

be revoked or modified at any time by the Department in the administration of the taxing statutes, if the applicable statutes, rules, case law, or policies supporting the TAA change, or if the circumstances initially described by the taxpayer in his or her request for the TAA change. If an advisement is revoked or modified, the revocation or modification shall be prospective only, and such revocation or modification shall not be applied retroactively against the taxpayer.

(5) Members of a taxpayer association who choose not to follow the guidance provided in a TAA will not be subject to the precedential value of the TAA, and are liable for the tax consequences of not adhering to the Department's position expressed in the TAA.

Paragraph (a) of subsection (2) of Rule 12-11.013, FAC., has been changed, so that, when adopted, the paragraph will read as follows:

(2)(a) TIPs cannot supersede, alter, or otherwise change any provision of Florida law, Department rule, or any other source of law. They are not binding on the Department or on taxpayers, except as provided in Rule Chapter 12-13, F.A.C.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON MAY 23, 2000

The Governor and Cabinet, on May 23, 2000, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12-21.203, FAC., Notification to Custodians; Custodial Responsibilities. The proposed amendments to this rule were noticed for a rule development workshop in the Florida Administrative Weekly on November 5, 1999 (Vol. 25, No. 44, pp. 5023-5025) and the workshop was held on November 22, 1999. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on February 18, 2000 (Vol. 26, No. 7, pp. 737-739) and a public hearing was held on March 14, 2000. No comments were received at the hearing held on March 14, 2000. In response to written comments received from the Joint Administrative Procedures Committee regarding the deletion of language that incorporates by reference form DR-44 (Notice of Freeze), a Notice of Change will be published in the next available edition of the Florida Administrative Weekly. The Notice of Change deletes language in a rule provision that states that a custodian of property of a delinquent taxpayer cannot make a transfer or other disposition of the property until the Department of Revenue consents to the transfer, or until 60 consecutive calendar days have elapsed, whichever occurs first. The phrases "consecutive calendar" and "whichever occurs first" are being deleted.

DEPARTMENT OF REVENUE

<p>RULE NO.:</p> <p>12-21.203</p>	<p>RULE TITLE:</p> <p>Notification to Custodians; Custodial Responsibilities</p>
-----------------------------------	--

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rule 12-21.203, FAC., as published in Vol. 26, No. 7, pp. 737-739, February 18, 2000, issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee regarding the deletion of language that incorporates by reference form DR-44 (Notice of Freeze). The revision to the rules as originally published deletes language in a rule provision that states that a custodian of property of a delinquent taxpayer cannot make a transfer or other disposition of the property until the Department of Revenue consents to the transfer, or until 60 consecutive calendar days have elapsed, whichever occurs first. The phrases "consecutive calendar" and "whichever occurs first" are being deleted.

Paragraph (b) of subsection (3) of Rule 12-21.203, FAC., has been changed, so that, when adopted, the paragraph will read as follows:

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

DEPARTMENT OF REVENUE

Sales and Use Tax

NOTICE OF CABINET AGENDA ON MAY 23, 2000

The Governor and Cabinet, on May 23, 2000, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12A-1.001, FAC., Specific Exemptions. The proposed amendments to Rule 12A-1.001, FAC., were noticed for a rule development workshop in the Florida Administrative Weekly on November 12, 1999 (Vol. 25, No. 45, pp. 5201-5204) and the workshop was held on December 1, 1999. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on February 18, 2000 (Vol. 26, No. 7, pp. 745-749) and a public hearing was held on March 14, 2000. No comments were received at the hearing held on March 14, 2000. In response to written comments received on March 16, 2000, from the Joint Administrative Procedures Committee, a Notice of Change will be published in the next available edition of the Florida Administrative Weekly. The Notice of Change clarifies that a work of art placed in storage for preparation for loan to an educational institution may not be displayed until such time as it is delivered to an educational institution. This clarification is also reflected in the suggested affidavit provided in the proposed amendments.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:

RULE TITLE:

12A-1.001

Specific Exemptions

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed amendments to Rule 12A-1.001, FAC., Specific Exemptions, in response to comments received by the Department from the Joint Administrative Procedures Committee. The proposed amendments were published in the February 18, 2000 issue of the Florida Administrative Weekly (Vol. 26, No. 7, pp. 745-749). This change is in accordance with subparagraph 120.54(3)(d)1., F.S. This change clarifies that the purchaser affirms that a work of art placed in storage for preparation for loan to an educational institution will not be displayed until such time as it is delivered to an educational institution.

