.2251(1)(d), F.S., an architect or interior designer, or firm, or business holding a certificate of authorization shall not

"advertise goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content." A false, fraudulent, misleading, or deceptive statement or claim shall include without limitation:

(a) through (f) No change.

(3) No change.

(4) An architect, ~~or firm, or business holding a certificate of authorization~~ may not be negligent in the practice of architecture. The term negligence is defined as the failure, by an architect, to exercise due care to conform to acceptable standards of architectural practice in such a manner as to be detrimental to a client or to the public at large.

(a) No change.

(b) An architect shall be required to coordinate his activities with other professionals involved in those projects wherein the architect is engaged to provide plans, drawings and specifications which result in the production of working documents which are used or intended to be used for the construction of a structure.

(5) No change.

(6) An architect, ~~or firm or business holding a certificate of authorization~~ shall not commit misconduct in the practice of architecture. Misconduct in the practice of architecture shall include but not be limited to:

(a) through (c) No change.

1. through 3. No change.

(d) through (k) No change.

Specific Authority 455.304, 481.2055 FS. Law Implemented 455.303, 455.304, 481.225, 481.2251 FS. History--New 12-23-79, Amended 12-19-82, Formerly 21B-12.01, Amended 9-23-86, 11-8-88, Formerly 21B-12.001, Amended 2-25-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances  
RULE NO.: 61G1-12.004

PURPOSE AND EFFECT: The Board is amending this rule to update the rule text.

SUMMARY: The Board proposes amendments to this rule in an attempt to further clarify the disciplinary guidelines; range of penalties; aggravating and mitigating circumstances for licensees who violate certain statutes and rules.

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

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

SPECIFIC AUTHORITY: 455.2273 FS.

LAW IMPLEMENTED: 455.227(1), 455.2273 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-12.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating Chapter 481, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 481. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapter 481 or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty. Pursuant to Section 481.219(12), all businesses holding a certificate of authorization are subject to these guidelines.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) No change.		
(b) Signing, sealing, or accepting responsibilities for work not		

competent to perform in violation of <u>481.2251(1)(j), and (481.221(2),(3), F.S.)</u>	First Offense	Reprimand and \$1000 fine	\$1000 fine and one (1) year suspension followed by two (2) years probation	Felony:	One (1) year suspension, followed by two (2) years probation and \$1000 fine	Revocation and \$1000 fine	
Second Offense	\$2000 fine and two (2) years probation	\$3000 fine and two (2) year suspension followed by two (2) years probation	Second Offense	Misdemeanor: \$3000 fine and \$1000 fine	two (2) years suspension followed by two (2) years probation		
Third Offense	\$5000 fine and one (1) year suspension followed by two (2) years probation	\$5000 fine and revocation	Felony:	Revocation and \$1000 fine	Revocation and \$5000 fine		
(c) through (d) No change.	(e) Attempting to procure license by bribery or fraudulent misrepresentation ( <u>481.225(1)(b), and 481.2251(1)(a), and 455.227(1)(h), F.S.</u> )	Revocation and \$1000 fine if licensed (denial of license and refer to State Attorney if not licensed)	Revocation and \$5000 fine	(h) through (j) No change.	(k) Knowingly making or filing false report ( <u>481.225(1)(e), and 481.2251(1)(h), and 455.227(1)(l), F.S.</u> )	Misdemeanor: \$3000 fine and two (2) years suspension followed by two (2) years probation	\$5000 fine and revocation
(f) License disciplined by another jurisdiction ( <u>481.225(1)(c), and 481.2251(1)(b), and 455.227(1)(f), F.S.</u> )	Same penalty as imposed in other jurisdiction or as closely as possible to penalties set forth in Florida Statutes	First Offense	One (1) year suspension, followed by two (2) years probation and \$1000 fine	Revocation and \$1000 fine			
(g) Criminal conviction relating to architecture ( <u>481.225(1)(d), and 481.2251(1)(c), and 455.227(1)(c), F.S.</u> )	First Offense	Misdemeanor: \$1000 fine, and reprimand one (1) year suspension followed by two (2) years probation	Second Offense	Two (2) years suspension and two (2) years probation and \$3000 fine	\$3000 fine and revocation		
First Offense	Third Offense	\$3000 fine and revocation	\$5000 fine and revocation				
(l) Fraudulent, false, deceptive, or misleading advertising ( <u>481.225(1)(f), and 481.2251(1)(d), and 455.227(1)(m), F.S.</u> )	First Offense	Reprimand	One (1) year probation and \$1000 fine				