Sub-subparagraph a. of subparagraph 3. of paragraph (f) of subsection (3) of Rule 12A-1.001, FAC., Specific Exemptions, has been changed, so that when adopted, that sub-subparagraph will read as follows:

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

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

Paragraph 3.a. of the suggested format of the affidavit, presented in the proposed amendments to sub-subparagraph ~~c.~~ of subparagraph 3. of paragraph (f) of subsection (3) of Rule 12A-1.001, F.A.C., Specific Exemptions, has been changed, so that when adopted, that sub-subparagraph will read as follows:

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

AFFIDAVIT FOR EXEMPTION OF A WORK OF ART TO BE DONATED ~~SOLED TO~~ OR LOANED TO AN EDUCATIONAL INSTITUTION

STATE OF FLORIDA
COUNTY OF

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

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

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

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

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

3. If a loan:

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

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

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

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

~~5.~~ ~~The work or works of art as designated below will be loaned to the educational institution designated below or placed in storage in preparation for loan within 90 days after it~~

was purchased in or imported into Florida. If placed in storage, it will not be displayed until such time as it is delivered to the educational institution designated below.

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

Name of Purchaser _____

Purchaser's Permanent Address _____(Street)

_____ (City) _____(State)

Name of Seller _____

Seller's Permanent Address _____(Street)

_____ (City) _____(State)

DESCRIPTION OF WORK(S) OF ART

Sales Price _____ Date of Sale _____

Name of Educational Institution _____

Institution's Address _____(Street)

_____ (City) _____(State)

Educational Institution's Florida Consumer's Certificate of Exemption Number _____

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

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

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

(Signature of Purchaser or Authorized Agent)

Sworn to and

subscribed before me

this _____ day of

_____ (Month), 19 ____ (Year).

Notary Public, State of Florida

My commission expires: _____

NOTARY SEAL

Personally known ()

Produced Identification () Type: _____

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

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

2nd copy: Purchaser's copy

DEPARTMENT OF REVENUE

Sales and Use Tax

NOTICE OF CABINET AGENDA ON MAY 23, 2000

The Governor and Cabinet, on May 23, 2000, sitting as head of the Department of Revenue, will consider the proposed substantial rewording of Rule 12A-1.0371, FAC., Sales of Coins, Currency, or Bullion. The proposed substantial rewording of this rule was noticed for a rule development workshop in the Florida Administrative Weekly on December 23, 1999 (Vol. 25, No. 51, pp. 5778-5780) and the workshop was held on January 31, 2000. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on March 10, 2000 (Vol. 26, No. 10, pp. 1181-1183) and a public hearing was conducted on April 4, 2000. No comments were received at the hearing conducted on April 4, 2000; no written comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:

12A-1.096

RULE TITLE:

Industrial Machinery and

Equipment for Use in a New or

Expanding Business

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rule 12A-1.096, FAC., Industrial Machinery and Equipment for Use in a New or Expanding Business, in response to comments received by the Department from the Joint Administrative Procedures Committee. The proposed amendments were published in the February 18, 2000 issue of the Florida Administrative Weekly (Vol. 26, No. 7, pp. 749-760). These changes are in accordance with subparagraph 120.54(3)(d)1., F.S. These changes clarify when an alternative measurement period for expanding businesses will be authorized and provide a technical change to the law implemented section of the rule.

Paragraph (h) of subsection (1) of Rule 12A-1.096, FAC., Industrial Machinery and Equipment for Use in a New or Expanding Business, has been changed, so that when adopted, that sub-subparagraph will read as follows:

~~(h)(f)~~ "Productive output" ordinarily means the number of units actually produced by a single plant or operation in a single continuous 12 month period, ~~irrespective of sales~~. The increase in "productive output" shall be measured by the output for 12 continuous months immediately following the

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

The law implemented section of the proposed amendments to Rule 12A-1.096, FAC., Industrial Machinery and Equipment for Use in a New or Expanding Business, has been changed, so that, when adopted, the law implemented section will read as follows:

Law Implemented 212.02(4),(14),(21),(22), 212.05, 212.06, 212.08(5)(b), 212.0805, 212.13(2), 215.26(2) FS.

DEPARTMENT OF REVENUE

Sales and Use Tax

NOTICE OF CABINET AGENDA ON MAY 23, 2000

The Governor and Cabinet, on May 23, 2000, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12A-1.096, FAC., Industrial Machinery and Equipment for Use in a New or Expanding Business, and to Rule 12A-1.097, Public Use Forms. The proposed amendments to Rule 12A-1.096, FAC., were previously noticed for rule development workshops in the Florida Administrative Weekly on January 3, 1997 (Vol. 23, No. 1, pp. 5-16) and on February 20, 1998 (Vol. 24, No. 8, pp. 864-874). Rule development workshops were held on January 23, 1997, and on March 11, 1998, respectively. Comments received at these workshops are incorporated into the proposed rule amendments. The proposed amendments to Rule 12A-1.096, FAC., Industrial Machinery and Equipment for Use in a New or Expanding Business, and Rule 12A-1.097, FAC., Public Use Forms, were noticed for a rule development workshop in

the Florida Administrative Weekly on November 5, 1999 (Vol. 25, No. 44, pp. 5031-5042). A rule development workshop was held on December 1, 1999. Comments received at this workshop were incorporated into the Notice of Proposed Rulemaking, as published in the Florida Administrative Weekly on February 18, 2000 (Vol. 26, No. 7, pp. 749-760). A public rule hearing was held on March 14, 2000, regarding these proposed amendments. No comments were received at the rule hearing held on March 14, 2000. In response to comments received on March 27, 2000, from the Joint Administrative Procedures Committee, technical changes will be made to proposed paragraph (1)(h) of Rule 12A-1.096, FAC., and to the law implemented section of the rule.

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-8.010	Reimbursement Contract
19-8.029	Insurer Reporting Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 12, March 24, 2000, issue of the Florida Administrative Weekly:

Re Rule 19-8.010:

1) To reflect a recently-passed legislative change pursuant to SB 2304 which amends Section 215.555(4), Article IV(3) of the contract will now read: “In determining reimbursements under this Article, the SBA shall:”

2) In Article V(2) of the reimbursement contract adopted in Rule 19-8.010, the definition will now read: “Actuarially Indicated means, with respect to Premiums paid by insurers for reimbursement provided by the FHCF, an amount determined in accordance with the definition in subsection (2)(a) of the Statute.”

3) In Article VIII(1), the language will now read: “Subsection (4)(d)1. of the Statute provides the SBA with the right to offset amounts due and payable to the SBA from the Company against any reimbursement amounts due and payable to the Company from the SBA as a result of the liability of the SBA.”

4) In Article VIII(2), the language will now read: “Subsection (4)(d)1. of the Statute provides the SBA with the right to seek the return of excess loss reimbursements which have been paid to the Company. Excess loss reimbursements are those payments made to the Company by the SBA on the basis of incorrect exposure submissions or resubmissions, incorrect calculations of reimbursement premiums or retentions, incorrect proof of loss reports, incorrect calculation of reinsurance recoveries, or subsequent readjustment of policyholder claims, including subrogation and salvage, or any combination of the foregoing. Regarding incorrect reinsurance recoveries, please see also Article X(3)(b)4.”

5) In Article X(4)(b)2., (4)(c)2., and (4)(d)2., the following will be added after “statutory accounting principles” and before the colon: “which are the rules and procedures governing insurer financial reporting for regulatory purposes.”

6) In Article X(4)(b)3., the language will now read: “Companies seeking advances pursuant to subsection (4)(e)1. of the Statute shall also describe any steps they have taken to pay claims, including liquidation of assets, and may also supply such other information as they deem necessary and appropriate to aid the SBA in reaching a determination regarding whether or not to grant an advance pursuant to subsection (4)(e) of the Statute.”

7) In Article (4)(c)3., the language will now read: “Entities seeking advances pursuant to subsection (4)(e)2. of the Statute shall describe any steps they have taken to pay claims, including liquidation of assets, and may also supply such other information as they deem necessary and appropriate to aid the SBA in reaching a determination regarding whether or not to grant an advance pursuant to subsection (4)(e) of the Statute.”

8) In Article XIII(2), the first sentence will now read: “The Company shall retain complete and accurate records, in policy level detail, of all exposure data submitted to the SBA in any contract year until the SBA has completed its audit of the Company’s exposure submissions.”