Second Offense	One (1) year probation and \$1000 fine	One (1) year suspension and two (2) years probation and \$3000 fine
Third Offense	One (1) year suspension and two (2) years probation and \$3000 fine	Two (2) years suspension and two (2) years probation and \$5000 fine
(m) No change.		
(n) Fraud or deceit (481.225(1)(g), <del>and</del> 481.2251(1)(i), <u>and</u> 455.227(1)(a), F.S.)		
First Offense	One (1) year suspension followed by two (2) years probation and \$1000 fine	\$1000 fine and revocation
Second Offense	Two (2) years suspension followed by four (4) years probation and \$3000 fine	\$3000 fine and revocation
Third Offense	\$5000 fine five (5) years suspension followed by ten (10) years probation	\$5000 fine and revocation
(o) through (r) No change.		
(s) Aiding unlicensed practice (481.225(1)(i), <del>and</del> 481.2251(1)(f), <u>and</u> 455.227(1)(j), F.S.)		
First Offense	Reprimand and \$1000 fine	\$1000 fine and one (1) year suspension followed by two (2) years probation
Second Offense	\$1000 fine and one (1) year suspension followed by two (2) years probation	\$3000 fine and two (2) years suspension followed by two (2) years probation

Third Offense	\$3000 fine and two (2) years suspension followed by two (2) years probation	\$3000 fine revocation
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(t) through (u) No change.  
(3) No change.

Specific Authority 455.2273 FS. Law Implemented 455.227(1), 455.2273 FS. History—New 12-11-86, Formerly 21B-12.004, Amended 5-16-94, 10-20-96, 10-7-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Architecture and Interior Design  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2000

**DEPARTMENT OF HEALTH  
Board of Massage Therapy**

RULE TITLE: Massage Establishment Operations  
RULE NO.: 64B7-26.003  
PURPOSE AND EFFECT: The Board added language to this rule for further clarification of the existing text.  
SUMMARY: Text was added to this rule to update the language.  
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: 480.035(7), 480.043(2) FS.  
LAW IMPLEMENTED: 480.043(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Massage Therapy/MQA, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-26.003 Massage Establishment Operations.

(1) No change.

(2) Personnel. A licensed massage therapist must be on the premises of the establishment if a client is in a treatment room for the purpose of receiving massage therapy.

(3) through (4) No change.

Specific Authority 480.035(7), 480.043(2) FS. Law Implemented 480.043(2) FS. History—New 11-27-79, Amended 10-13-81, 9-10-84, 9-25-85, Formerly 21L-26.03, Amended 4-30-87, 6-12-89, 8-15-89, 5-31-92, 11-2-92, Formerly 21L-26.003, 61G11-26.003, Amended 2-16-99, 11-4-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Massage Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: October 28, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: March 17, 2000

### Section III

## Notices of Changes, Corrections and Withdrawals

### PUBLIC SERVICE COMMISSION

DOCKET NO. 981104-EU

RULE NO.:

RULE TITLE:

25-6.049

Measuring Customer Service

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 42, October 22, 1999, issue of the Florida Administrative Weekly:

The following sentence shall be added to the end of paragraph (5)(a) in Rule 25-6.049:

This paragraph shall not be interpreted to authorize conversion of any such facilities from individual metering to master metering.

### AGENCY FOR HEALTH CARE ADMINISTRATION

#### Health Facility and Agency Licensing

RULE CHAPTER NO.: RULE CHAPTER TITLE:

59A-25

Minimum Standards for Home Medical Equipment Providers

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the above cited rule as published in Vol. No. 26, Florida Administrative Weekly, January 21, 2000,

Purchase Order Number H00973. In response to comments received from the Joint Administrative Procedures Committee the following changes have been made.

In 59A-25.002(3)(a) the following sentences are deleted “However, in the first year of implementation, half of the providers will be given an application for one-year licenses. Those given one-year applications will pay one half of the fees, \$150 for licensing and \$200 for inspection.”

In 59A-25.002(4) the following sentence is deleted “An application for initial licensure shall be made on forms prescribed by AHCA, which is referred to as the Home Medical Equipment Provider Licensure Application that is AHCA form number 3110-1005, Nov. 99.”

In 59A-25.002(4) the following sentences are added “An application for initial licensure shall be made on forms prescribed by AHCA. The application package contains the following forms that are incorporated by reference as part of this rule:

(a) Home Medical Equipment Provider Application for Licensure, form number AHCA 3110-1005; March, 2000;

(b) Affidavit of Good Moral Character, form number AHCA 3110-0001, (Attachment A);

(c) Affirmation of Compliance with Screening Requirements, form number 3110-1006, March, 1999, (Attachment B);

(d) Request for Level 1 Criminal History Check, form number, AHCA 3110-0002, Revised June, 1998;

(e) Florida Abuse Hotline Information System Background Check, form number, AHCA 3110-0003, Revised July 1998; and,

Federal Bureau of Investigation, United States Department of Justice finger print card, form number, FD-258, Revised 12-29-82.” In 59A-25.003(2) the phrase “includes but is not limited to” is deleted.

### AGENCY FOR HEALTH CARE ADMINISTRATION

#### Medicaid

RULE NO.:

RULE TITLE:

59G-4.130

Home Health Services

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the above cited rule as published in Vol. 26, No. 8, Florida Administrative Weekly, February 25, 2000. These changes are in response to written comments received prior to the public hearing date.

The following change was made to the Home Health Services Coverage and Limitations Handbook, March 2000, which is being incorporated by the reference in the rule.

On page 1-10, we deleted the following: “Recipient’s Acknowledgment of Services: The recipient or the recipient’s family must acknowledge in writing and verify that specific home health service(s) were received on each date of service(s) and the specified time.”