In Rule 19-8.029, regarding insurer reporting requirements:

9) In Form FHCF-D1A, the regular data call adopted in Rule 19-8.029, the second sentence on page 4 of the data call under Resubmissions will be deleted. In Form FHCF-D1B, the data call for newly licensed companies, the second sentence on page 3 under Resubmissions will be deleted.

10) In Form FHCF-D1A, the third sentence on page 5 of the data call under Generation of the SBA Audit File will be rewritten to read: “If, at the time the SBA reviews your audit file, it is determined that these files are not in agreement, your company will be required to resubmit both files and will be subject to the \$1,000 resubmission fee.” The fourth sentence will be deleted. Similarly, in Form FHCF-D1B, on pages 4 to 5 of the data call under Generation of the SBA Audit File the third sentence will be rewritten to read: “If, at the time the SBA reviews your audit file, it is determined that these files are not in agreement, your company will be required to resubmit both files and will be subject to the \$1,000 resubmission fee.” The fourth sentence will be deleted.

11) In Form FHCF-D1A on page 21 and in Form FHCF-D1B on page 20, the word “person” on the first line under (b) regarding residential structures will now read “personal.”

12) In Form FHCF-D1A on page 22 and in Form FHCF-D1B, the last sentence will now read: “Furthermore, if an SBA audit of your data finds that the geographical locations used to calculate your FHCF premium are incorrect and therefore your reimbursement premium is incorrect, you will be required to resubmit your data.”

13) In Form FHCF-D1A on page 31 and in Form FHCF-D1B on page 30, the next to the last sentence will now read: “We acknowledge that if it is determined, subsequent to our Data Call submission, that these files are not in agreement, our company will be required to resubmit both files and will be subject to the \$1,000 resubmission fee.” The final sentence will be deleted.

14) In the Instructions to the Preliminary Validation Software, on page 3, at paragraph C under Reports Generated: in the next to the last sentence, the word “may” will be changed to “shall.” The final sentence will now read: “Valid ZIP Code to County Code matches will become a required data quality standard beginning in the 2002-2003 contract year.”

15) In Form FHCF-L1C, the word “inuring” will be added before “agreement” in the next to the last line of the italicized paragraph.

16) In Form FHCF-L1C, the third sentence on the back of the form under Records Retention Requirements will be changed to read: “Therefore, all insurers shall retain complete and accurate records of all losses paid by the FHCF until the FHCF has completed its audit of the insurer.”

DEPARTMENT OF CITRUS

RULE NO.:	RULE CHAPTER TITLE:
20-3	Monthly Reports by Citrus Fruit Dealers

RULE NO.:	RULE TITLE:
20-3.002	Processed Product Report

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. 10, March 10, 2000 issue of the Florida Administrative Weekly.

20-3.002(4) has been changed as follows:

(4) The following licensed citrus fruit dealers are exempt from the reporting requirements of this section:

- (a) All gift fruit shippers
- (b) Retail processors

(c) Processors engaged in the production of fresh squeezed unpasteurized juice. ~~Roadside stand operators engaged in the production of fresh squeezed unpasteurized juice who squeeze less than 30,000 boxes annually.~~

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:	RULE TITLE:
40C-8.031	Minimum Surface Water Levels and Flows and Groundwater Levels

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rule, published in the Florida Administrative Weekly, Vol. 26, No. 8, February 25, 2000.

The changes were made in response to comments received at a Public Hearing held on April 12, 2000. The changes delete the proposed minimum flow for Blue Spring in Volusia County and reorganized the other proposed minimum flows and levels within Rule 40C-8.031.

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) The following minimum surface water levels and flows and minimum groundwater levels are established:

(a) Wekiva River at the SR 46 Bridge.

	Level (ft NGVD)	Flow (cfs)	Duration (days)	Return Interval (years)
Minimum Infrequent High	9.0	880	≥7	≤5
Minimum Frequent High	8.0	410	≥30	≤2
Minimum Average	7.6	240	180	≥1.7
Minimum Frequent Low	7.2	200	≤90	≥3
Phase 1 Restriction	7.0	190	NA	NA
Phase 2 Restriction	6.9	180	NA	NA
Phase 3 Restriction	6.7	160	NA	NA
Phase 4 Restriction	6.5	150	NA	NA
Minimum Infrequent Low	6.1	120	≤7	≥100

(b) Wekiva River Minimum Groundwater Levels and Spring Flows

	Head (ft NGVD)	Discharge (cfs)
Messant Spring	32	12
Seminole Spring	34	34
Rock Spring	31	53
Wekiva Spring	24	62

Miami Spring	27	4
Sanlando Spring	28	15
Starbuck Spring	31	13
Palm Spring	27	7

(c) Black Water Creek at the SR 44 Bridge

	Level (ft NGVD)	Flow (cfs)	Duration (days)	Return Interval (years)
Minimum Infrequent High	27.0	340	≥7	≤5
Minimum Frequent High	25.8	145	≥30	≤2
Minimum Average	24.3	33	180	≥1.7
Minimum Frequent Low	22.8	.5	≤90	≥15
Phase 1 Restriction	22.7	2	NA	NA
Phase 2 Restriction	22.5	1	NA	NA
Phase 3 Restriction	22.4	0.6	NA	NA
Phase 4 Restriction	22.3	0.3	NA	NA
Minimum Infrequent Low	21.9	0	≤7	≥100

(d) St. Johns River 1.5 miles downstream of Lake Washington weir

	Level (ft NGVD)	Flow (cfs)	Hydroperiod Category
Minimum Frequent High	15.3	1,450	Seasonally flooded
Minimum Average	12.7	240	Typically saturated
Minimum Frequent Low	11.3	28	Semipermanently flooded

(e) Taylor Creek 1.7 miles downstream of structure S-164

	Flow (cfs)	Hydroperiod Category
Minimum Frequent High	95	Seasonally flooded
Minimum Average	17	Typically saturated
Minimum Frequent Low	0.5	Semipermanently flooded

(2) The following minimum surface water levels are established:

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
BIG	Volusia	Seasonally Flooded		26.1			
		Typically Saturated			25.0		
		Semipermanently Flooded				23.7	
COON POND	Volusia	Seasonally Flooded		35.7			
		Typically Saturated			34.6		
		Semipermanently Flooded				33.1	
GERTIE	Volusia	Temporarily Flooded		27.5			
		Typically Saturated			25.6		
		Semipermanently Flooded				23.3	
HIRES	Volusia	Seasonally Flooded		41.0			
		Typically Saturated			39.5		
		Semipermanently Flooded				38.0	
HOKEY	Volusia	Seasonally Flooded		35.4			
		Typically Saturated			33.7		
		Semipermanently Flooded				32.3	
LOUISA	Lake	Seasonally Flooded		96.5			
		Typically Saturated			95.4		
		Semipermanently Flooded				94.0	
NORTH TALMADGE	Volusia	Seasonally Flooded		55.6			
		Typically Saturated			54.4		
		Semipermanently Flooded				52.9	
SCOGGIN	Volusia	Seasonally Flooded		35.0			
		Typically Saturated			34.1		
		Semipermanently Flooded				32.7	
STAR	Putnam	Seasonally Flooded		77.5			
		Typically Saturated			75.4		
		Semipermanently Flooded				74.0	
TROUT	Volusia	Seasonally Flooded		23.3			
		Typically Saturated			20.9		
		Semipermanently Flooded				17.7	
WASHINGTON	Brevard	Seasonally Flooded		15.6			
		Typically Saturated			14.2		
		Semipermanently Flooded				12.8	
WEIR	Marion	Seasonally Flooded		57.2			
		Typically Saturated			56.4		
		Semipermanently Flooded				54.9	
WINONA	Volusia	Seasonally Flooded		36.1			
		Typically Saturated			33.5		
		Semipermanently Flooded				32.0	

(5) The following minimum surface water levels and flows are established:

Lake Washington

	Level (ft NGVD)	Hydroperiod-Category
Minimum-Frequent-High	15.6	Seasonally-flooded
Minimum-Average	14.2	Typically-saturated
Minimum-Frequent-Low	12.8	Semipermanently-flooded

St. Johns River 1.5 miles downstream of Lake Washington weir

	Level (ft NGVD)	Flow (cfs)	Hydroperiod-Category
Minimum-Frequent-High	15.3	1,450	Seasonally-flooded
Minimum-Average	12.7	240	Typically-saturated
Minimum-Frequent-Low	11.3	28	Semipermanently-flooded

Taylor Creek 1.7 miles downstream of structure S-164

	Flow (cfs)	Hydroperiod-Category
Minimum-Frequent-High	95	Seasonally-flooded
Minimum-Average	17	Typically-saturated
Minimum-Frequent-Low	0.5	Semipermanently-flooded

Blue Spring, Volusia County

	Flow (cfs)	Hydroperiod-Category
Minimum-Average	134	Typically-saturated

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER NO.: RULE CHAPTER TITLE:

60L-20 State Child Care Program

RULE NO.: RULE TITLE:

60L-20.002 Statements of Policy

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. 8, February 25, 2000, issue of the Florida Administrative Weekly. A Notice of Change was published in Vol. 26, No. 14, April 7, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments provided by staff of the Joint Administrative Procedures Committee. Subsection (6) of the rule shall now read as follows:

(6) The sponsoring state agency may elect to operate the center when a second request for proposals fails to procure a qualified service provider or when the service provider's contract is canceled and attempts to procure a qualified provider are unsuccessful, provided plans for the direct operation by the sponsoring agency are approved by the Department.

The Department shall approve the sponsoring agency's written plan for direct operation, provided the plan outlines the continuing efforts by the agency to secure a qualified provider, including the following:

(a) Steps to be taken to make improvements to the physical facility if such improvements are necessary to attract a quality provider.

(b) Steps to increase center enrollment.

(c) Steps to broaden the eligible employee population that supports the center, for example entering into consortium arrangements with other public sector employers in close proximity to the center.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE CHAPTER NO.: RULE CHAPTER TITLE:

60Q-3 Medical Malpractice Arbitration

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. 12, (March 24, 2000), issue of the Florida Administrative Weekly. These changes correct a typographical error and reflect comments received from the Joint Administrative Procedures Committee and the Academy of Florida Trial lawyers.:

60Q-3.001 Applicability.

(1) These rules shall apply to all voluntary binding arbitration proceedings of medical negligence claims initiated in accordance with Sections 766.201 through 766.212, Florida Statutes, to determine and to allocate the amount of damages FS.

(2) Any agreement to arbitrate medical negligence claims filed with the Office of the Clerk shall be deemed to incorporate by reference this chapter Chapter 60Q-3, Florida Administrative Code, including amendments taking effect after the agreement is made.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History--New 9-6-88, Formerly 22I-7.001, Amended _____.

60Q-3.002 Computation of Time.

In computing any period of time prescribed or allowed by these rules, by order of ~~the a~~ chief arbitrator, ~~or by order of an arbitration panel, or by an~~ applicable statute, the day of the ~~act~~ Act from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday in which event the period shall run until the end of the next day which is not a Saturday, Sunday or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in these rules, legal holiday means those days designated in Section 110.117, Florida Statutes F.S. Whenever a party is required or permitted to do an act within some prescribed time after service of a document, and the document is served by U.S. mail, five days shall be added to the prescribed period. One business day shall

be added to the prescribed period when service is made by overnight courier. No additional time shall be added to the prescribed period if service is made by hand, facsimile telephone transmission, or other electronic transmission.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.002, Amended _____.

60Q-3.003 Representation By Attorney.

(1) A party has the right to be represented by an attorney at any arbitration proceeding or hearing conducted under Sections 766.201 through 766.212, Florida Statutes, ~~and Chapter 60Q-3, Florida Administrative Code.~~

(2) ~~As soon as possible,~~ Attorneys shall promptly file notices of appearance. Counsel who file any pleading with the Office of the Clerk or the chief arbitrator have entered an appearance and shall be deemed counsel of record.

(3) On written motion served on the party represented and all other parties of record, the chief arbitrator shall grant counsel of record leave to withdraw for good cause shown.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.003, Amended _____.

60Q-3.005 Initiation of Arbitration Proceedings.

(1) All parties ~~agreeing~~ ~~consenting~~ to arbitration shall execute and file with the Office of the Clerk a request for arbitration substantially in the following form:

"We hereby agree to submit to arbitration under Sections 766.201 through 766.212, Florida Statutes, and Chapter 60Q-3, Florida Administrative Code, the determination of the amount of damages arising from the following medical incident: (Describe the medical incident briefly, specifying dates and the categories of damages sought). ~~the following controversy: (Describe briefly, specifying dates.)~~

We further agree that the determination of the amount of damages this controversy be submitted to a three-member panel constituted or reconstituted in accordance with Sections 766.201 through 766.212, Florida Statutes, and Chapter 60Q-3, Florida Administrative Code.

We further agree that we will faithfully observe this agreement, ~~and all applicable statutory and rule provisions,~~ and that we will abide by and fulfill ~~perform~~ any award rendered by an arbitration panel, and that a judgment of ~~a~~ the court having jurisdiction may be entered on the award, provided only that the liability of any insurer shall be subject to applicable insurance policy limits."

(2) The request for arbitration shall contain the name and address of each party joining in the request and shall also state the name and address of each party who, although not joining in the request, was named in a notice of intent to initiate litigation served in connection with the controversy.

~~(2) The parties shall attach to their request for arbitration copies of all notices of intent to initiate litigation served in connection with the controversy.~~

~~(3) In the event the insurer or self-insurer of a defendant joins in a request for arbitration in which the insured defendant fails to join, or accepts an offer to arbitrate which the insured defendant does not accept, the insurer or self-insurer shall attach the insured defendant's written consent to the insurer's or self-insurer's participation in arbitration.~~

~~(3)(4) No filing fee is shall be required in order to initiate arbitration under these rules.~~

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.005, Amended _____.

60Q-3.006 ~~Motions and Stipulations to Terminate Assessment Arbitration.~~

At any time before entry of an arbitration award, all parties may agree to terminate the arbitration proceedings due to a settlement.

~~(1) The chief arbitrator shall rule on motions to terminate arbitration, but shall deny any motion to terminate arbitration made out of time.~~

~~(2) No motion to terminate assessment arbitration shall be granted, unless the movant shows that a non-arbitrating claimant has filed a notice of intent to initiate litigation against an arbitrating defendant on account of the same medical incident.~~

~~(3) No motion to terminate shall be filed more than 20 days after the movant receives a copy, or otherwise obtains actual knowledge, of a notice of intent to initiate litigation filed by a claimant or claimants who neither joined in the original notice of intent to initiate litigation nor thereafter offered or accepted an offer to arbitrate.~~

~~(4) At any time before entry of an arbitration award, all parties may agree in writing to terminate assessment arbitration, with or without prejudice to the initiation of allocation proceedings. When filed with the Office of the Clerk, such an agreement shall preclude subsequent initiation or resumption of assessment arbitration proceedings, except for purposes of Rule 60Q-3.034.~~

~~(5) At any time before entry of an arbitration award, all parties may agree in writing to terminate arbitration proceedings altogether. When filed with the Office of the Clerk, such an agreement shall preclude subsequent initiation or resumption of arbitration proceedings, except for purposes of Rule 60Q-3.034.~~

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.006, Amended _____.

60Q-3.009 Disqualification of Arbitrators.

(1) Unless good cause is shown, ~~all~~ motions for disqualification of arbitrators shall be filed within 15 days from the selection or appointment of that arbitrator with the Office of the Clerk at least 15 days before the arbitration hearing. At least one affidavit shall accompany the motion and state particular grounds, ~~which shall be limited to those for which a judge may be disqualified, and to those set out in Section 766.207, Florida Statutes. A motion to disqualify the chief arbitrator shall be limited to those grounds for which a judge may be disqualified.~~ Any party filing a motion for disqualification shall state all grounds for ~~an arbitrator's~~ disqualification in one motion, if known to, or discoverable with reasonable diligence by, the movant.

(2) Unless denied by the chief arbitrator as untimely, or as being a successive motion ~~filed in violation of section one,~~ the motion shall be ruled on by the Director, whose sole function shall be to determine the legal sufficiency of the motion and affidavit. The Director shall, for purposes of the motion, take as true all allegations of fact in the affidavit, unless the movant has previously sought disqualification of ~~an another~~ arbitrator in the same case.

Specific Authority ~~120.53(1), 120.65(10),~~ 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 22I-7.009, Amended.

60Q-3.011 Discovery.

(1) Parties may obtain discovery ~~as through the means and in the manner~~ provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure, provided that no party defendant may serve ~~on any claimant nor any claimant serve on any defendant~~ any written interrogatories, requests for production or inspection, requests for admissions or requests for physical or mental examinations later than 50 ~~70~~ days before the assessment arbitration hearing, or after such other date as the chief arbitrator may order orders.

~~(2) Objections or motions for protective orders addressed to written interrogatories, requests for production or inspection, requests for admissions or requests for physical or mental examinations must be served within five days of receipt, unless the chief arbitrator sets another time by which objections and motions for protective orders must be served. Unless made timely, all such objections are waived, and no such motion shall be granted.~~

~~(2)(3) Unless, within five days of receipt of the objections, a party upon whom objections are served files a motion to compel contesting the objections, the objections shall be sustained.~~ Motions to compel discovery shall contain a statement certifying that the movant has conferred with the opposing parties in a good faith effort to resolve by agreement each issue raised and that they have been unable to do so. Motions to compel discovery shall quote verbatim each interrogatory, request for admission, request for production or inspection, or request for physical or mental examination, and

the response thereto, followed by a statement of the grounds for the motion. Grounds shall be addressed to the specific interrogatory or request and may not be stated generally.

~~(4) In the absence of timely objections or a timely motion for protective order, the parties shall answer written interrogatories and requests for admissions and comply with requests for production or inspection, or requests for physical or mental examinations, within 30 days, notwithstanding Rule 1.340(a), Florida Rules of Civil Procedure.~~

~~(3)(5) All depositions of assessment arbitration witnesses and all physical or mental examinations must be completed no later than 20 days before the assessment arbitration proceeding, unless the chief arbitrator sets a different time. Counsel shall not be present for any physical or mental examination of a claimant.~~

~~(4)(6) Sanctions to enforce discovery shall include those provided by the Florida Rules of Civil Procedure, except contempt.~~

Specific Authority ~~120.53(1), 120.65(10),~~ 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 22I-7.011, Amended.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-17.006
 RULE TITLE: Retention of Chiropractic Records; Time Limitations

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 13, March 31, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee. Subsection (5) shall now read as follows:

(5) A chiropractor who relocates his or her practice and will no longer be available to his or her former patients shall follow the procedures listed in paragraph (1),(2), and (3) above. A chiropractor who relocates to a practice site no more than 20 miles away from the previous practice site shall either provide written notice of such relocation to all patients by U.S. Mail, or shall follow the procedures listed in paragraph (2).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-30.002
 RULE TITLE: Application for Licensure

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Medicine hereby gives notice of an additional public hearing to be held on the above-referenced rule in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board will consider the rule at its next meeting scheduled for June 2-4, 2000, at the Marriott Hotel, 6650 North Andrews Avenue, Fort Lauderdale, Florida 33309. The rule was originally published in Vol. 26, No. 6, of the February 11, 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 32399-3253

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 Osteopathic Medicine

RULE NO.: 64B15-6.002 **RULE TITLE:** Application for Certification

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Osteopathic Medicine hereby gives notice of an additional public hearing to be held on the above-referenced rule in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board will consider the rule at its next meeting scheduled for June 9-11, 2000, at the Crowne Plaza Hotel, 950 N. W. LeJeune Road, Miami, Florida. The rule was originally published in Vol. 26, No. 6, of the February 11, 2000, Florida Administrative Weekly.

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

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 (ADD).

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-3.005 **RULE TITLE:** Fees for Application, Examination, Initial and Renewal Licensure

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Respiratory Care hereby gives notice of an additional public hearing on the above-referenced rule to be held on July 14, 2000 at 9:00 a.m., at Ft. Lauderdale Airport Sheraton, Ft. Lauderdale, Florida. The rule was originally published in Vol. 26, No. 6, of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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**

NONE

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

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom.'s petition for waiver of Rule 25-24.490(2), Florida Administrative Code, filed January 24, 2000, in Docket No. 000080-TI was considered by the Commission at its April 4, 2000, Agenda Conference. Upon consideration, it was determined by the Commission that a waiver of the rule was not appropriate, but the company was excused from the bond requirement found in the rule upon a showing of their fiscal responsibility. The rule provides that a company may select that alternative, if approved by the Commission. Order No. PSC-00-0639-PAA-TI, issued April 5, 2000 memorialized the decision. Notice of the petition was published in the FAW on February 9, 2000. A copy of the Order can be obtained from the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

NOTICE IS HEREBY GIVEN that on March 29, 2000, the Florida Public Service Commission has received a Petition from Telaleasing Enterprises, Inc. (Docket No. 000446-TL), seeking waiver of Rule 25-24.515(13), Florida Administrative Code. The location of the pay telephone station is as follows: