

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLE: Construction Materials Mining Activities
RULE NO.: 4A-2.024

PURPOSE AND EFFECT: The Florida Legislature in CS/SB 772 gives the State Fire Marshal the sole and exclusive authority to promulgate standards, limits, and regulations regarding the use of explosives in conjunction with construction materials mining activities.

SUBJECT AREA TO BE ADDRESSED: Standards, limits, and regulations regarding the use of explosives in conjunction with construction materials mining activities.

SPECIFIC AUTHORITY: 552.30 FS.

LAW IMPLEMENTED: 552.30 FS.

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

TIME AND DATE: 9:00 a.m. - 5:00 p.m., July 6, 2000

PLACE: 8000 N. W. 21st Street, Miami, FL

TIME AND DATE: 8:00 a.m. - 5:00 p.m., July 7, 2000

PLACE: Constitution Complex - 2480 Thompson Street, Ft. Myers, Florida

TIME AND DATE: 8:00 a.m. - 5:00 p.m., July 10, 2000

PLACE: City Hall, City Commissioners Chambers, 1st Floor, 201 Howell Avenue, Brooksville, Florida

TIME AND DATE: 8:00 a.m. - 5:00 p.m., July 11, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Terry Hawkins, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3624

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 at (850)413-4214.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Preservation of Native Flora of Florida
RULE CHAPTER NO.: 5B-40

RULE TITLES: Obtaining a Permit to Harvest Plants on the Endangered and Commercially Exploited Plant Lists
RULE NOS.: 5B-40.003

Issuance of Permit to Harvest Plants on the Endangered and Commercially Exploited Plant Lists
5B-40.004

Regulated Plant Index
5B-40.0055

Procedures for Amending the Regulated Plant Index
5B-40.0056

Investigating Suspected Violations, Preservation of Endangered, Commercially Exploited and/or Threatened Plants Involved, and Reporting Suspected Violations
5B-40.008

Endangered and Threatened Native Flora Conservation Grants Program
5B-40.010

PURPOSE AND EFFECT: The purpose of these rule amendments is to incorporate changes to the Regulated Plant Index Rule as a result of the public meetings conducted by the Endangered Plant Advisory Council, and to comply with the provisions of Section 120.55(1)(a)4., F.S., by referencing forms used by the department as a result of the requirements specified in this Rule Chapter.

SUBJECT AREA TO BE ADDRESSED: These amendments revise the Regulated Plant Index and include references to Department forms used as a result of the requirements outlined in this rule chapter.

Ten plants will be listed as endangered, three species will be de-listed from the endangered list, five will be moved from endangered to threatened based on their ranking scores, and four species will be removed from the threatened list.

SPECIFIC AUTHORITY: 570.07(23), 581.185(4),(9),(11) FS.

LAW IMPLEMENTED: 570.07(13), 581.185(4),(9),(11) FS.

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

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

PLACE: Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida 32608

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-40.003 Obtaining a Permit to Harvest Plants on the Endangered and Commercially Exploited Plant Lists.

- (1) Endangered plants.
 - (a) No change.

(b) Any person desiring to harvest one or more plants or parts thereof of a species contained on the endangered plant list from the private land of another or on any public land or water shall request a permit, DACS-08051, Revised 7/99, incorporated herein by reference, from the department. DACS-08051, Request for Permit to Harvest Endangered Plant(s) or Part(s) thereof may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, FL 32614-7100.

(c) Any person transporting for the purpose of sale, selling, or offering for sale any plant contained on the endangered plant list which is harvested from such person's own property shall request a permit (DACS-08051) from the department.

- (d) No change.
- (2)(a) No change.

(b) Any person desiring to harvest three or more plants or parts thereof of a species contained on the commercially exploited plant list from the private land of another or on any public land or water shall request a permit (DACS-08051) from the department.

(c) Any person transporting for the purpose of sale, selling or offering for sale any plant contained on the commercially exploited plant list which is harvested from such person's own property shall request a permit (DACS-08051) from the department.

- (d) through (3) No change.

Specific Authority 570.07(23), 581.185(4) FS. Law Implemented 570.07(13), 581.185 FS. History--New 3-6-80, Formerly 5B-40.03, Amended 1-31-88, _____.

5B-40.004 Issuance of Permit to Harvest Plants on the Endangered and Commercially Exploited Plant Lists.

- (1) No change.
- (2) The permit, DACS-08135, Revised 3/99, and incorporated herein by reference, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, FL 32614-7100, and shall include the following information:

- (a) Name of the permittee.
- (b) Address of the permittee.
- (c) Date issued.
- (d) Expiration date.
- (e) Name of the species to be harvested.
- (f) Number of plants to be harvested.

(g) Legal description of the property from which the plants will be harvested.

(h) Any special provisions as to conditions which shall be met in harvesting, transporting, or handling the plants being removed.

(3) Permits issued for endangered or commercially exploited plants shall be valid for one year for those plants permitted and may be renewed annually by refiling a request for permit (DACS-08051) with the department.

Specific Authority 570.07(23), 581.185(4) FS. Law Implemented 570.07(13), 581.185 FS. History--New 3-6-80, Formerly 5B-40.04, Amended 1-31-88, _____.

5B-40.0055 Regulated Plant Index.

(1) All plants listed on the Endangered Plant List, the Threatened Plant List, and the Commercially Exploited Plant List as set forth herein are referred to as regulated. Information concerning scientific name, references, common names, family, and descriptions for these listed plants is available in the Florida Department of Agriculture and Consumer Services, Division of Plant Industry's "Note's on Florida's Endangered and Threatened Plants," (Bureau of Entomology, Nematology and Plant Pathology – Botany Section, Contribution No. 38, 3rd edition – 2000). A copy of the publication is free to Florida residents and may be obtained by writing to the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100.

(a) Endangered Plant List. The following plants shall be included in the Endangered Plant List:

- 1. *Acacia choriophylla* (tamarindillo).
- 2. *Acacia tortuosa* (poponax) Presumed Extirpated.
- 3. through 28. No change.
- 29. *Baccharis dioica* (broom-bush) Presumed Extirpated.
- 29. through 47. renumbered 30. through 48. No change.
- 49. *Calamintha georgiana* (Georgia calamint).
- 48. through 82. renumbered 50. through 84. No change.
- 85. *Cissampelos pareira* (*pareira brava*) Presumed Extirpated.
- 83. through 90. renumbered 86. through 93. No change.
- 91. ~~*Conradina grandiflora* (large-flowered rosemary)-~~
- 92. through 98. renumbered 94. through 100. No change.
- 99. ~~*Crossopetalum rhaecoma* (rhaecoma)-~~
- 100. through 118. renumbered 101. through 119. No change.
- 120. *Desmodium ochroleucum* (trailing tick-trefoil).
- 119. through 157. renumbered 121. through 159. No change.
- 160. *Fothergilla gardenii* (dwarf witch-alder).
- 158. through 170. renumbered 161. through 173. No change.
- 174. *Heliotropium fruticosum* (Key West heliotrope) Presumed Extirpated.

171. through 182. renumbered 175. through 186. No change.

~~183. *Hex krugiana* (Krug holly).~~

184. through 212. renumbered 187. through 215. No change.

~~216,213.~~ *Lindera melissifolia* (pondberry) Presumed Extirpated.

214. through 249. renumbered 217. through 252. No change.

253. *Nymphaea jamesoniana* (Jameson's water lily).

250. through 276. renumbered 254. through 281. No change.

282. *Pharus glaber* (creeping leafstalk grass).

277. through 312. renumbered 283. through 318. No change.

~~319,313.~~ *Rhus michauxii* (Michaux's sumac) Presumed Extirpated.

314. through 318. renumbered 320. through 324. No change.

325. *Rudbeckia triloba* (a browneyed Susan).

~~326,319.~~ *Ruellia noctiflora* (night-flowering wild-petunia).

~~320. *Sachsia bahamensis* (Bahama sachsia).~~

321. through 328. renumbered 327. through 334. No change.

~~329. *Schizachyrium sericatum* (silky bluestem).~~

330. through 357. renumbered 335 through 362. No change.

~~358. *Swietenia mahagoni* (mahogany).~~

~~363,359.~~ *Taxus floridana* (Florida yew).

~~360. *Tectaria coriandrifolia* (Hattie Bauer halberd fern).~~

361. through 373. renumbered 364. through 376. No change.

~~374. *Tillandsia flexuosa* (twisted or banded air plant).~~

375. through 384. renumbered 377. through 386. No change.

387. *Trichostigma octandrum* (hoop vine) Presumed Extirpated.

385. through 397. renumbered 388. through 400. No change.

~~398. *Vernonia blodgettii* (Blodgett's ironweed).~~

399. through 406. renumbered 401. through 408. No change.

~~407. *Xyris louisianica* (Kral's yellow-eyed grass).~~

408. through 412. renumbered 409. through 413. No change.

(b) Threatened Plant List. The following plants shall be included in the Threatened Plant List:

1. through 23. No change.

24. *Conradina grandiflora* (large-flowered rosemary).

25,24. *Crossopetalum ilicifolium* (Christmas berry).

26. *Crossopetalum rhacoma* (rhacoma).

25. through 34. renumbered 27. through 36. No change.

35. *Illicium floridanum* (Florida anise).

36. through 80. renumbered 37. through 81. No change.

82. *Sachsia bahamensis* (Bahama sachsia).

81. through 93. renumbered 83. through 95. No change.

96. *Swietenia mahagoni* (mahogany).

94. through 98. renumbered 97. through 101. No change.

102. *Tillandsia flexuosa* (twisted or banded air plant).

99. through 108. renumbered 103. through 112. No change.

(c) No change.

(2) No change.

Specific Authority 570.07(23), 581.185 FS. Law Implemented 570.07(13), 581.185 FS. History—New 12-3-91, Amended 9-20-93, 5-21-96, 12-10-96, 1-7-98, 10-5-98,_____.

5B-40.0056 Procedures for Amending the Regulated Plant Index.

(1) The department shall consider the recommendations of the general public and the recommendations of the Endangered Plant Advisory Council in the listing or deleting of plant species from the Regulated Plant Index. Proposals for listing or deleting plants and comments on these proposals may be submitted to the department in writing and shall be considered in open meetings of the Endangered Plant Advisory Council. All proposed listings, deletions, or changes in listing status shall be based on the results of a completed Ranking System For Plant Species of Potential Special Concern form, DACS-08267, Revised 4/00, incorporated herein by reference. DACS-08267, Revised 4/00, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, FL 32614-7100.

(2) The Endangered Plant Advisory Council shall meet at least once annually upon the call of the Chairman or Department. Endangered Plant Advisory Council meetings will be announced in the Florida Administrative Weekly. Notice of Council meetings will be mailed to all interested parties whose names and addresses are provided to the department. An opportunity for the public to comment or present data orally or in writing will be provided during the Council meetings. All comments shall be considered during the deliberations of the Council and shall become part of the minutes of the Council meeting.

Specific Authority 570.07(23), 581.185(4) FS. Law Implemented 570.07(13), 581.185 FS. History—New 3-16-92, Amended _____.

5B-40.008 Investigating Suspected Violations, Preservation of Endangered, Commercially Exploited and/or Threatened Plants Involved, and Reporting Suspected Violations.

Upon any suspected violation of this chapter, any authorized representative of the department shall be empowered to:

(1) Request identification of the person involved and vehicles utilized in the transportation of the endangered, commercially exploited and/or threatened plants as well as information on the origin and destination of such plants.

(2) Take an inventory of the endangered, commercially exploited and/or threatened plants involved.

(3) Take temporary possession of the endangered, commercially exploited and/or threatened plants awaiting appropriate documentation. If the appropriate documentation is not presented within 30 days from the date of confiscation, the plants shall become the property of the department and shall be donated to a not-for-profit organization as outlined in 5B-40.008(6).

(4) Endangered, commercially exploited and/or threatened plants being harvested or moved in suspected violation of this chapter shall be maintained in a viable condition by the person having possession until action is taken to allow movement or the plants in question are confiscated.

(5) Violation report. A violation report, DACS-08128, Revised 5/99, incorporated herein by reference, (PI-17) shall be filed with the department by the authorized representative within 72 hours (excluding Saturday, Sunday or legal holiday) of the violation. DACS-08128, Report of Violation, Revised 5/99, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, FL 32614-7100.

(6) Endangered, commercially exploited and/or threatened plants which legally become the property of the department shall be donated to a not-for-profit organization such as a botanical garden or state park for preservation purposes. Such donations shall be documented by the department.

(7) Any permit which has been issued shall be withdrawn by an authorized representative or the director if it is determined that the holder thereof has not complied with any condition for the use of the document. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow. Any person whose permit has been withdrawn may appeal the decision in writing to the director within 10 days after receiving the written notification of the withdrawal. The appeal shall state all the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The director shall grant or deny the appeal, in writing, stating the reasons for the decision as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

Specific Authority 570.07(23), 581.185(4) FS. Law Implemented 570.07(13), 581.185(9) FS. History--New 3-6-80, Formerly 5B-40.08, Amended 1-31-88, 9-20-93,_____.

5B-40.010 Endangered and Threatened Native Flora Conservation Grants Program.

(1) through (4) No change.

(5) Application Requirements.

(a) Applications for grants from the Endangered and Threatened Native Flora Conservation Grants Program shall be signed by the person or persons with legal authority to obligate the applicant and shall be made on an Endangered and Threatened Native Flora Conservation Grants Program Application Form DACS-08271, Revised 1/00, (PI-271); incorporated herein by reference ~~and effective the date of this rule, and~~ which may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100.

(b) through (e) No change.

(6) Application Review.

(a) through (c) No change.

(d) The Council shall evaluate each application on the basis of the proposed project, the prospective grantee, and the public purpose of the project, as follows:

1. Criteria relating to the prospective grantee. The applicant must successfully document that it meets the evaluation standards specified in the Endangered and Threatened Native Flora Conservation Grants Program – Application Evaluation Form DACS-08272, Revised 4/00, (PI-272), Effective November 1997 and incorporated herein by reference. Form DACS-08272 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, FL 32614-7100.

(e) through (j) No change.

(7) through (9) No change.

Specific Authority 570.07(23), 581.185(9),(11) FS. Law Implemented 570.07(13), 581.185(9),(11) FS. History--New 1-7-98, Amended 10-5-98, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE: RULE NO.:

Grading Services for Poultry 5K-5.014

PURPOSE AND EFFECT: The rule amendment changes the fee schedule for grading services provided by Department graders and amends the definitions used in the rule.

SUBJECT AREA TO BE ADDRESSED: Grading Services for Poultry.

SPECIFIC AUTHORITY: 570.07(23), 583.04, 570.07(23) FS.

LAW IMPLEMENTED: 583.051, 583.052 FS.

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

TIME AND DATE: 10:00 a.m., July 7, 2000

PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, George Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, FL, Telephone (850)488-3951

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. John Fruin, Chief, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Telephone (850)488-3951

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-5.014 Grading Services for Poultry.

(1) Definitions. As used in this rule, the following definitions shall apply:

(a) Days not previously scheduled or non-specified days means days not scheduled in the application for service.

(b) Department means the Florida Department of Agriculture and Consumer Services.

(c) Non-resident location means a production site to which no full-time grader ~~inspector~~ has been assigned, but the site has been previously approved for grading inspection in accordance with an application for service.

(d) Full-time resident ~~resident~~ location means a production site to which a full-time grader ~~inspector~~ has been assigned in accordance with an application for service requesting 40 or more hours of grading services per week.

(e) Part-time resident location means a production site where a part-time grader has been assigned to the site in accordance with an application for service requesting less than 40 hours of grading services per week.

(2) Pursuant to its authority under Section 583.052, Florida Statutes, to cooperate with and enter into agreements with various state and federal agencies, the department has entered a Cooperative Agreement with the United States Department of Agriculture for the providing of a voluntary cooperative poultry grading service to Florida producers.

(3) Under that agreement and to offset the cost of providing the services to the producer who orders them, the department establishes the following schedule:

(a) Grader's time per hour for:

- 1. Full-time resident location \$24.00 ~~24.05~~
- 2. Overtime \$28.00 ~~26.50~~
- 3. Non-resident location \$31.50 ~~28.50~~
- 4. Non-specified days \$31.50 ~~28.50~~

(b) Travel time to and from grader's headquarters:

- 1. Non-resident location \$31.50 ~~28.50~~
- 2. Non-specified days \$31.50 ~~28.50~~
- 3. Part-time resident location \$25.00

(c) Mileage and per diem to and from the grader's headquarters shall be reimbursed at the prevailing rates provided in Section 112.061, Florida Statutes.

(4) Moneys due to the department for grading services provided to a producer who orders said services must be received within 30 days of the date of invoice.

(5) USDA volume charge on a per pound of poultry basis will be identified separately on each billing statement ~~on separate billing statements.~~

Specific Authority 570.07(23), 583.04 FS. Law Implemented 583.051, 583.052 FS. History—New 8-13-92, Formerly 5E-7.014, Amended 9-30-96,

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE:

RULE NO.:

Grading Services for Shell Eggs

5K-6.010

PURPOSE AND EFFECT: The rule amendment changes the fee schedule for grading services provided by Department graders and amends the definitions used in the rule.

SUBJECT AREA TO BE ADDRESSED: Grading Services for Shell Eggs.

SPECIFIC AUTHORITY: 570.07(23), 583.04 FS.

LAW IMPLEMENTED: 583.051, 583.052 FS.

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

TIME AND DATE: 11:00 a.m., July 7, 2000

PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, George Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, FL, Telephone (850)488-3951

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. John Fruin, Chief, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Telephone (850)488-3951

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-6.010 Grading Services for Shell Eggs.

(1) Definitions. As used in this rule, the following definitions shall apply:

(a) Days not previously scheduled or non-specified days means days not scheduled in the application for service.

(b) Department means the Florida Department of Agriculture and Consumer Services.

(c) Non-resident location means a production site to which no full-time grader ~~inspector~~ has been assigned, but the site has been previously approved for grading inspection in accordance with the application for service.

(d) Full-time resident ~~Resident~~ location means a production site to which a full-time grader ~~inspector~~ has been assigned in accordance with an application for service requesting 40 or more hours of grading services per week.

(e) Part-time resident location means a production site where a part-time grader has been assigned to the site in accordance with an application for service requesting less than 40 hours of grading services per week.

(2) Pursuant to its authority under Section 583.052, Florida Statutes, to cooperate with and enter into agreements with various state and federal agencies, the department has entered a Cooperative Agreement with the United States Department of Agriculture for the providing of a voluntary cooperative egg grading service to Florida producers.

(3) Under that agreement and to offset the cost of providing the services to the producer who orders them, the department establishes the following schedule:

- (a) Grader's time per hour for:
 - 1. Full-time resident ~~resident~~ location \$24.00 ~~24.05~~
 - 2. Overtime \$28.00 ~~26.50~~
 - 3. Non-resident location \$31.50 ~~28.50~~
 - 4. Non-specified days \$31.50 ~~28.50~~
- (b) Travel time to and from grader's headquarters:
 - 1. Non-resident location \$31.50 ~~28.50~~
 - 2. Non-specified days \$31.50 ~~28.50~~
 - 3. Part-time resident location \$25.00

(c) Mileage and per diem to and from the grader's headquarters shall be reimbursed at the prevailing rates provided in Section 112.061, Florida Statutes.

(4) Moneys due to the department for grading services provided to a producer who orders said services must be received within 30 days of the date of invoice.

(5) USDA volume charge on a per dozen basis will be identified separately on each billing statement ~~on separate billing statements~~.

Specific Authority 570.07(23), 583.04 FS. Law Implemented 583.051, 583.052 FS. History--New 8-13-92, Formerly 5E-7.014, Amended 9-30-96, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Comprehensive Management Information System RULE NO.: 6A-1.0014

PURPOSE AND EFFECT: The purpose of this rule development is to revise existing requirements of the statewide comprehensive management information system which are necessary in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information systems components. The statewide comprehensive management information system provides the data on which the measurement of school improvement and accountability is based.

SUBJECT AREA TO BE ADDRESSED: DOE Information Data Base Requirements, 2000-2001.

SPECIFIC AUTHORITY: 120.53(1)(b), 229.053(1) FS.

LAW IMPLEMENTED: 228.093(3)(d)3., 229.555(2), 229.565(3), 229.781 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE ADVERTISED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lavan Dukes, Office of Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Room 852, Tallahassee, Florida 32399-0400, (850)487-2280

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

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER TITLE: Criminal History Records RULE CHAPTER NO.: 11C-6

Dissemination Policy 11C-6

RULE TITLE: Sale and Delivery of Firearms RULE NO.: 11C-6.009

PURPOSE AND EFFECT: Proposed revisions to Rule 11C-6.009, FAC., would reduce the amount of fees charged from a potential buyer of a firearm for the processing of a criminal history record check.

SUBJECT AREA TO BE ADDRESSED: The amount of fee charged for a criminal history check under the Firearm Purchase Program.

SPECIFIC AUTHORITY: 790.065, 943.03(4) FS.

LAW IMPLEMENTED: 790.065 FS., Title 18, U.S.C., Chapter 44, and Title 27, C.F.R., Part 178.

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

TIME AND DATE: 10:00 a.m., Wednesday, July 5, 2000

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha Wright, Bureau Chief, User Services Bureau, Criminal Justice Information Program, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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

DEPARTMENT OF TRANSPORTATION

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

RULE TITLE: Toll Facilities Description and Toll Rate Schedule
 RULE NO.: 14-15.0081

PURPOSE AND EFFECT: The purpose of this notice of rule development is to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of an interchange on Florida’s Turnpike at County Road 470 in Lake County. Tolls are proposed to be collected for southbound traffic exiting the Turnpike, and for traffic entering the Turnpike northbound.

SUBJECT AREA TO BE ADDRESSED: The proposed action is being taken to determine the Toll Rate Schedule resulting from the Florida Department of Transportation’s construction of an interchange at CR 470 and Florida’s Turnpike. The Toll Rate Workshop is being held in conjunction with the Project Development and Environment (PD&E) Public Hearing for the CR 470 interchange project, Financial Project ID 404214-1-52-01.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 FS.

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

TIME AND DATE: 7:00 p.m., July 11, 2000 (an informal open house will begin at 6:00 p.m.)

PLACE: St. Mark Lutheran Church, 28215 South US 27, Leesburg, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, ~~and~~ June 21, 1999, and _____, 2000, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this

Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2) FS. Law Implemented 338.222, 338.231, 338.155 FS. History–New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, _____.

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 minor revisions to the form entitled Application for a Water Well Contractor’s License. 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 the revised form by reference into District Rule 40D-1.659, Florida Administrative Code.

SUBJECT AREA TO BE ADDRESSED: Modification of District Rule 40D-1.659 to incorporate by reference the form entitled Application for a Water Well Contractor’s License.

SPECIFIC AUTHORITY: 373.044, 373.4113 FS.

LAW IMPLEMENTED: 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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) APPLICATION FOR A WATER WELL CONTRACTOR’S LICENSE FORM NO. 42.00-044 (05/00)

(2) 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, 5-31-00,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Consumptive Use of Water 40D-2

RULE TITLE: RULE NO.:
Publications Incorporated by Reference 40D-2.091

PURPOSE AND EFFECT: To amend Section 4.2 of the Basis of Review to set forth the conditions under which the District will consider authorizing withdrawals that either require prevention/mitigation measures in order to meet the conditions for issuance of a water use permit, or are for environmental enhancement.

SUBJECT AREA TO BE ADDRESSED: The conditions under which prevention/mitigation may occur for unacceptable adverse withdrawal impacts to wetlands and lakes.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.103, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0421, 373.0831, 373.103, 373.1963, 373.216, 373.219, 373.223, 373.239, 373.243 FS.

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

TIME AND DATE: 1:30 p.m. – 3:30 p.m., Friday, July 7, 2000

PLACE: Governing Board Room, Southwest Florida Water Management District, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL 33637

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IS: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications” _____, 2000, ~~July 22, 1999~~, is hereby incorporated by reference into this Chapter and is available from the District upon request.

Specific Authority 120.54, 373.044, 373.103, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0421, 373.0831, 373.103, 373.1963, 373.216, 373.219, 373.223, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99,_____.

BASIS OF REVIEW FOR WATER USE PERMIT APPLICATIONS

SECTION 4.0 CONDITIONS FOR ISSUANCE – TECHNICAL CRITERIA

4.2 ENVIRONMENTAL IMPACTS

A. through C. No change.

D. Prevention/Mitigation and Environmental Enhancement

1. Prevention/Mitigation of Unacceptable Adverse Impacts to Wetlands and Lakes

For water bodies that are predicted to be impacted by a proposed withdrawal, permitted withdrawals shall be limited to that quantity, as may be further limited by other provisions of 40D-2.301, F.A.C. and this Basis of Review, that does not cause the actual level to fall below the level that meets the Performance Standards on a Long-term average basis (the “Baseline Quantity”). “Long-term” means a period which spans the range of hydrologic conditions which can be expected to occur based upon historical records, ranging from high water levels to low water levels. In the context of a predictive model simulation, a Long-term simulation will be insensitive to temporal fluctuations in withdrawal rates and hydrologic conditions, so as to simulate steady-state average conditions. In the context of an average water level, the average will reflect the expected range and frequency of levels based upon historic conditions. This period will vary because reasonable scientific judgement is necessary to establish the factors to be used in the assessment of each application depending on the geology and climate of the area of withdrawal, the depth of and number of wells and the quantity to be withdrawn.

a. If the withdrawal of the requested quantity of water does not meet the condition in 4.2.D.1. above, the applicant shall identify the Baseline Quantity, and the District shall consider, as may be further limited by other provisions of 40D-2.301, F.A.C. and this Basis of Review, the authorization of the additional quantity of water to be withdrawn where the applicant:

(1) Demonstrates that there are no reasonable means to modify the proposed withdrawal to meet the conditions in 4.2.D.1. including the use of alternative supplies, to reduce or replace the amount of the requested quantity exceeding the Baseline Quantity. Regarding whether the use of alternative supplies are a reasonable means, cost shall not be the sole basis for the determination; and

(2) Provides reasonable assurance that harm will be prevented to the wetlands and surface water bodies that could be affected by the proposed withdrawal if the requested quantity is withdrawn; and

(3) Demonstrates that any measures used to provide the reasonable assurance specified in 4.2.D.1.a.(2) above will not cause a violation of any of the criteria listed in 40D-2.301(1)(a)-(n), 40D-4.301, or 40D-4.302, F.A.C., as applicable.

b. To support whether the applicant has provided reasonable assurance pursuant to 4.2.D.1.a.(2) above, the applicant must submit an environmental management plan ("EMP") for approval by the District describing the measures to be used to prevent harm from withdrawal of the requested quantity. The EMP must include a monitoring program for early detection of impacts to wetlands and surface water bodies that could be affected by the proposed withdrawal and an implementation strategy for corrective actions to prevent unacceptable adverse impacts. The EMP shall include provisions to evaluate changes in water quality, water levels, vegetation, and fish and wildlife. The EMP shall also include clear thresholds as to when the implementation strategy will be initiated. The implementation strategy shall include details as to how the proposed measures will be effected, the methods to be followed in order to functionally replicate the natural hydrologic regime of affected water bodies, and efforts to be undertaken to minimize the effects of changes in water chemistry. The implementation strategy shall also require reduction of pumping to the Baseline Quantity as a corrective action if no other measures, including supplemental hydration, are successful in preventing unacceptable adverse impacts to wetlands and surface water bodies due to withdrawals. An approved EMP shall be incorporated as a special condition to any permit issued.

(1) The measures proposed may include hydration of affected water bodies or modification of existing drainage structures to prevent harm to affected water bodies, provided that the measures within the EMP minimize the need for supplemental hydration to the greatest extent practical.

(2) If supplemental hydration is proposed, the applicant will be required to identify in the application and monitor a representative number of wetlands in the vicinity of the withdrawal. The monitored wetlands shall include, where available, a representative number of wetlands not receiving supplemental hydration as well as wetlands proposed for supplemental hydration.

(3) A representative number of wetlands is a number of a particular type or types of wetlands, in the vicinity of the withdrawal, sufficient to adequately determine the hydrologic response of the wetlands and surface water bodies that could be affected by the proposed withdrawal to rainfall and water withdrawals.

(4) If supplemental hydration is proposed to rehydrate lakes or wetlands, in order for a water use permit authorizing the Requested Quantity to be issued, the Governing Board must determine whether:

(A) The measures within the proposed EMP minimize the quantity of water required for supplemental hydration by raising water levels by filling or blocking ditches, removing culverts or outflows, or other alterations, where practical and feasible, and where such measures are demonstrated not to cause downstream impacts. Where the measures proposed by the applicant identify the need for specific Environmental Resource Permits, such permits must be obtained prior to withdrawal of the requested quantities;

(B) The applicant has proposed use of the lowest quality of water for rehydration which is scientifically, technically and environmentally feasible to prevent unacceptable adverse impacts;

(C) The measures within the proposed EMP minimize the need for ground water hydration to the greatest extent practical based on the quantity, frequency and duration of the anticipated use;

(D) The measures within the proposed EMP minimize or avoid the potential for unacceptable adverse impacts to water quality or fish and wildlife in the wetland or surface water body receiving supplemental hydration, and, if such a potential exists, the EMP contains adequate measures to detect impacts at an early stage and to prevent unacceptable adverse impacts in an expeditious manner;

(E) The measures within the proposed EMP minimize or avoid the potential for the establishment or spread of undesirable aquatic vegetation in the wetland or surface water body receiving supplemental hydration and, if such a potential exists, the EMP contains adequate measures to detect vegetative changes at an early stage and to prevent undesirable vegetative changes in an expeditious manner;

(F) The quantity of water needed for supplemental hydration is outweighed by the quantity of water made available for other uses;

(G) The quantity of water needed for supplemental hydration is reasonable compared to the unacceptable adverse impacts to be prevented;

(H) The unacceptable adverse impact to be prevented by supplemental hydration results in benefits that outweigh the potential for impacts caused by the additional withdrawal; and,

(I) The quantity of the water used for supplemental hydration is reasonable considering the proportion expected to percolate into the aquifer.

c. Wetlands or other surface water bodies receiving supplemental hydration must have flow meters to measure the quantity of supplemental hydration water used at each site. This information shall be reported to the District as required by permit condition.

d. Pursuant to Chapter 373, Florida Statutes and Chapter 40D-2, F.A.C., permits may be conditioned to include aquifer regulatory levels intended to achieve compliance with one or more of the Chapter 40D-2, F.A.C. conditions for issuance.

The aquifer regulatory level that will be appropriate for any particular permit, considering all conditions for issuance, is the level that results from the more stringent condition.

e. If the Board determines that reasonable assurances have been provided pursuant to 4.2 D.1.a. the Board shall authorize the additional quantity of water to be withdrawn.

2. Environmental Enhancement

a. Applicants proposing to environmentally enhance impacted wetlands or lakes by supplemental hydration where the impacts were not caused by the applicant or applicant's predecessor in interest shall:

(1) Demonstrate that any environmental enhancement measures will not cause a violation of any of the criteria listed in 40D-2.301(1)(a)-(n), 40D-4.301, or 40D-4.302, F.A.C., as applicable.

(2) Demonstrate that the the environmental enhancement measures proposed minimize the need for supplemental hydration to the greatest extent practical.

(3) Identify in the application and monitor a representative number of wetlands in the vicinity of the withdrawal. The monitored wetlands shall include a representative number of wetlands not receiving supplemental hydration. The monitored wetlands shall also include, where available, wetlands not receiving hydration as well as wetlands proposed for supplemental hydration. A representative number of wetlands is a number of a particular type or types of wetlands, in the vicinity of the withdrawal, sufficient to adequately determine the hydrologic response of the wetlands and surface water bodies that could be affected by the proposed withdrawal to rainfall and water withdrawals.

b. If supplemental hydration is proposed to rehydrate lakes or wetlands, in order for a water use permit authorizing the Requested Quantity to be issued, the Governing Board must determine whether:

(1) The measures proposed minimize the quantity of water required for supplemental hydration by raising water levels by filling or blocking ditches, removing culverts or outflows, or other alterations, where practical and feasible, and where such measures are demonstrated not to cause downstream impacts. Where the measures proposed by the applicant identify the need for specific Environmental Resource Permits, such permits must be obtained prior to withdrawal of the requested quantities;

(2) The applicant has proposed use of the lowest quality of water for rehydration which is scientifically, technically and environmentally feasible to prevent unacceptable adverse impacts;

(3) The measures minimize the need for ground water hydration to the greatest extent practical based on the quantity, frequency and duration of the anticipated use;

(4) The measures proposed minimize or avoid the potential for unacceptable adverse impacts to water quality or fish and wildlife in the wetland or surface water body receiving supplemental hydration, and, if such a potential exists.

(5) The measures proposed minimize or avoid the potential for the establishment or spread of undesirable aquatic vegetation in the wetland or surface water body receiving supplemental hydration and, if such a potential exists, the proposal contains adequate measures to detect vegetative changes at an early stage and to prevent undesirable vegetative changes in an expeditious manner;

(6) The quantity of water needed for supplemental hydration is reasonable compared to the unacceptable adverse impacts to be mitigated;

(7) The unacceptable adverse impact to be mitigated by supplemental hydration results in benefits that outweigh the potential for impacts caused by the additional withdrawal; and,

(8) The quantity of the water used for supplemental hydration is reasonable considering the proportion expected to percolate into the aquifer.

c. Wetlands or other surface water bodies receiving supplemental hydration must have flow meters to measure the quantity of supplemental hydration water used at each site. This information shall be reported to the District as required by permit condition.

d. Pursuant to Chapter 373, Florida Statutes and Chapter 40D-2, F.A.C., permits may be conditioned to include aquifer regulatory levels intended to achieve compliance with one or more of the Chapter 40D-2, F.A.C. conditions for issuance. The aquifer regulatory level that will be appropriate for any particular permit, considering all conditions for issuance, is the level that results from the more stringent condition.

e. If the Board determines that reasonable assurances have been provided the Board shall authorize the proposed quantity of water to be withdrawn.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Consumptive Use of Water	40D-2
RULE TITLES:	RULE NOS.:
Publications Incorporated by Reference	40D-2.091
Standard Permit Conditions	40D-2.381
PURPOSE AND EFFECT: The Final Order in <i>Charlotte County, et al, vs. Southwest Florida Water Management District</i> , DOAH Case No. 94-5742RP, (the SWUCA case) invalidated rule 40D-2.381(3)(m) and Section 4.7 of the Basis of Review which is incorporated by reference in 40D-2.091, F.A.C. This rule development is intended to amend 40D-2.381(3)(m) and Section 4.7 to eliminate the deficiencies set forth in the Final Order. Further, the corresponding	

provision in Section 6.1 13. of the Basis of Review, while not ruled upon in the Final Order, is being rewritten to correspond to the changes made to 40D-2.381(3)(m) and Section 4.7.

SUBJECT AREA TO BE ADDRESSED: The manner in which water use permit applications will be evaluated regarding the effect of the withdrawal on off-site land uses.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.103, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0421, 373.0831, 373.103, 373.1963, 373.216, 373.219, 373.223, 373.239, 373.243 FS.

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

TIME AND DATE: 1:30 p.m. – 3:30 p.m., Friday, July 7, 2000

PLACE: Governing Board Room, Southwest Florida Water Management District, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL 33637

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IS: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications” _____, 2000, July 22, 1999, is hereby incorporated by reference into this Chapter and is available from the District upon request.

Specific Authority 120.54, 373.044, 373.103, 373.113, ~~373.171~~ FS. Law Implemented 373.036, 373.0361, 373.0421, 373.0831, 373.103, 373.1963, ~~373.216~~, 373.219, 373.223, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, _____.

40D-2.381 Standard Permit Conditions.

(1) though (2) No change.

(3) Every permit acquired under this Chapter shall include the following standard conditions which impose certain limitations on the permitted water withdrawal:

(a) through (l) No change.

(m) The Permittee shall mitigate, as specified in Section 4.0 of the Basis of Review for Water Use Permitting, ~~to the satisfaction of the District~~ any unacceptable adverse impact to environmental features or off-site land uses as a result of withdrawals. When unacceptable adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Mitigation shall meet the Performance Standards set forth in Section 4 of the Basis of Review. Unacceptable adverse impacts include those impacts that exceed the Performance Standards specified in Section 4 of the Basis of Review for Water Use Permitting, including the following:

1. Significant reduction in levels or flows in water bodies such as ponds, lakes, impoundments, canals, wetlands, springs, streams, or other watercourses, to the extent that the Performance Standards specified in Section 4 of the Basis of Review for Water Use Permitting are exceeded.

2. Sinkholes or land subsidence caused by reduction in water levels;

3. Damage to crops and other vegetation causing financial harm to the owner; ~~and~~

4. Damage to the habitat of endangered or threatened species.

5. Significant reduction in water levels in an off-site surface water body that is utilized for aesthetic, recreational, commercial, or water management purposes, including ponds, canals, and impoundments, to the extent that the utilization or purpose of the water body is impaired.

6. Flooding caused by offsite discharge,

(n) through (q) No change.

BASIS OF REVIEW FOR WATER USE PERMIT APPLICATIONS

SECTION 4.0 CONDITIONS FOR ISSUANCE – TECHNICAL CRITERIA

4.7 EXISTING OFF-SITE LAND USES

1. Initial Applications

A permit application shall be denied if the withdrawal of water would cause an unmitigated unacceptable adverse impact on an off-site adjacent land use that existed at the time of application for an initial water use permit ~~the initial permit was approved or that exists at the time a modification is requested.~~

2. Renewal or Modification Applications With No Changes

For renewal or modification applications, if ~~if~~ withdrawal locations, permitted quantities and actual use remain the same, but quantities are increased only the increased amount would be considered in addressing impacts to existing legal off site land uses, and

a. the applicant proposes to conduct withdrawals and related water use activities in the same manner as actually conducted during the term of the existing permit, and

b. there have been no adverse impacts caused by the withdrawals to off-site land uses that existed at the time of the application for the current permit, then this information shall constitute reasonable assurances for this criteria.

3. Renewal or Modification Applications With Changes

For renewal or modification applications, if any of the following are proposed, the applicant shall provide reasonable assurances that off-site land uses existing at the time of the application for renewal or modification will not be unacceptably adversely impacted:

a. withdrawal locations change;

b. discharge locations or volumes change;

c. use locations change; or

d. permitted quantities are increased.

4. Unacceptable Adverse Impacts

Unacceptable adverse impacts on off-site land uses include:

a.1. Significant reduction in water levels in an adjacent surface water body that is utilized for aesthetic, recreational, commercial, or water management purposes, including ponds, canals, and impoundments, to the extent that the utilization or purpose of the water body is impaired;

b.2. Significant damage to crops or other types of vegetation;

c. Sinkholes or land subsidence caused by reduction in water levels.

d. Flooding caused by offsite discharge.

SECTION 6.0 PERMIT CONDITIONS

Standard Conditions apply in all cases and are automatically placed on all permits. Special Conditions are placed on permits on a case-by-case basis. This Section contains a list of standard conditions and examples of frequently used special conditions that may be imposed when appropriate.

6.1 STANDARD PERMIT CONDITIONS

The following conditions are placed on all Water Use Permits:

1. through 12. No change.

13. The Permittee shall mitigate, as specified in Section 4.0 of the Basis of Review for Water Use Permitting, to the satisfaction of the District any unacceptable adverse impact to environmental features or off-site land uses as a result of withdrawals. When unacceptable adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Mitigation shall meet the Performance Standards set forth in Section 4 of the Basis of Review. Unacceptable adverse impacts include those impacts that exceed the Performance Standards specified in Section 4 of the Basis of Review for Water Use Permitting, including the following:

a. Significant reduction in levels or flows in water bodies such as ponds, lakes, impoundments, canals, wetlands, springs, streams, or other watercourses, to the extent that the Performance Standards specified in Section 4 of the Basis of Review for Water Use Permitting are exceeded;

b. Sinkholes or land subsidence caused by reduction in water levels;

c. Damage to crops and other vegetation causing financial harm to the owner; and

d. Damage to the habitat of endangered or threatened species;

e. Significant reduction in water levels in an off-site surface water body that is utilized for aesthetic, recreational, commercial, or water management purposes, including ponds, canals, and impoundments, to the extent that the utilization or purpose of the water body is impaired;

f. Flooding caused by offsite discharge.

14. through 18. No change.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use of Water

RULE CHAPTER NO.: 40D-2

RULE TITLE: Publications Incorporated by Reference

RULE NO.: 40D-2.091

PURPOSE AND EFFECT: The Final Order in *Charlotte County, et al. vs. Southwest Florida Water Management District*, DOAH Case No. 94-5742RP, (the SWUCA case) invalidated the presumptions within Section 4 of the Basis of Review which is incorporated by reference in 40D-2.091, F.A.C. This rule development is intended to amend Section 4 to eliminate the deficiencies set forth in the Final Order with respect to the use and nature of presumptions.

SUBJECT AREA TO BE ADDRESSED: The nature of and manner in which presumptions set forth in Section 4 of the Basis of Review will operate in the evaluation and issuance of water use permit applications.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.103, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0421, 373.0831, 373.103, 373.1963, 373.216, 373.219, 373.223, 373.239, 373.243 FS.

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

TIME AND DATE: 1:30 p.m. – 3:30 p.m., Friday, July 7, 2000

PLACE: Governing Board Room, Southwest Florida Water Management District, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL 33637

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IS: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference.

The "Basis of Review for Water Use Permit Applications" _____, 2000, July 22, 1999, is hereby incorporated by reference into this Chapter and is available from the District upon request.

Specific Authority 120.54, 373.044, 373.103, 373.113, ~~373.171~~ FS. Law Implemented 373.036, 373.0361, 373.0421, 373.0831, 373.103, 373.1963, ~~373.216~~, 373.219, 373.223, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, _____.

BASIS OF REVIEW FOR WATER USE PERMIT APPLICATIONS
SECTION 4.0 CONDITIONS FOR ISSUANCE – TECHNICAL CRITERIA

4.0 Introduction

Section 373.223, F.S., provides a three-prong test for evaluating each proposed water use: the use must be reasonable ~~and~~ beneficial, must not interfere with any existing legal use of water, and must be consistent with the public interest. Reasonable assurances that water use on both an individual and cumulative basis meets this three-prong test is provided by the Applicant's compliance with the Conditions for Issuance, set forth in Rule 40D-2.301.

This ~~Section Chapter~~ provides guidelines for determining whether a water use meets the Conditions for Issuance set forth in Rule 40D-2.301. If the criteria described in this ~~Section Chapter~~ are not met, Applicants may consider reduction of withdrawal quantities, a pumpage rotation schedule, mitigation, or other means to bring a proposed use into compliance with the Conditions For Issuance. Mitigation is the act of offsetting an unacceptable adverse impact such that the Performance Standards of this Section 4 are met. ~~For some criteria, presumptions have been developed to facilitate evaluation. If site specific information is provided which demonstrates that the presumption is incorrect, this information will be used to evaluate compliance with the performance standards.~~

Listed within this Section are the performance standards and criteria District staff will use to ensure that unacceptable adverse impacts do not occur as a result of proposed withdrawals or discharges of water. Additionally, for some performance standards presumptions are described that the District will use as guidelines to predict whether withdrawals will cause unacceptable adverse impacts. These presumptions are used as screening thresholds by the District.

a. If the proposed withdrawal is predicted to cause an impact that will exceed a presumption, the applicant shall provide site specific information and analysis for evaluation to determine whether the predicted impact will meet the corresponding performance standard.

b. Where the proposed withdrawal is in an area of known unacceptable adverse impacts or within a water use caution area and the withdrawal is predicted not to cause an impact that exceeds a presumption, the applicant shall provide site specific information and modeling for evaluation to determine whether the performance standard is met.

c. Where a proposed withdrawal does not exceed a presumption and the withdrawal is not in an area of known unacceptable adverse impacts or within a water use caution area, the proposed withdrawal meets the corresponding performance standard. However, in the event that site specific information indicates that the predicted impact exceeds the applicable Performance Standard in this Section 4.0 or other information indicates the inapplicability of the presumption or in the event of a challenge by a third party to the issuance or proposed issuance of a permit that is deemed to have met a performance standard through meeting a presumption, the applicant has the burden of establishing that the proposed withdrawal meets the conditions for issuance of a permit set forth in 40D-2.301, F.A.C.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use of Water
RULE CHAPTER NO.: 40D-2
RULE TITLE: Publications Incorporated by Reference
RULE NO.: 40D-2.091
PURPOSE AND EFFECT: The Final Order in *Charlotte County, et al. vs. Southwest Florida Water Management District*, DOAH Case No. 94-5742RP, (the SWUCA case) invalidated the presumption within Section 4.5 of the Basis of Review which is incorporated by reference in 40D-2.091, F.A.C. This rule development is intended to amend Section 4.5 to eliminate the deficiencies set forth in the Final Order. Further, the corresponding provisions in Section 7.2 8 A. and B. of the Basis of Review, while not challenged nor ruled upon in the Final Order, are being rewritten to correspond to the changes made to Section 4.5.
SUBJECT AREA TO BE ADDRESSED: The manner in which water use permit applications will be evaluated regarding the effect of the withdrawal on salt water intrusion within the Most Impacted Area of the Eastern Tampa Bay Water Use Caution Area.
SPECIFIC AUTHORITY: 120.54, 373.044, 373.103, 373.113, 373.171 FS.
LAW IMPLEMENTED: 373.036, 373.0361, 373.0421, 373.0831, 373.103, 373.1963, 373.216, 373.219, 373.223, 373.239, 373.243 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 1:30 p.m. – 3:30 p.m., Friday, July 7, 2000

PLACE: Governing Board Room, Southwest Florida Water Management District, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL 33637

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IS: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference.

The "Basis of Review for Water Use Permit Applications" _____, 2000, July 22, 1999, is hereby incorporated by reference into this Chapter and is available from the District upon request.

Specific Authority 120.54, 373.044, 373.103, 373.113, ~~373.171~~ FS. Law Implemented 373.036, 373.0361, 373.0421, 373.0831, 373.103, 373.1963, ~~373.216~~, 373.219, 373.223, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, _____.

BASIS OF REVIEW FOR WATER USE PERMIT APPLICATIONS

SECTION 4-0 CONDITIONS FOR ISSUANCE – TECHNICAL CRITERIA

4.5 SALINE WATER INTRUSION

1. Performance Standards

No change.

2. Presumption

In addition to the significant saline water intrusion defined in the Performance Standards, above, the District presumes that proposed new quantities of ground water from the Floridan aquifer from areas outside the Most Impacted Area (MIA) of the Eastern Tampa Bay Water Use Caution Area as identified in Figure 7.2-2 and as delineated in Section 7.2, 8.F., that cause a potentiometric surface drawdown of 0.2 feet or greater within the MIA will significantly induce saline water intrusion. Applicants may demonstrate compliance with regard to the significant saline water intrusion standard by affirmatively showing that the Floridan aquifer potentiometric surface drawdown at the MIA boundary would be less than 0.2 feet, based on site-specific information, using scientifically acceptable flow modeling, or that significant saline water intrusion, as defined in the Performance Standards, Section 4.5, subsection 1, will not be caused within the MIA, using scientifically acceptable solute transport modeling. The drawdown impacts of successive withdrawal requests will be aggregated in applying this presumption to any permit issued pursuant to this rule. This presumption on permitting proposed new quantities of ground water does not apply to surface water, surficial aquifer, intermediate and desalination sources. This presumption also does not apply to the renewal of previously permitted quantities. This provision will remain in effect only

until a rule is adopted through Florida's Secretary of State's Office incorporating permanent saline water intrusion standards for the Southern Water Use Caution Area.

SECTION 7-0 WATER USE CAUTION AREAS

7.2 EASTERN TAMPA BAY WATER USE CAUTION AREA

1. through 7. No change.

8. Limitation of Quantity Permitted

A. Within the Most Impacted Area (MIA) within the WUCA, as identified in Figure 7.2-2, and delineated in paragraph F. below, in order to stabilize ground water declines, significant saline water intrusion and the associated water resource problems, the District presumes that new quantities of ground water use from the Floridan confined aquifers shall not be permitted from the Most Impacted Area (MIA) within the WUCA, as identified in Figure 7.2-2, and delineated in paragraph F., below unless the applicant can provide reasonable assurance that on a cumulative basis the proposed withdrawal will not contribute to significant saline water intrusion within the MIA. If site-specific information is provided which demonstrates that the presumption is incorrect, this information will be used to evaluate whether a permit may be issued. This restriction on permitting new quantities of ground water does not apply to surface water, surficial aquifer, and desalination sources. In addition, this restriction on permitting new quantities of ground water shall apply only to applications filed after April 24, 1990. Permits for water use in existence as of June 27, 1990, within the MIA may be issued provided that an application is filed prior to July 1, 1991, provided that all permitting criteria and conditions are met, and the quantity to be permitted represents an existing impact to the aquifer. New quantities outside the MIA shall only be permitted at high efficiency.

B. In order to reduce ground water declines and the ~~harmful inland~~ movement of the saline water interface, the District presumes that proposed new quantities of ground water ~~applied for after March 30, 1993,~~ from the Floridan confined aquifers from areas outside the MIA, whether inside of or outside of the Eastern Tampa Bay Water Use Caution Area, that cause a potentiometric surface drawdown of 0.2 feet or greater within the MIA will significantly induce saline water intrusion. Applicants may demonstrate compliance with regard to the significant saline water intrusion standard by affirmatively showing that the Floridan aquifer potentiometric surface drawdown at the MIA boundary would be less than 0.2 feet, based on site-specific information, using scientifically acceptable flow modeling, or that significant saline water intrusion, as defined in the Performance Standards, Section 4.5, subsection 1, will not be caused within the MIA, using scientifically acceptable solute transport modeling. The drawdown impacts of successive withdrawal requests will be aggregated in applying this presumption to any permit issued pursuant to this rule. This presumption on permitting proposed

new quantities of ground water does not apply to surface water, surficial aquifer, intermediate aquifer and desalination sources. This presumption also does not apply to the renewal of previously permitted quantities. The ~~This~~ provisions in paragraphs 7.2 8.A. and B. will remain in effect for a period of two years from March 30, 1993, except that if only until a rule is adopted through Florida's Secretary of State's Office incorporating permanent saline water intrusion standards for the Southern Groundwater Basin Water Use Caution Area is noticed for adoption during the two year period, this provision will remain in effect during the pendency of any Section 120.54(4), F.S., rule challenge and final disposition of the proposed rule by the Governing Board.

The presumption in this paragraph 8.B. is used as a screening threshold by the District.

a. If the proposed withdrawal is predicted to cause an impact that will exceed this presumption, the applicant shall provide site specific information and analysis for evaluation to determine whether the predicted impact will meet the Performance Standard in Section 4.5, subsection 1. of this Basis of Review.

b. Where a proposed withdrawal does not exceed the presumption, the proposed withdrawal meets the Performance Standard in Section 4.5, subsection 1. of this Basis of Review. However, in the event that site specific information indicates that the predicted impact exceeds the Performance Standard in Section 4.5, subsection 1. of this Basis of Review or other information indicates the inapplicability of the presumption or a challenge by a third party to the issuance or proposed issuance of a permit that is deemed to have met the Performance Standard in Section 4.5, subsection 1. of this Basis of Review through meeting the presumption, the applicant has the burden of establishing that the proposed withdrawal meets the conditions for issuance of a permit set forth in 40D-2.301, F.A.C.

C. through F. No change.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use of Water
RULE CHAPTER NO.: 40D-2

RULE TITLE: Publications Incorporated by Reference
RULE NO.: 40D-2.091

PURPOSE AND EFFECT: To amend the District's Basis of Review for Water Use Permitting to clarify the use, ownership and control of water use permits sought by multiple applicants for joint property and activities regarding said property.

SUBJECT AREA TO BE ADDRESSED: To clarify the use, ownership and control of water use permits sought by multiple private land owners.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.219, 373.239, 373.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference.

The "Basis of Review for Water Use Permit Applications," (effective date of revision) ~~July 22, 1999~~, is hereby incorporated by reference into this Chapter and are available from the District upon request.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.219, 373.239, 373.243 FS. History--New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, _____.

(The following represents proposed changes to Section 2.1 of the document entitled "Basis of Review for Water Use Permit Applications", within the Southwest Florida Water Management District incorporated by reference in Rule 40D-2.091, F.A.C.)

2.1 APPLICANT CONTROL OF PROPERTY AND ACTIVITIES

(1) Applicants must demonstrate ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are or will be located. Applications for leased property, except property leased from the District, must be either a joint application in the name of the lessee and the property owner(s) or be only in the name of the property owner(s). If there are multiple property owners, all owners must sign the permit application form or sign an attachment to the permit application form indicating their joinder in the permit application, and all property owners will be permittees on the water use permit, when issued.

(For related rules on this issue, see Rules 40D-1.6105, ~~Chapters 40D-0.381,~~ 40D-2.351, and 40D-2.381(3)(p) and (q), F.A.C., and Section 1.10, and 6.1, Basis of Review for Water Use Permit Applications.

(2) A governmental entity which owns the land on which the pumps, wells, diversions or other water withdrawal facilities for public water supply are or will be located need not be a permit applicant or a permittee, notwithstanding paragraph 2.11. above, provided that: 1) it is not a distributor of the water, 2) it does not receive any financial benefit from the water withdrawals or the applicant's use of the land or facilities, 3) it agrees in writing to the issuance of a water use permit for withdrawals from its land, and 4) another entity is the applicant and will operate the water withdrawal facilities. In these

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: Parts I and II, Chapter 373 FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m., July 5, 2000

PLACE: Lee County Extension, Fort Myers, 3406 Palm Beach Blvd., Ft. Myers, FL 33916

TIME AND DATE: 10:00 a.m. – 3:00 p.m., July 6, 2000

PLACE: Kissimmee Civic Center, 201 E. Daken Avenue, Kissimmee, FL 34741

TIME AND DATE: 10:00 a.m. – 3:00 p.m., July 7, 2000

PLACE: South Florida Water Management District, 3301 Gun Club Road, Storch Conference Room, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet:jjennison@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Nursing Home Services
 RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-term Care Reimbursement Plan (the Plan) payment methodology, effective only for Fiscal year 2000-2001, as required by Section 8 (a)(2)(b) of SB 2242 to establish a provision for an interim rate adjustment for the increased costs of general and professional liability insurance for nursing homes when the following specified criteria are met:

- a) At least a 65 percent Medicaid utilization in the most recent cost report submitted to the Agency.
- b) The increase in general or professional liability costs to the facility for the most recent policy period affects the total Medicaid per diem by at least five percent.

c) This rate adjustment shall not result in the per diem exceeding the class ceiling.

Other changes in the Plan are as follows:

- 1. Only providers being paid a prospective rate under section V.B.6. of the Plan shall be eligible for the Medicaid Adjustment Rate (MAR).
- 2. A clarification that the Medicaid Adjustment Rate (MAR), Case-mix adjustment, and Direct Care Staffing Adjustment (DCSA) are included in the total cost related per diem in section V.B.20 of the Plan.
- 3. Provide for the Allowable Costs Section of the Plan (Section III. D.) to refer to the Nursing Facility Limitations Handbook.

The effect of the proposed amendment is the establishment of a provision for an interim rate adjustment for the increased costs of general and professional liability insurance for nursing homes when specified criteria are met; a clarification regarding only providers being paid a prospective rate under section V.B.6. of the Plan shall be eligible for the Medicaid Adjustment Rate (MAR); a clarification that the Medicaid Adjustment Rate (MAR), Case-mix adjustment, and Direct Care Staffing Adjustment (DCSA) are included in the total cost related per diem in section V.B.20 of the Plan; provide for the Allowable Costs Section of the Plan (Section III) to refer to the Nursing Facilities Limitations Handbook;

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the reimbursement payment methodology that will be used to establish a provision for an interim rate adjustment for the increased costs of general and professional liability insurance when specified requirements are met; only providers being paid a prospective rate under section V.B.6. of the Long-Term Care Reimbursement Plan shall be eligible for the Medicaid Adjustment Rate (MAR); a clarification that the Medicaid Adjustment Rate (MAR), Case-mix adjustment, and Direct Care Staffing Adjustment (DCSA) are included in the total cost related per diem in section V.B.20 of the Plan; providing for the Allowable Costs Section of the Plan to refer to the Nursing Facilities Limitations Handbook.

SPECIFIC AUTHORITY: 409.909 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 9:00 a.m., July 5, 2000

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Carol Shotwell, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106C, Tallahassee, Florida 32308, (850)414-2759

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: RULE NO.:

Payment Methodology for Inpatient 59G-6.020
Hospital Services

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement plan payment methodology, effective July 1, 2000, to provide the following changes based on Legislative direction provided in House Bill 2145, General Appropriations Act 2000-2001, Specific Appropriation 217 and 234A, and proviso language following those specific appropriations and House Bill 2147, the Implementing Bill for the 2000-2001 General Appropriations Act:

1. An exemption for teaching, specialty, and Community Hospital Education Program (CHEP) hospitals from the variable cost reimbursement ceilings.
2. Special Medicaid payments totaling \$144,349,164 will be made to certain hospitals for costs associated with providing inpatient medical education and serving significant numbers of low-income patients. The following amounts shall be paid to teaching and children’s hospitals:

\$2,998,909	All Children’s Hospital
\$87,142,115	Jackson Memorial Hospital
\$1,617,294	Miami Children’s Hospital
\$3,251,838	Mount Sinai Medical Center
\$2,511,252	Orlando Regional Medical Center
\$2,876,386	Shands Hospital-Alachua
\$9,356,836	Tampa General Hospital
\$21,126,584	Shands Hospital-Duval

The remaining funds shall be distributed to hospitals that qualify for the regular disproportionate share hospital program in proportion to each hospital’s payments under the program.

3. Provide for payments to hospitals qualifying for the disproportionate share program for children’s hospitals under CS/HB 2339 creating section 409.9119, Florida Statutes.
4. The January 1, 1999 Medicaid per diem and 1994 audited financial data shall be used in calculating Hospital Regular Disproportionate Share program payments under section V.D. of the Plan.

Additional changes to the Plan include:

5. Add the “Bureau of Medicaid Program Analysis, Division of Cost Reimbursement” to where a provider must file a certified cost report.
6. A correction related to previous state plan amendment Version XVIII, November 10, 1999, deleting language regarding the reporting of budgeted data for capital

improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.

7. The provisions for canceling a provider agreement for late filing of a cost reports is replaced with language providing for a retroactive recalculation of the reimbursement rate.

8. Updates to Florida Statute and Code of Federal Regulations references.

The effect of the proposed amendment will be an exemption for teaching, specialty, and Community Hospital Education Program (CHEP) hospitals from the variable costs reimbursement ceilings; special Medicaid payments totaling \$144,349,164 will be made to certain hospitals for costs associated with providing inpatient medical education and serving significant numbers of low-income patients; provides for payments to hospitals qualifying for the disproportionate share program for children’s hospitals under CS/HB 2339 creating section 409.9119, Florida Statutes; the January 1, 1999 Medicaid per diem and 1994 audited financial data shall be used in calculating Hospital Regular Disproportionate Share program payments under section V.D. of the Plan; addition of “Bureau of Medicaid Program Analysis, Division of Cost Reimbursement” to the location that a provider must submit a certified cost report, a correction related to previous state plan amendment Version XVIII, November 10, 1999, language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates is deleted, the provisions for canceling a provider agreement for late filing of a cost reports is replaced with language providing for a retroactive recalculation of the reimbursement rate, and updates to Florida Statute and Code of Federal Regulations references.

SUBJECT AREAS TO BE ADDRESSED: The subject areas to be addressed are the exemption for teaching, specialty, and Community Hospital Education Program (CHEP) hospitals from the variable costs ceilings; special Medicaid payments for certain hospitals for costs associated with providing inpatient medical education and serving significant numbers of low-income patients; payments to hospitals qualifying for the disproportionate share program for children’s hospitals under CS/HB 2339 creating section 409.9119, Florida Statutes; the January 1, 1999 Medicaid per diem and 1994 audited financial data shall be used in calculating Hospital Regular Disproportionate Share program payments under section V.D. of the Plan; addition of “Bureau of Medicaid Program Analysis, Cost Reimbursement” to the location that a provider must submit a certified cost report; a correction related to previous state plan amendment Version XVIII, November 10, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates; the provisions for

canceling a provider agreement for late filing of a cost reports is replaced with language providing for a retroactive recalculation of the reimbursement rate; and updates to Florida Statutes and Code of Federal Regulations references.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908, 409.9117 FS.

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

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

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Carol Shotwell, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106C, Tallahassee, Florida 32308, (850)414-2759

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Outpatient Hospital Services
RULE NO.: 59G-6.030

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (the Plan) payment methodology, effective July 1, 2000, to provide the following changes based on the Legislative direction provided in House Bill 2145, General Appropriations Act 2000-2001, Specific Appropriation 220:

1) Provide an exemption for teaching, specialty, and Community Health Education Program (CHEP) hospitals from the outpatient hospital reimbursement ceilings.

Other changes to the Plan include:

2) Addition of "Bureau of Medicaid Program Analysis, Cost Reimbursement" to the location that a provider must submit a certified cost report.

3) Provide a correction related to previous state plan amendment Version VII, September 6, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.

4) Delete the provision for canceling a provider agreement for late filing of a cost report and replace it with language providing for a retroactive recalculation of the reimbursement rate.

5) Update the Outpatient Revenue Center Codes, Florida Statute references, and Code of Federal Regulations references.

6) Delete the phrases "a second opinion" and "or post authorization" from Section III.F. of the Plan.

The effect of the proposed amendment will be: teaching, specialty, and Community Health Education Program (CHEP) hospitals will receive an exemption from the hospital outpatient reimbursement ceilings; addition of "Bureau of Medicaid Program Analysis, Cost Reimbursement" to the location that a provider must submit a certified cost report; a correction related to the previous state plan amendment Version VII, September 6, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded, or discontinued services for the purpose of setting reimbursement ceilings and individual rates; the provision for canceling a provider agreement for late filing of a cost report is deleted and replaced with language providing for a retroactive recalculation of the reimbursement rate; the Outpatient Revenue Center Codes, Florida Statute references, and Code of Federal Regulations references are updated; the phrases "a second opinion" and "or post authorization" are deleted from Section III F of the Plan.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed are exemption of teaching, specialty, and Community Hospital Education Program (CHEP) hospitals from outpatient hospital reimbursement ceilings; addition of "Bureau of Medicaid Program Analysis, Cost Reimbursement" to the location that a provider must submit a certified cost report; a correction related to previous state plan amendment Version VII, September 6, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates; the provision for canceling a provider agreement for late filing of a cost report is replaced with language providing for a retroactive recalculation of the reimbursement rate; updating Outpatient Revenue Center Codes, Florida Statute references, Code of Federal Regulation references; and the deletion of the phrases "a second opinion" and "or post authorization" from Section III F from the Plan.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

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

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Carol Shotwell, Medicaid

Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106C, Tallahassee, Florida 32308, (850)414-2759

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Monitoring of Continuing Education Requirements
RULE NO.: 61-6.015

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement section 455.2177, Florida Statutes. This section requires the Department to establish a system to monitor licensee compliance with applicable continuing education requirements and to determine each licensee’s continuing education status.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the establishment of a system to monitor licensee compliance with applicable continuing education requirements and to determine each licensee’s continuing education status.

SPECIFIC AUTHORITY: 455.2177(5) FS.

LAW IMPLEMENTED: 455.2177 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tom Thomas, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE: General
RULE CHAPTER NO.: 61C-1
RULE TITLE: License Fees
RULE NO.: 61C-1.008

PURPOSE AND EFFECT: The purpose of this rule development is to modify the fee amounts for the inspection service of temporary public food service establishments and other vendors participating in 1 to 3 day temporary food service events and 4 through 30 day temporary food service events. Additionally, the division seeks to modify the fee amount for plan review services. These rules affect the licensure of all temporary public food service establishments and other vendors operating at temporary food service events and any planned new construction or remodeled public food service establishment.

SUBJECT AREA TO BE ADDRESSED: The division will address regulatory fee changes specific to the licensure of temporary public food service establishments and other food vendors and plan review services for public food service establishments.

SPECIFIC AUTHORITY: 509.032(6), 509.251 FS.

LAW IMPLEMENTED: 509.013, 509.032(2)(e), 509.032(3)(c), 509.251 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, Telephone (850)488-9263

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-1.008 License Fees.

(1) through (4) No change.

(5) Amount of License Fee – Public Food Service Establishment. The license fee for a public food service establishment shall be in accordance with the following schedule exclusive of the categories of fee adjustments set forth in rule 61C-1.008(1) and (3):

(a) Nonseating:

1.

	BASIC FEE	SERVICE TYPE FEE	EPIDEMIOLOGICAL FEE	HEP FEE	TOTAL FEE
Permanent	\$175	\$0	\$10	\$6	\$191
Mobile Food Dispensing Vehicle	\$140	\$135	\$14	\$6	\$295
Catering	\$140	\$55	\$10	\$6	\$211

2.

	BASIC FEE	EPIDEMIOLOGICAL FEE	HEP FEE	TOTAL FEE
Temporary Public Food Service Establishments and Vendors				
1-3 Day events	\$77 32	\$2	\$6	\$85 40
4 through 30-day events	\$160 65	\$4	\$6	\$170 75
Vending Machines	\$10	\$1	\$6	\$17

3. Theme Park Food Carts

No. of Carts	Basic Fee	Capacity Fee	Epidemiological Fee	HEP Fee	Total Fee
1-5	\$140	\$55	\$10	\$6	\$211
6-10	\$140	\$65	\$10	\$6	\$221
11-15	\$140	\$85	\$11	\$6	\$242
16-20	\$140	\$105	\$12	\$6	\$263
21-25	\$140	\$125	\$13	\$6	\$284
26 or more	\$140	\$145	\$14	\$6	\$305

(b) Seating:

No. of Seats	Basic Fee	Capacity Fee	Epidemiologica l Fee	HEP Fee	Total Fee
1-49	\$140	\$55	\$10	\$6	\$211
50-149	\$140	\$65	\$10	\$6	\$221
150-249	\$140	\$85	\$11	\$6	\$242
250-349	\$140	\$105	\$12	\$6	\$263
350-499	\$140	\$125	\$13	\$6	\$284
500 or more	\$140	\$145	\$14	\$6	\$305

(c) Plan review fees shall be \$150 75; variance review process fees shall be:

1. Routine – \$150; and
2. Emergency – \$300.

(6) No change.

Specific Authority 509.032(6), 509.251 FS. Law Implemented 509.013, 509.032(2)(e), 509.032(3)(c), 509.251, 509.302(3) FS. History–New 7-31-79, Revised 9-1-80, Formerly 7C-1.08, Amended 5-10-89, 9-10-89, 10-31-89, 4-3-90, 12-31-90, 9-11-91, 2-27-92, 7-6-9, 8-23-92, 11-4-92, 4-4-93, Formerly 7C-1.008, Amended 9-20-93, 12-22-93, 6-29-95, 10-9-95, 9-25-96, 5-11-98,

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Exemption of Spouses of Members of
Armed Forces from License
Renewal Requirements
61G19-9.0015

PURPOSE AND EFFECT: The Board determined it is necessary to promulgate a new rule to address a spouse’s exemption from license renewal if married to a member of the Armed Forces.

SUBJECT AREA TO BE ADDRESSED: Exemption of Spouses of Members of Armed Forces from License Renewal Requirements.

SPECIFIC AUTHORITY: 455.02 FS.

LAW IMPLEMENTED: 455.02 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-9.0015 Exemption of Spouses of Members of Armed Forces from License Renewal Requirements.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse’s duties with the armed forces shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show satisfactory proof to the Board of the absence and the spouse’s military status.

Specific Authority 455.02 FS. Law Implemented 455.02 FS. History–New

DEPARTMENT OF HEALTH

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

RULE CHAPTER TITLE: Fee Schedule
64B4-4

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 64B4-4.

SUBJECT AREA TO BE ADDRESSED: Application and examination fee for licensure by examination; application and examination fee for certification of education and subsequent examination; application fee for licensure by endorsement;

biennial licensure fee; reactivation fee; renewal of inactive status fee; change of status fee; delinquency fee; continuing education provider application fee; examination review fee for applicants for licensure as a clinical social worker; examination review fee for applicants for licensure as a mental health counselor; examination review fee for applicants for licensure as a marriage and family therapist; initial licensure fee.

SPECIFIC AUTHORITY: 455.587(1), 455.711, 455.564(2), 455.574(2), 491.004, 491.005, 491.007(1), 491.0085 FS.

LAW IMPLEMENTED: 455.564(2), 455.587(1), 455.711, 455.574(2), 491.005, 491.006, 491.007(1), 491.008, 491.0085(2) FS.

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

TIME AND DATE: 9:00 a.m., or thereafter, July 14, 2000
 PLACE: Ft. Lauderdale Marriott North, 6650 North Andrews Avenue, Ft. Lauderdale, Florida 33309

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

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

DEPARTMENT OF HEALTH

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

RULE TITLE: Definition of a "Licensed Mental Health Counselor or the Equivalent Who Is a Qualified Supervisor" RULE NO.: 64B4-31.007

PURPOSE AND EFFECT: The Board proposes to review this rule for possible amendments.

SUBJECT AREA TO BE ADDRESSED: Definition of a licensed mental health counselor or the equivalent who is a qualified supervisor.

SPECIFIC AUTHORITY: 491.004(5), 491.005(4)(c) FS.

LAW IMPLEMENTED: 491.005(4)(c) FS.

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

TIME AND DATE: 9:00 a.m., or thereafter, July 14, 2000
 PLACE: Ft. Lauderdale Marriott North, 6650 North Andrews Avenue, Ft. Lauderdale, Florida 33309

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

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Definitions of Remediable Tasks and Supervision Levels RULE NO.: 64B5-16.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to definitions of remediable tasks and the levels of supervision.

SUBJECT AREA TO BE ADDRESSED: Definitions of remediable tasks and supervision levels.

SPECIFIC AUTHORITY: 466.004(4), 466.024(1),(3) FS.

LAW IMPLEMENTED: 466.024, 466.003(11),(12) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-16.001 Definitions of Remediable Tasks and Supervision Levels.

(1) through (3) No change.

(4) Direct supervision requires that a licensed dentist examine the patient, diagnose a condition to be treated, ~~authorize~~ authorizes the procedure to be performed, ~~be~~ remains on the premises while the procedure is performed, and approve ~~inspects and approves~~ the work performed prior to the patient's departure from the premises.

(5) Indirect supervision requires that a licensed dentist examine the patient, diagnose a condition to be treated, authorize the procedure to be performed, and ~~be~~ remain on the premises while the procedure is performed.

(6) General supervision requires that a licensed dentist examine the patient, diagnose a condition to be treated, and authorize the procedure to be performed.

~~(7) Remediable tasks, to be performed under general supervision in the office of a Florida licensed dentist, can be performed on a patient if the Florida licensed dentist who authorized the procedure has first examined the patient. Any authorization for remediable tasks to be performed under general supervision this rule is valid for a maximum of 13 months; after which, no further treatment under general supervision can be performed without another clinical exam by a Florida licensed dentist.~~

Specific Authority 466.004(4), 466.024(1),(3) FS. Law Implemented 466.024, 466.003(11),(12) FS. History--New 4-30-80, Amended 8-20-80, 1-28-81, 3-4-81, 10-8-85, Formerly 21G-16.01, Amended 6-30-86, 12-31-86, 7-5-87, 2-21-88, 1-18-89, Formerly 21G-16.001, Amended 3-30-94, Formerly 61F5-16.001, Amended 4-6-97, Formerly 59Q-16.001, Amended 1-6-99, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Procedure for Approval of Attendance at Continuing Education Courses

RULE NO.: 64B8-52.003

PURPOSE AND EFFECT: The Electrolysis Council proposed to the Board of Medicine that Rule 64B8-52.003 be amended to provide continuing education credit to lecturers or authors of continuing education programs or course materials.

SUBJECT AREA TO BE ADDRESSED: Procedure for Approval of Attendance at Continuing Education Courses.

SPECIFIC AUTHORITY: 478.43(4), 478.50(2),(4)(a),(b) FS.
LAW IMPLEMENTED: 455.564(6), 455.604, 478.50(2),(4)(a),(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-52.003 Procedure for Approval of Attendance at Continuing Education Courses.

(1) through (5) No change.

(6) A maximum of 6 contact hours shall be awarded per biennium for each of the following or a combination of the following:

(a) The presentation of an electrology related course or program as either the lecturer of the course or program or as the author of the course materials. Each licensee who is participating as either a lecturer or author of an electrology

related course or program shall receive credit for the portion of the offering he/she presented or authored up to the total hours awarded for the offering.

1. Continuing education credit shall be awarded to a lecturer or author for the initial presentation of each electrology related course or program only; repeat presentations of the same course or program shall not be granted credit.

2. In order for a continuing education credit to be awarded to each licensee participating as either lecturer or author, the format of the electrology related course or program must conform with all applicable sections of this rule chapter.

3. The number of contact hours to be awarded to each licensee who participates in an electrology related course or program as either a lecturer or author is based on the 50 minute contact hour employed within this rule chapter.

Specific Authority 478.43(4), 478.50(2),(4)(a),(b) FS. Law Implemented 455.564(6), 455.604, 478.50(2),(4)(a),(b) FS. History--New 6-1-93, Formerly 21M-77.003, 61F6-77.003, Amended 5-11-95, Formerly 59R-52.003, Amended 2-9-98, 2-16-99, 2-17-00, _____.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE TITLE: Biennial Licensing

RULE NO.: 64B-9.001

PURPOSE AND EFFECT: The Department of Health, Division of Medical Quality Assurance, proposes the development of a rule to address the biennial renewal of licenses for all professions in a staggered manner.

SUBJECT AREA TO BE ADDRESSED: Biennial license renewals.

SPECIFIC AUTHORITY: 455.521(1) FS.

LAW IMPLEMENTED: 455.521(1) FS.

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

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

PLACE: Department of Health, Bureau of Operations, 4052 Bald Cypress Way, Room 110J, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Melissa Meadows, OMC Manager, Bureau of Operations/MQA, 4052 Ball Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B-9.001 Biennial Licensing.

(1) Pursuant to Section 455.521(1), Florida Statutes, the Department hereby implements a plan for staggered biennial renewal of licenses issued the Division of Medical Quality Assurance.

(2) The staggered biennial renewal issuance plan does not apply to the renewal of licenses which have a statutory period of one year or less and which do not mature into permanent licenses which would be subject to regular annual renewal.

(3) Biennial period shall mean a period of time consisting of 2 years (24 months). The first biennial period for the purposes of each board shall commence and continue on the dates specified in the department plan as set forth for each respective profession.

(4) The schedule for biennial license renewal for each respective profession shall be as follows:

	<u>EVEN YEARS</u>	<u>ODD YEARS</u>
<u>Acupuncturists</u>	<u>February 28</u>	
<u>Athletic Trainers</u>	<u>September 30</u>	
<u>Certified Master Social Workers</u>		<u>March 31</u>
<u>Chiropractic Physicians & Assistants</u>	<u>March 31</u>	
<u>Clinical Laboratory Personnel</u>	<u>August 31</u>	
<u>Clinical Social Workers</u>		<u>March 31</u>
<u>Consultant Pharmacists</u>	<u>December 31</u>	
<u>Dental Hygienists</u>	<u>February 28</u>	
<u>Dental Laboratories</u>	<u>February 28</u>	
<u>Dentists</u>	<u>February 28</u>	
<u>Dietitians/Nutritionists</u>		<u>November 30</u>
<u>Dispensing Opticians</u>	<u>December 31</u>	
<u>Electrologists</u>	<u>May 31</u>	
<u>Electrolysis Facilities</u>	<u>May 31</u>	
<u>Hearing Aid Specialists</u>		<u>March 31</u>
<u>Marriage & Family Therapists</u>		<u>March 31</u>
<u>Massage Therapists</u>		<u>August 31</u>
<u>Massage Establishments</u>		<u>August 31</u>
<u>Medical Doctors (Group I)</u>	<u>January 31</u>	
<u>Medical Doctors (Group II)</u>		<u>January 31</u>
<u>Medical Doctors – Public Psychiatry/Health Certificate</u>	<u>January 31</u>	
<u>Medical Doctors – Limited License</u>	<u>January 31</u>	
<u>Medical Doctors – Area of Critical Need</u>	<u>January 31</u>	
<u>Medical Physicists</u>		<u>January 31</u>
<u>Mental Health Counselors</u>		<u>March 31</u>
<u>Midwives</u>		<u>December 31</u>
<u>Naturopathic Physicians</u>	<u>September 30</u>	
<u>Nuclear Pharmacists</u>	<u>February 28</u>	
<u>Nurses</u>		
<u>Group I: Registered & Advanced Registered Nurse Practitioners</u>	<u>April 30</u>	

<u>Group II: Registered & Advanced Registered Nurse Practitioners</u>	<u>July 31</u>
<u>Group III: Registered & advanced Registered Nurse Practitioners</u>	<u>April 30</u>
<u>Licensed Practical Nurses</u>	<u>July 31</u>
<u>Nursing Home Administrators</u>	<u>September 30</u>
<u>Occupational Therapists & Assistants</u>	<u>February 28</u>
<u>Optometrists</u>	<u>February 28</u>
<u>Optometrist Branch Offices</u>	<u>February 28</u>
<u>Orthotists & Prosthetists</u>	<u>May 31</u>
<u>Osteopathic Physicians</u>	<u>March 31</u>
<u>Pharmacies</u>	<u>February 28</u>
<u>Pharmacists</u>	<u>September 30</u>
<u>Physical Therapists & Assistants</u>	<u>May 30</u>
<u>Physician Assistants</u>	<u>January 31</u>
<u>Podiatric Physicians</u>	<u>March 31</u>
<u>Psychologists</u>	<u>May 31</u>
<u>Respiratory Care Practitioners</u>	<u>November 30</u>
<u>Respiratory Therapists</u>	<u>November 30</u>
<u>School Psychologists</u>	<u>November 30</u>
<u>Speech Language Pathologists/ Audiologists & Assistants</u>	<u>December 31</u>

EXTENSION OF BIENNIAL LICENSURE PERIODS – When a current biennial licensure period for a profession is extended for a period longer than two years to conform to the above schedule of biennial periods, the biennial licensure fee for the profession shall be increased pro-rata to cover the additional extended period. The increased licensure fee shall be based on the biennial licensure fee established by the board. The amended licensure period and the pro-rated renewal fee shall be implemented for the purpose of restructuring the Department’s renewal schedule.

(5) The biennial license renewal fees shall be established by rule by each board, or by the Department, whichever is appropriate.

Specific Authority 455.521(1) FS. Law Implemented 455.521(1) FS. History–New _____.

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE TITLES: RULE NOS.:

Definitions 64E-4.002

Exemptions 64E-4.003

PURPOSE AND EFFECT: The purpose and effect of these proposed rules is to exempt from registration and regulation Class IIIA laser devices.

SUBJECT AREA TO BE ADDRESSED: Registration and regulation of Class IIIA laser devices.
 SPECIFIC AUTHORITY: 501.122(2) FS.
 LAW IMPLEMENTED: 501.122(2)(a),(c) FS.
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 9:00 a.m., July 12, 2000
 PLACE: Room 210J, 4042 Bald Cypress Way, Tallahassee, FL
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: William A. Passetti, Chief, Bureau of Radiation Control, (850)487-1004
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE TITLE: Family-Related Medicaid Eligibility Determination Process
 RULE NO.: 65A-1.704
 PURPOSE AND EFFECT: This proposed rule implements simplified Medicaid application procedures for pregnant women and presumptive eligibility for children.
 SUBJECT AREA TO BE ADDRESSED: A face-to-face interview will not be required of pregnant women. A mail-in application form will be used for pregnant women. This form includes an attached information/rights and responsibilities. For presumptive eligibility for children, provision is made for eligibility determination by a qualified designated Medicaid provider and the period of eligibility is specified.
 SPECIFIC AUTHORITY: 409.919 FS.
 LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 10:30 a.m., July 6, 2000
 PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 406-A, Tallahassee, Florida 32399-0700, Telephone (850)488-3070
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-21.002
Application and Selection Process for Loans	67-21.003
Selection Criteria and Guidelines for Selection of Developments	67-21.004
Determination of Method of Bond Sale	67-21.0045
Selection of Qualified Lending Institutions as Credit Underwriters, Originators or Servicers	67-21.005
Development Requirements	67-21.006
Fees	67-21.007
Terms and Conditions of Loans	67-21.008
Interest Rate on Mortgage Loans	67-21.009
Issuance of Revenue Bonds	67-21.010
No Discrimination	67-21.011
Advertisements	67-21.012
Private Placements of Multifamily Mortgage Revenue Bonds	67-21.013
Credit Underwriting Procedures	67-21.014
Use of Bonds with other Affordable Housing Finance Programs	67-21.015
Compliance Procedures	67-21.016
Transfer of Ownership	67-21.017
Refundings and Troubled Development Review	67-21.018
501(c)(3) Bonds for Multifamily Housing	67-21.019

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., July 6, 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 AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jan

Rayboun, Acting Deputy Development Officer, 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.

Section II
Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

Table with 2 columns: RULE CHAPTER TITLE and RULE CHAPTER NO.:. Rows include Aquaculture Interim Measures (5L-2), Purpose (5L-2.001), Definitions (5L-2.002), Requirement for an Aquaculture Certificate of Registration (5L-2.003), Aquaculture Interim Measures (5L-2.004), Aquaculture Certificate of Registration (5L-2.005), Minimal Impact Aquaculture Facilities (5L-2.006), Failure to Comply With the Interim Measures (5L-2.007), and Aquaculture Permit Notification Form (5L-2.008).

PURPOSE, EFFECT AND SUMMARY: These rules are to be repealed and replaced by 5L-3 Aquaculture Best Management Practices which will establish and implement aquaculture practices in accordance with Chapter 597, Florida Statutes.

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: 570.07(23), 597.004(2)(b) FS.

LAW IMPLEMENTED: 597.004, 597.0041 FS.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Sherman Wilhelm, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301

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: 1:00 p.m., July 10, 2000

PLACE: Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Management at (850)921-6262 at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sherman Wilhelm, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, phone: (850)488-4033

THE FULL TEXT OF THE PROPOSED RULES IS:

5L-2.001 Purpose.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.003(1)(a), 597.004(2) FS. History--New 12-12-99, Repealed.

5L-2.002 Definitions.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.003(1)(a), 597.004(2),(4),(5),(6) FS. History--New 12-12-99, Repealed.

5L-2.003 Requirement for an Aquaculture Certificate of Registration.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.003, 597.004, 597.0041 FS. History--New 12-12-99, Repealed.

5L-2.004 Aquaculture Interim Measures.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.003(1)(a), 597.004(2) FS. History--New 12-12-99, Repealed.

5L-2.005 Aquaculture Certificate of Registration.

Specific Authority 570.07(23), 597.004(2) FS. Law Implemented 597.003(1)(a), 597.004 FS. History--New 12-12-99, Repealed.

5L-2.006 Minimal Impact Aquaculture Facilities.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.003(1)(a),(j), 597.004 FS. History--New 12-12-99, Repealed.

5L-2.007 Failure to Comply With the Interim Measures.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.004, 597.0041 FS. History--New 12-12-99, Repealed.

5L-2.008 Aquaculture Permit Notification Form.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.004, 597.0041 FS. History--New 12-12-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sherman Wilhelm

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Aquaculture Best Management Practices	5L-3
RULE TITLES:	RULE NOS.:
Purpose	5L-3.001
Definitions	5L-3.002
Requirement for an Aquaculture Certificate of Registration	5L-3.003
Aquaculture Best Management Practices Manual	5L-3.004
Aquaculture Certificate of Registration	5L-3.005
Minimal Impact Aquaculture Facilities	5L-3.006
Failure to Comply With the Best Management Practices	5L-3.007

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish and implement aquaculture best management practices in accordance with Chapter 597, F.S.

SUMMARY: The proposed rule establishes the procedures to follow and best management practices to implement by aquaculture producers in order to obtain an aquaculture certificate of registration from the Florida Department of Agriculture and Consumer Services.

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: 570.07(23), 597.004(2)(b) FS.

LAW IMPLEMENTED: 597.002, 597.003, 597.004 FS.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Sherman Wilhelm, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301

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: 1:00 p.m., July 10, 2000

PLACE: Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Management at (850)921-6262, at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sherman Wilhelm, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone (850)488-4033

THE FULL TEXT OF THE PROPOSED RULES IS:

5L-3.001 Purpose.

This rule establishes application procedures and best management practices, as provided by Chapter 597, Florida Statutes, to be followed by aquaculture producers in order to obtain an aquaculture certificate of registration from the Florida Department of Agriculture and Consumer Services.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.002, 597.003(1)(a),(j), 597.004(2) FS. History–New _____.

5L-3.002 Definitions.

Definitions used in 5L-3.

(1) “Department” means the Florida Department of Agriculture and Consumer Services.

(2) “Individual Production Unit” means any pond, tank, raceway, marine net pen, or integrated aquacultural system constructed and maintained in accordance with Aquaculture Best Management Practices wherein aquatic species are cultured.

Specific Authority 403.0885(5) FS. Law Implemented 597.002, 597.003(1)(a),(j), 597.004(2) FS. History–New _____.

5L-3.003 Requirement for an Aquaculture Certificate of Registration.

All aquaculture producers shall have an aquaculture certificate of registration from the Department and apply the best management practices identified in this rule. The aquaculture certificate of registration shall have a duration as specified in s. 597.004(6), F.S., unless suspended or revoked by the Department for failure to comply with s. 597.004, F.S. and s. 597.0041(1), F.S.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.003, 597.004, 597.0041 FS. History–New _____.

5L-3.004 Aquaculture Best Management Practices Manual.

(1) The Best Management Practices manual used by the Department under Rule 5L-3, F.A.C. is adopted and incorporated by reference in this section. The manual is listed below by subject title and date. Copies of the manual may be obtained by contacting the Department.

(2) Aquaculture Best Management Practices Manual, May 2000.

Specific Authority 570.07(23), 595.004(2)(b) FS. Law Implemented 597.003, 597.004 FS. History–New _____.

5L-3.005 Aquaculture Certificate of Registration.

(1) Any person seeking to be certified as an aquaculture producer shall complete and submit an aquaculture certificate of registration application form, which includes a signed statement of Notice of Intent to comply with the applicable best management practices adopted by the Department. Aquaculture producers shall contact the Department:

- (a) Prior to constructing a new individual production unit;
- (b) Prior to modifying an existing individual production unit;
- (c) To renew an existing aquaculture certificate of registration; or
- (d) To be issued a new aquaculture certificate of registration.
- (2) The Department shall issue an aquaculture certificate of registration when an applicant:
 - (a) Has submitted a complete application to the Department;
 - (b) Signs the certificate application statement of intent to comply with the BMPs in 5L-3.003; and
 - (c) Pays the appropriate fee to the Department.

Specific Authority 570.07(23), 597.004(2) FS. Law Implemented 597.003(1)(a), 597.004 FS. History--New _____.

5L-3.006 Minimal Impact Aquaculture Facilities.

- (1) When determined by the Division of Aquaculture's evaluation of facility design and on site inspections, the following individual production units are deemed to have minimal impacts on water resources and are not required to follow the effluent treatment BMPs in 5L-3.004. All other 5L-3.004 applicable BMPs must be followed.
 - (a) Recirculation systems that do not discharge to waters in the state.
 - (b) A floating native marine bivalve culture system which does not use feed or fertilizer inputs.
 - (c) Raceway or down-weller systems for native marine bivalves that utilize less than 800 square feet of raceways or down-wellers, and do not add supplemental algae as a food source.
 - (d) Fee fishing operations with a standing crop of less than 1000 pounds of fish per acre.
 - (e) Individual production units producing less than 10,000 pounds of product per year that minimize the release of sediments off site by using an on site ditch system with a minimum 100 linear feet of ditch between production water entry point and the discharge point and 1 foot of free board at the discharge point control structure.
 - (f) Aquaculture systems that do not discharge production unit water to surface waters of the state.
- (2) Aquaculture facilities which do not qualify as a minimal impact aquaculture facilities are required to follow all applicable BMPs in 5L-3.004 in order to be certified.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.002, 597.003(1)(a),(j), 597.004 FS. History--New _____.

5L-3.007 Failure to Comply With the Best Management Practices.

If any aquaculture producer fails to comply with the best management practices required for certification, the Department shall take action consistent with its authority to

assure proper implementation and compliance with s. 597.0041, F.S. Any person who violates any provision of Chapter 597, F.S. or Rule 5L-3, F.A.C., commits a misdemeanor of the first degree, and is subject to a suspension or revocation of his or her certificate of registration. The Department may, in lieu of, or in addition to the suspension or revocation, impose on the violator an administrative fine in an amount not to exceed \$1,000 per violation per day.

(1) First time offenders will receive written notice of the BMP deficiencies and given 60 days to comply.

(2) Failure to comply after 60 days may result in an administrative fine of up to \$1000 per day per occurrence until compliance is obtained.

(3) Continued failure to comply may result in the suspension/revocation of the producer's aquaculture certificate and an administrative fine of up to \$1000 per day per occurrence until compliance is obtained.

(4) Repeat offenders may be subject to suspension/revocation of the producers aquaculture certificate and an administrative fine of up to \$1000 per day per occurrence until compliance is obtained and the department will request that legal measures be initiated to impose misdemeanor charges.

(5) Any person failing to meet the BMPs and/or refusing to implement the BMPs must obtain all necessary permits/authorizations required by the Department of Environmental Protection, Water Management District, Florida Fish and Wildlife Conservation Commission and any other appropriate regulatory authority.

Specific Authority 597.07(23), 597.004(2)(b) FS. Law Implemented 597.004, 597.0041 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sherman Wilhelm

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Manufactured Buildings	9B-1
RULE TITLES:	RULE NOS.:
Department Activities	9B-1.003
Manufacturer Requirements	9B-1.007
Quality Control Procedures	9B-1.010
Multiple Site Manufacturing	9B-1.015
Insignia Denial	9B-1.018

PURPOSE, EFFECT AND SUMMARY: The purpose of the amendment of the above-listed rules is to repeal 9B-1.003(1), 9B-1.001(1)(c) and the last phrase of 9B-1.018 as an unnecessary recitation of existing law; to repeal 9B-1.015, which implements no specific law; as required by Chapter 120; and amend 9B-1.010, making grammatical changes to improve readability of the rule.

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.

SPECIFIC AUTHORITY: 553.37(1), 553.38(1), 553.381 FS.

LAW IMPLEMENTED: 553.37(1),(2),(8), 553.38, 553.381 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: 2:00 p.m. – 2:30 p.m., July 14, 2000

PLACE: Randall Kelley Training Center, 3rd Floor, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-1.003 Department Activities.

~~(1) The Department shall interpret and clarify the various aspects of the Manufactured Building Act of 1979 and will promulgate such regulations and rules as will from time to time be deemed necessary to carry out its purpose.~~

~~(1)(2)~~ The inspection agency shall approve the manufacturer's quality control manuals, model design plans and changes as they occur prior to filing them with the Department.

~~(2)(3)~~ Plans and manuals shall be submitted to the Department by an approved inspection agency, on behalf of their client, for final approval based upon compliance with the standards set forth in Rule 9B-1.004.

~~(3)(4)~~ Manufacturer certification – The manufacturer shall submit evidence to the Department that it has product liability insurance in an amount of not less than \$250,000 to continue manufacturing and/or modifying buildings for installation in Florida.

~~(4)(5)~~ Testing and Evaluations of Products – A recognized testing organization must comply with the ISO/IEC Guide 25:990 General Requirements for the Competency of Calibration and Testing Agencies; ISO/IEC Guide 38:1983 Acceptance of Testing Agencies; 40:1983 ISO/IEC Guide for the Acceptance of Certification Bodies.

~~(5)(6)~~ Program Forms – The following forms are hereby adopted by reference into this chapter.

TITLE	NUMBER
a. Three Dimensional or Component Application	Mfg Bldg 001
Annual Renewal Application	Mfg Bldg 002
Commercial/Residential Insignia Request	Mfg Bldg 003
Component System Insignia Request	Mfg Bldg 004
Room Addition Component Insignia Request	Mfg Bldg 005
Acknowledgment of Receipt Disposition Report	Mfg Bldg 006
Monitoring Checklist	Mfg Bldg 007
Invoice for Plans	Mfg Bldg 008

Specific Authority 553.37(1) FS. Law Implemented 553.37(1),(2), 553.81 FS. History—New 1-17-72, Amended 2-23-75, 3-1-80, 11-1-84, Formerly 9B-1.03, Amended 1-1-87, 1-1-89, 3-1-92, 3-1-95,_____.

9B-1.007 Manufacturer Requirements.

(1) In order to be approved to construct or modify manufactured buildings for sale or installation in Florida a manufacturer shall:

(a) Adopt and maintain quality control procedures in accordance with Rule 9B-1.010; and.

(b) Submit to the Department evidence of product liability insurance coverage in an amount of not less than \$250,000; and

~~(c) Ensure that inspections are carried out in accordance with Rule 9B-1.008.~~

(2) through (3) No change.

Specific Authority 553.37(1), 553.38(1), 553.381 FS. Law Implemented 553.37(8), 553.38(1) FS. History—New 1-17-72, Amended 2-23-75, 11-14-76, 3-1-80, 11-4-84, Formerly 9B-1.07, Amended 1-1-87, 1-1-89, 3-1-95,_____.

9B-1.010 Quality Control Procedures.

(1) Quality Control Manual (QCM). Since manufactured buildings cannot ~~are not~~ normally be inspected inspectable in the field, it will be necessary that they be manufactured in accordance with the Quality Control procedures established by the manufacturer and approved by the agency and the department.

(2) through (3) No change.

Specific Authority 553.37(1) FS. Law Implemented 553.37(1),(8) FS. History—New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, Formerly 9B-1.10, Amended 1-1-89, 3-1-92, 3-1-95,_____.

9B-1.015 Multiple Site Manufacturing.

Specific Authority 553.37(1) FS. Law Implemented 553.37 FS. History—New 1-17-72, Amended 2-23-75, 3-1-80, Formerly 9B-1.15, Amended 3-1-92, 3-1-95, Repealed_____.

9B-1.018 Insignia Denial.

Should inspection reveal that a manufacturer is not manufacturing components or systems according to plans as approved by the Department and such manufacturer, after having been served with a notice setting forth the provisions of the plan approval which have been violated, continues to manufacture units in violation of the plan approval, applications for new insignia shall be denied and the insignia previously issued for units in violation of the plan approval shall be confiscated. Upon satisfactory proof of compliance such manufacturer may resubmit a request for an insignia. ~~This action shall be reviewable by hearing in accordance with Section 120.57, Florida Statutes.~~

Specific Authority 553.37(1) FS. Law Implemented 553.37(1), 553.38 FS. History—New 1-17-72, Amended 2-23-75, Formerly 9B-1.18, Amended 3-1-92, 3-1-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Program Administrator, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLE: Admissible Reading Material RULE NO.: 33-501.401

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify what reading material is impermissible based upon its pictorial content and to clarify procedures relating to rejected materials.

SUMMARY: The proposed rule clarifies that a publication shall be rejected if it pictorially depicts actual contact with a person’s unclothed genitals, pubic area, buttocks, or, if such person is a female, breast and to eliminate the requirement that the inmate shall be provided with two copies of the completed DC Form DC6-220.

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: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-501.401 Admissible Reading Material.

(1) No change.

(2) Inmates shall be permitted to receive and possess publications per terms and conditions established in this rule unless the publication is found to be detrimental to the security, order or disciplinary or rehabilitative interests of any institution of the department, or any privately operated institution under contract with the department, or when it is determined that the publication might facilitate criminal activity. Publications shall be rejected when one of the following criteria is met:

(a) through (h) No change.

(i) It pictorially depicts sexual conduct as follows:

1. through 4. No change.

5. Actual contact with a person’s ~~clothed or~~ unclothed genitals, pubic area, buttocks, or, if such person is a female, breast;

6. through (5) No change.

(6) Admissible Reading Material in an Inmate’s Property.

(a) The review criteria established in subsection (2) of this rule also apply to publications found in an inmate’s personal property. If correctional staff find a publication that has been rejected by the department, the publication shall be impounded and DC Form DC6-220, Inmate Impounded Personal Property List, shall be completed as required by rules 33-602.201 and 33-602.203. ~~The inmate shall be provided with two copies of the completed DC Form DC6-220.~~ Form DC6-220 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is March 21, 2000.

- (b) No change.
- (7) through (16) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History—New 10-8-76, Formerly 33-3.12, Amended 3-3-81, 9-24-81, 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Nimer
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Death Row – General	33-602.301
Death Row – Definitions	33-602.302
Death Row – Facilities	33-602.303
Death Row – Review Responsibilities	33-602.304
Death Row – Restraint and Escort Requirements	33-602.305
Death Row – Conditions and Privileges	33-602.306
Death Row – Records	33-602.307
Transportation of Death Row Inmates	33-602.308
Inmates with Active Death Warrant	33-602.309

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to set forth procedures for the operation of death row housing units.

SUMMARY: The proposed rules describe the purpose of death row housing, define terms relative to death row housing, set forth standards for use of death row cells, describe the review process provided for death row inmates, set forth specific requirements for restraint and escort of death row inmates, set forth privileges and restrictions applied to death row inmates, provide for record keeping and incorporation of forms related to death row housing, provide procedures for the transport of death row inmates, and describe the death warrant phases and the procedures associated with each.

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: 922, 944.09 FS.

LAW IMPLEMENTED: 20.315, 922, 944.09, 945.04 FS.

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

TIME AND DATE: 9:00 a.m., July 25, 2000

PLACE: Conference Room C-403, 2601 Blair Stone Road, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULES IS:

33-602.301 Death Row – General.

(1) Death row is the confinement of inmates, who upon conviction or adjudication of guilt of a capital felony, have been sentenced by the court to death. Inmates whose death sentences have been reversed and who are awaiting re-sentencing hearings will also be held in this status. Death row confinement is a long term, single-cell special housing status, apart from the general population.

(2) Death row confinement is not disciplinary in nature, but the nature of this special housing status may limit the availability of certain privileges. Additionally, it may be necessary to further limit privileges if an inmate becomes a threat to the security, control, and order of the institution. The institutions that are authorized to permanently house death row inmates are Florida State Prison, Union Correctional Institution, and Broward Correctional Institution. A death row inmate may be temporarily housed at any Reception Center or Corrections Mental Health Institution for approved health care treatment when authorized by the department’s chief health officer or when ordered by the court. A death row inmate may also be temporarily housed at other institutions, as designated and pre-approved by the Assistant Secretary of Security and Institutional Operations, for a court appearance.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New _____.

33-602.302 Death Row – Definitions.

(1) “Special Risk death row inmate” is any inmate on death row who has demonstrated behavior that is harmful to himself or herself. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately notified to determine if suicide watch or other special procedures need to be initiated. Suicidal inmates shall be removed to a designated area where observation shall be provided by a correctional officer or medical staff. Visual checks shall be in accordance with established medical protocols or at least every thirty minutes until the inmate is no longer considered a special risk inmate. All action taken by staff with regard to special risk death row inmates shall be documented on the Daily Record of Segregation, Form DC6-229 and an Incident Report, Form DC3-301, will be written. Forms DC6-229 and DC3-301 are incorporated by reference in rule 33-602.307.

(2) “Institutional Classification Team (ICT)” refers to the team responsible for making local classification decisions as defined in rule and procedure. The Institutional Classification Team shall be comprised of the Warden or Assistant Warden who shall serve as Chairperson, Classification Supervisor, Chief of Security, and other members as necessary when appointed by the Warden or designated by rule.

(3) “State Classification Office (SCO)” refers to a staff member at the central office level who is responsible for the review of inmate classification decisions. Duties include approving or rejecting Institutional Classification Team (ITC) recommendations.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New

33-602.303 Death Row – Facilities.

(1) All death row cells shall be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be cut off temporarily when necessary due to misbehavior. In such an event, the inmate occupant shall be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action shall be documented on form DC6-229, Daily Record of Segregation.

(2) Prior to placement of an inmate in a cell, the cell shall be thoroughly inspected to ensure that it is in proper order. Any discrepancies shall be documented on the Cell Inspection form, DC6-221. The inmate housed in the cell shall then be held responsible for the condition of the cell. Form DC6-221 is incorporated by reference in rule 33-602.307.

(3) Death row cells should be located separately from the general inmate population, but in a common area to permit verbal communication and to allow unobstructed observation by staff. Inmate workers, who are not on death row status, may reside in the death row unit, however, they shall be under direct staff supervision whenever they are out of their cells.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New

33-602.304 Death Row – Review Responsibilities.

(1) The reception process shall be conducted for males at North Florida Reception Center and for females at Broward Correctional Institution. The process shall be completed within the same day that the inmate is received by the Department unless extenuating circumstances prevail.

(2) A Progress Review will be conducted in accordance with rule 33-601.210(4).

(3) Staff shall conduct personal visits of death row units. A personal visit does not require a conversation with the inmate, but does require observation of individual inmates within the unit. Except in emergency situations, inmates on death row shall receive personal visits as follows at a minimum of:

(a) At least every hour by a correctional officer.

(b) Daily by the Shift Supervisor.

(c) Daily by the Chief of Security (when at the institution). At Union Correctional Institution, this responsibility may be delegated to the Correctional Officer Captain assigned to the death row unit.

(d) Weekly by the Warden and Assistant Wardens having responsibility over the death row unit.

(e) Daily by a clinical health care person.

(f) Weekly by the Chaplain. The chaplain is authorized to provide spiritual guidance and counsel to inmates on death row and to distribute religious materials.

(g) As frequently as necessary, but not less than weekly during the first two months, and at least monthly thereafter by a classification officer.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New

33-602.305 Death Row – Restraint and Escort Requirements.

(1) Prior to opening a cell for any reason, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates shall be handcuffed behind their backs, unless documented medical conditions require that an inmate be handcuffed in front. In such cases, the escort officers shall restrain the inmate by handcuffing him or her in front with the handcuffs secured at the waist area by a waist chain and C and S handcuff cover (black box) or side cuffs.

(2) A minimum of two officers shall be physically present at the cell whenever the cell door is opened.

(3) Prior to escorting an inmate from a cell for any activity within the housing unit, the inmate shall be thoroughly searched. If the inmate is escorted outside the immediate housing unit, the inmate will be strip searched and restraint devices (handcuffs, waist chain, black box and leg irons) shall be applied.

(4) After the required restraints are applied, the inmate shall be thoroughly searched. Once the inmate has been searched and the cell door secured, the second officer may leave the area.

(5) If more than one inmate is out of a cell within the death row unit at a time, i.e. exercise, medical, showers, etc., there shall be one officer with each inmate and the inmates shall be kept at a distance, as determined by the officers providing escort, to preclude any unauthorized physical contact.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New

33-602.306 Death Row – Conditions and Privileges.

(1) Comfort Items – Inmates on death row shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses or hearing aids, except when security requirements dictate otherwise. In the event that certain items are denied or removed from inmates, the senior correctional officer shall be notified and shall approve the action taken, or the items shall be returned to the inmate.

Action taken shall be recorded on the Daily Record of Segregation, Form DC6-229, which shall be reviewed by the correctional officer chief. Property receipts shall be given for any personal property removed. The following comfort items will be provided at a minimum: toothbrush, toothpaste, bar of soap, towel (or paper towels), feminine hygiene products for women, and toilet tissue.

(2) Personal Property – Inmates shall be allowed to retain personal property including watches, rings, walkman type radios with headphones, and health and comfort items unless there is a clear indication of a security problem, in which case, procedures as outlined in subsection (1) above will be followed.

(3) Clothing and Bedding – Belts may be removed. Shower slides or personal canvas shoes will be provided as regulation foot wear. Inmates on death row will be issued orange pants and shirt rather than the regulation blue shirt and pants to distinguish them from other inmates. At any time that an inmate is removed from his cell for the purpose of escort or transport, he or she shall be required to wear the orange pants and shirt at all times until returned to the housing unit. Otherwise, the clothing issue shall be similar to that available to the inmates in general population except when there is a clear indication of a security problem. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to herself or himself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and provided to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229, Daily Record of Segregation. Under no circumstances shall an inmate be left without a means to cover herself or himself. In such cases, when clothing or other items are denied to an inmate, the senior correctional officer must approve the action initially and documentation must be entered on the Daily Record of Segregation, Form DC6-229. The chief correctional officer shall make the final decision in regard to the appropriateness of the action no later than the next working day following the action. Bedding and linen for death row inmates shall be issued and exchanged the same as is provided to the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift supervisor must approve the action initially. Such exceptions shall be documented on the Daily Record of Segregation, Form DC6-229 and the chief correctional officer shall make the final decision in regard to the appropriateness of the action no later than the next working day following the action.

(4) Personal Hygiene – Inmates on death row shall meet the same standards in regard to personal hygiene as required of the general population.

(a) As a minimum, each inmate on death row shall shower three times per week.

(b) Male inmates shall be required to shave at least three times per week. Hair care shall be same as that provided to and required of inmates in general population.

(5) Visiting – All visits for death row inmates shall be non-contact visits.

(a) Visits for death row inmates shall be conducted on Friday, Saturday, Sunday, and Monday. Inmates will have an opportunity to choose one of these days as their regular visiting day.

(b) Visits shall be limited to a maximum of five adult visitors and as many children as can be accommodated at a time during each visiting period. If more than five adult visitors arrive on a given visiting day, they shall be allowed to visit on a rotating basis.

(c) Procedures for attorney visits, as outlined in 33-601.711, shall be followed.

(6) Correspondence – Inmates shall have the same opportunities for correspondence that are available to inmates in general population.

(7) Legal Access – Inmates on death row shall be permitted to have access to their personal legal files and law books, to correspond with the law library, to have the law library deliver legal materials to the inmate's cell, and to visit with certified inmate law clerks. Inmates may be required to conduct legal business through correspondence rather than a personal visit to the law library if security requirements prevent a personal visit. Efforts shall be made to accommodate the research needs of inmates on death row who demonstrate that they need to meet a deadline imposed by law, rule or order of court.

(a) Inmates on death row who have court deadlines imposed by law, rule or order of court shall be provided opportunities to visit the law library in their unit or, if a law library is not available within the unit, the main unit law library at least once per week for up to two hours in duration.

(b) Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday, not including holidays or weekends. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms, shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.

(c) Inmates shall be limited to the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes, and other reference materials provided by the law library, and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously by the law library, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.

(d) Each institution shall establish a regular schedule for visits by inmate law clerks to the area to provide assistance to inmates. The regular schedule shall require visits on at least 3 days each week. If security requirements prevent permitting a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled. Not less than 3 visits shall be conducted within any 7-day period.

(e) Illiterate and impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the unit. Upon receipt of the oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.

(f) Indigent inmates shall be provided paper and writing utensils in order to prepare legal papers. Typewriters or typing services are not considered required items and shall not be permitted in death row cells.

(8) Writing Utensils – Inmates on death row shall possess only security pens, with a possession limit of four pens. A security pen is a specially designed pen, approved by the Bureau of Security Operations, that is flexible so that it bends under pressure and has a tip that retracts under excessive pressure. If no security pens are available, the inmate will be allowed to sign out a regular pen, which must be returned upon completion of preparation of the document, from the assigned officer. Care will be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances.

(9) Library Services – Death row inmates shall be allowed to check out two soft-cover library books at a time once weekly.

(10) Self-improvement Programs – Inmates shall be permitted to participate in various self-improvement programs to the extent practical. Such programs shall take place in the inmates' housing area in a manner that conforms to the need for security. Such program participation involves correspondence courses, self-directed study activities, and

courses instructed by volunteers. The warden has the authority to restrict these programs in the event the inmate's housing status changes.

(11) Telephone – Telephone privileges shall be allowed for emergency situations and when necessary to ensure the inmate's access to attorneys or the courts and only when alternative means of access are not feasible. The necessity of the telephone call may be verified before the inmate is allowed to make the call. Calls to attorneys will not be monitored.

(12) Canteen – Inmates shall be allowed to make canteen purchases once every other week. Items shall be restricted when reasonably necessary for institutional safety and security. Death row inmates shall be allowed to purchase:

(a) A maximum of four canteen food items. In making this determination, it is the number of food items that is counted, not the type of item. For example, three packages of cookies count as three items not one item.

(b) A maximum of five non-food items. In making this determination, with the exception of stamps (limit of 25 stamps) and notebook paper (limit of two packages), it is the number of non-food items that is counted, not the type of item.

(c) Form DC6-249, Death Row or Administrative Confinement Canteen Order, will be utilized for canteen orders. Form DC6-249 is incorporated by reference in rule 33-602.307.

(13) Diet – All death row inmates shall receive normal institutional meals except that if any item on the menu might create a security problem in the death row unit, then another item of comparable quality shall be substituted. All substitutions shall be documented on the Daily Record of Segregation, Form DC6-229.

(14) Television – Televisions are provided, as available, to death row inmates.

(a) As inmates are placed onto death row, their names will be placed in a television logbook. As televisions become available, the televisions will be assigned to inmates in the order that their names appear in the logbook. Inmates with active death warrants will also have television privileges.

(b) Inmates shall be allowed to operate televisions during the hours of 8:00 a.m. until 11:30 p.m. Televisions will be turned off during count procedures.

(c) Televisions shall only be operated with headphones or earplugs.

(d) Inmates in disciplinary status will have their televisions removed. The television will then be assigned to the next eligible inmate as indicated by the television logbook. Inmates who receive disciplinary action and who do not have televisions will have their names removed from the eligible list until their disciplinary time is completed. Their names will then be added to the bottom of the list.

(e) Inmates transferring from the institution for twenty-four hours or longer will have their televisions reassigned to the next eligible inmate, as indicated by the logbook.

(f) Altering either the television, earphones, or any parts thereof, including the electrical cord, will result in disciplinary action and possible loss of television privileges. Restitution will be required for damages.

(15) Exercise – Inmates initially assigned to death row shall commence exercise within 15 days of placement. Inmates with disciplinary action pending, in disciplinary status, or who have a history of assault or disruptiveness shall be exercised individually. Other death row inmates not in this category shall be exercised in groups of a maximum of ten. Within the initial 15 day period after placement of an inmate on death row, a background investigation shall be conducted to obtain information essential in determining whether there are other inmates with whom a confrontation could result in violence. However, if vital information being sought is not available but may have a direct bearing on the exercise group, the Institutional Classification Committee is authorized to withhold exercise for up to an additional 15 days while the information is being obtained. During this time, the inmate may exercise in his or her cell.

(a) All death row inmates will be scheduled for three hours of exercise per week at a minimum. Exercise will take place in the designated recreation area. Exercise periods will be documented on the inmate's Daily Record of Segregation, Form DC6-229.

(b) Death row inmates shall be strip searched prior to being removed from their cells for exercise. The strip search will consist of removing all clothing and a visual inspection by the officer of the inmate's unclothed body. Strip searches also include a visual inspection of the mouth, ears, hair, armpits, groin area, rectal area, and soles of the feet. All authorized clothing and footwear will be searched. Visual contact with the inmate shall be maintained at all times during this process. All death row inmates shall be restrained with handcuffs (behind the back) when escorted to and from the exercise yard. An inmate's refusal to comply with these procedures will result in forfeiture of exercise privileges for the day and will subject the inmate to disciplinary action.

(c) Exercise will be rescheduled when the following circumstances occur:

1. Inclement weather. Inmates will not be allowed to exercise during inclement weather, when security of staff and inmates may be jeopardized. Whenever possible, the exercise session will be renewed for the remainder of the allotted time when the weather permits, if at least one hour of the exercise time remains.

2. Medical appointment or attorney visit. If the inmate's exercise period is canceled due to a scheduled medical appointment or attorney visit, the exercise period will be rescheduled.

(d) Exercise sessions may be canceled and inmates returned to their cells under the following conditions. In these circumstances, it is not required that the exercise session be rescheduled.

1. Emergencies:

a. Destruction, major damage, major disturbance, or major disorder in any housing unit within the institution that results in either lock down of the unit or transfer of inmates to other housing areas for the purpose of restoring order, repairing damage, or protecting inmates health, safety, or well-being.

b. Major disaster (natural or man-made).

c. Official emergencies declared by State or Federal authorities. A detailed record will be maintained documenting the emergency, dates, and times exercise was suspended due to the declared emergency.

2. Non-emergencies:

a. The signing of a death warrant by the Governor, causing an inmate to be placed on death watch.

b. Departure of an inmate for more than seven consecutive days due to outside appointments including court appearance, medical services, and temporary housing at another institution.

c. Attendance by choice at an elective event such as a law library or telephone call:

d. Refusal by the inmate to exercise during scheduled time.

e. Inmate has been found guilty of one of the following major disciplinary violations:

i. Any assault, battery, attempted assault or attempted battery:

ii. Any spoken or written threat towards any person;

iii. Inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance;

iv. Fighting;

v. Possession of weapons, ammunition, explosives, or escape paraphernalia;

vi. Escape or escape attempt.

(e) If an inmate is found guilty of one of the disciplinary violations listed above, his or her outdoor exercise periods can only be restricted for fifteen-day increments. Cumulative outside exercise restriction shall be for no more than thirty days after which the inmate must be allowed one exercise session prior to instituting any remaining periods of restriction.

(f) Exercise sessions, denial of exercise sessions, and refusal to exercise shall be documented on the Daily Record of Segregation, Form DC6-229.

(g) Recreational equipment may be available for the exercise period provided such equipment does not compromise the safety or security of the institution and may be limited due to exercise yard design.

Specific Authority 944.09 FS. Law implemented 944.09 FS. History–New _____.

33-602.307 Death Row – Records.

(1) An Inspection of Confinement Record, Form DC6-228, shall be maintained in the death row unit. Each staff person shall sign such record when entering and leaving the death row unit. Prior to departure, each staff member shall indicate any specific problems including any inmate who requires special attention. Upon completion, the DC6-228 will be maintained in the housing area and forwarded to the correctional officer chief on a weekly basis where it will be maintained on file pursuant to the current retention schedule. Form DC6-228 is incorporated by reference in rule 33-602.307.

(2) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate in the death row unit. The DC6-229 shall be maintained in the housing area for one week at which time the form will be forwarded to the Warden for review. Once reviewed, these forms will be forwarded to classification to be filed in the inmate's master file. The DC6-229 shall be utilized to document any and all activities, including cell searches, any items removed, showers, recreation, haircuts, and shaves. If items that inmates are normally allowed are denied or removed from the inmate's possession, the senior correctional officer must approve the action initially. The items denied or removed will be documented on Form DC6-229 and the correctional officer chief will make the final decision in regard to the appropriateness of that action no later than the next working day following the action. Additionally, full and complete remarks will be made in the following situations:

(a) When there is an unusual occurrence in the inmate's behavior.

(b) When it becomes necessary to notify the medical department.

(c) If the inmate refuses food.

(d) Cell changes.

(e) Any function performed by medical staff such as medication dispensed.

(f) When the inmate's diet is ordered changed.

(g) When complaints are received and medical treatment is given.

(h) Upon review by the Classification Probation Officer.

(i) Disruptive behavior to include action taken.

(j) Disciplinary violations and results of such.

(3) The following forms are hereby incorporated by reference. A copy of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel

Department of Corrections, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. If forms are mailed, a self-addressed stamped envelope must accompany the request.

(a) DC1-303, Request for Administrative Remedy or Appeal, effective _____.

(b) DC3-301, Incident Report, effective _____.

(c) DC6-221, Cell Inspection Form, effective _____.

(d) DC6-228, Inspection of Confinement Record, effective _____.

(e) DC6-229, Daily Record of Segregation, effective _____.

(f) DC6-236, Inmate Request Form, effective _____.

(g) DC6-249, Death Row or Administrative Confinement Canteen Order, effective _____.

Specific Authority 944.09 FS. Law implemented 20.315, 944.09, 945.04 FS. History–New _____.

33-602.308 Transportation of Death Row Inmates.

(1) In order to ensure coordination in the operation of the transfer system, ensure the safety of the public, employees and inmates and to maintain proper security practices, a certified correctional officer who has received outside escort training must be in charge of each transport.

(2) All department employees transporting inmates shall be certified as correctional officers. Transport officers must also comply with the specific state uniform traffic control requirements outlined in Chapter 316, F.S.

(3) The transfer vehicle must be maintained in accordance with the guidelines set forth in Chapter 316, F.S., and be properly fueled, serviced and determined to be mechanically safe to transfer inmates. The vehicle shall be equipped with radio communications.

(4) The vehicle shall be thoroughly searched and all security features inspected prior to boarding any inmates. Continuing checks shall be made periodically by the transfer officer while in route. Vehicle inspection shall be conducted prior to departing on or continuing a trip.

(5) The transport officer shall ensure that the transfer orders, commitment papers, or other documents authorizing transfers are in order and shall properly identify each inmate prior to the boarding of inmates.

(6) The transport officer shall ensure that all inmates are strip searched prior to boarding the transport vehicle. Searches shall be conducted by or under the direct supervision of the transfer officer. Strip searches of inmates shall be conducted only by correctional officers, who shall be of the same sex as the inmate, except in emergency circumstances.

(7) The Chief Health Officer is authorized to specify that an inmate who is mentally or physically ill be transferred separately from other inmates. In addition, if there is any indication that an inmate who is to be transferred is not in good physical or mental condition, the transport officer shall secure the advice of the institution's physician before beginning the

trip. Transfer of an inmate who is ill or injured shall be undertaken based on the advice of the Chief Health Officer on duty. The Chief Health Officer shall determine if medical staff are to accompany the inmate while being transferred. If he does decide that medical staff need to accompany the inmate, he must assign this staff.

(8) Inmates must be restrained with handcuffs, waist chains with a C and S handcuff cover (black box), and leg irons. A secure caged vehicle shall be utilized.

(9) A minimum of two certified correctional officers, who have received outside escort training, shall be assigned to each vehicle in which death row inmates are transported. The driver shall be equipped with an Electronic Restraining Device and the second officer shall carry the sidearm.

(10) The transfer vehicle shall be accompanied by a trailing escort vehicle driven by an officer in possession of a semiautomatic rifle or shotgun.

(11) If several inmates are being transferred, the trailing vehicle shall have a second armed officer in attendance.

(12) Communication between the two vehicles is essential and is required between both vehicles and the home station.

(13) The transport officer shall conduct a head count of inmates prior to departure and maintain continuing checks while in route and upon arrival at the receiving institution.

(14) Because the carrying of firearms in the transferring of inmates is extremely hazardous, such equipment must be kept in a secure place or on the person of an officer who will not come in direct contact with an inmate during the entire trip. Use of firearms shall be in accordance with Rule 33-602.210, Florida Administrative Code.

(15) If an inmate escapes while being transferred, the transfer officer shall exhaust all resources immediately available to him in apprehending the inmate and then take immediate action to contact the nearest law enforcement agency. As soon as possible, the transfer officer shall notify his supervisor of the escape and give an oral report of the incident. When the local law enforcement agency no longer requires assistance, the transfer officer shall continue with his duties. Under no circumstances shall supervision of other inmates be relaxed in order to pursue an escaping inmate.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New

33-602.309 Inmates with Active Death Warrants.

(1) Phases of Death Warrant:

(a) Phase I – Phase I begins when the Death Warrant is signed by the Governor and an execution date is set. With the onset of Phase I, the inmate (with the exception of female inmates) will be transferred to a cell within the Death Watch area at Florida State Prison. Designated staff, who must be of the rank of lieutenant or higher, will be assigned duties as the Death Watch Supervisor. Correctional staff will also be assigned to monitor the entrance to the Death Watch area and

will maintain the security of the area during this phase. Unless otherwise approved by the warden or chief of security, personnel allowed within the this area will be limited to:

1. Warden;

2. Assistant Warden of Operations and Programs;

3. Chief of Security;

4. Shift Supervisor;

5. Death Watch Supervisor;

6. Officers authorized by the Death Watch Supervisor to assist in routine functions such as showers, escort, and searches;

7. Confinement Lieutenant;

8. Medical personnel;

9. Institutional Chaplain.

(b) Phase II – Phase II begins at 8:00 a.m. seven calendar days prior to the execution date (active week of the warrant). At the onset of this phase, female inmates will be transferred to the Death Watch area within Florida State Prison. During phase II, a correctional officer will be assigned duties of Cell Front Monitor and will provide direct observation of the condemned inmate at all times as well as provide security of the immediate death watch cell area. Female staff will be assigned to monitor female inmates.

(c) Phase III – Phase III is the status of an inmate that has a Death Warrant signed by the Governor but does not have an execution date due to a stay. The inmate will remain in the death row unit during this phase and will have the same privileges as all other death row inmates.

(2) Upon receipt of the Death Warrant which authorizes execution, the warden or his designee will determine the housing location of the inmate. Inmates housed at Union Correctional Institution will be immediately transferred to Florida State Prison. Upon arrival, the warden will inform the inmate of the death warrant and the inmate shall be allowed to contact his attorney and a family member at State expense. If the inmate is housed at Broward Correctional Institution, the inmate shall not be transferred to Florida State Prison until Phase II. The warden at Broward will inform the inmate of the death warrant and allow the inmate to contact her attorney and a family member at State expense.

(3) At the initiation of Phase I, the warden of Florida State Prison shall notify the Director of Institutions, and the Regional Director. Wardens of surrounding institutions shall be informed should circumstances warrant the activation of control force support. Local law enforcement agencies shall also be notified.

(4) Conditions and privileges for inmates under active death warrants shall include:

(a) Possession of the following state issued property:

1. Standard issue of clothing and one pair of shower slides

2. One bed

3. One mattress

- 4. One pillow
- 5. Standard issue of bedding
- 6. One toothbrush
- 7. One tube of toothpaste
- 8. One bar of soap
- 9. One towel
- 10. One pair of underwear
- 11. Toilet tissue, as needed
- 12. Feminine hygiene products, as needed
- 13. Stationary, six sheets
- 14. Envelopes, three
- 15. Religious tracts as distributed by the institution's Chaplain, maximum possession limit, ten
- 16. Writing paper, distributed by the library as needed, notary services will be available upon request
- 17. Security pen
- 18. Request for Administrative Remedy or Appeal, Form DC1-303 and Inmate Request Form DC6-236, as needed. Forms DC1-303 and DC6-236 are incorporated by reference in rule 33-602.307.

- 19. One television
- 20. One radio
- 21. One Bible, Koran or other approved religious book
- 22. One soft-cover book, magazine, periodical, or newspaper (exchanges allowed)

(b) Inmate bank access shall be the same as for any other death row inmate. During Phase II requests for "special withdrawals" will not exceed two within the one-week period.

(c) Canteen privileges will be allowed, but items routinely approved for purchase as listed on Form DC6-249, Death Row or Administrative Confinement Canteen Order, may be restricted. Canteen orders for inmates on death watch shall be reviewed by the Administrative Lieutenant prior to delivery.

(d) Inmates on death watch will be suspended from purchasing items through the direct order catalog program. Any item already ordered prior to the death warrant being issued will be received and stored with the inmate's other personal property.

(e) Inmates on death watch status may request in writing to the librarian and receive legal materials from the Law Library. All such requests are to be routed through the Death Watch Supervisor. Copying services or notary services will be handled by staff without the involvement of any inmate.

(f) The inmate shall be allowed to receive periodical subscriptions, but may not order new subscriptions. Periodicals, newspapers, or other reading materials, will not be allowed to accumulate, and during the final week, only two periodicals and two newspapers shall be retained by the inmate.

(g) Three meals per day will be served to all inmates on death watch status. Special dietary instructions for medical reasons shall be followed.

(h) Recreation activities for all inmates with death warrants shall be suspended.

(i) Inmates on death watch status will be measured for a suit. Male inmates will be provided a dark suit (coat and slacks), white dress shirt, undergarments, and socks. Female inmates will be provided a dark suit (jacket and slacks), white dress blouse, undergarments and socks. This clothing will be procured by the clothing room supervisor and will be provided to the inmate on the morning of the scheduled execution. Should the inmate's family offer to provide the above described clothing, it will be permitted.

(j) Visits and interviews for inmates with death warrants will be in accordance with Chapter 33-104, Florida Administrative Code.

(5) Regardless of the inmate's status, he or she remains subject to disciplinary action for violation of rules and regulations. Disciplinary reports may be written for inmates with death warrants, however, processing will be postponed.

Specific Authority 922, 944.09 FS. Law Implemented 922, 944.09 FS. History--New .

NAME OF PERSON ORIGINATING PROPOSED RULE:
Stan Czerniak

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Office of Health Policy

RULE TITLE: Bone Marrow Transplantation
RULE NO.: 59B-12.001

PURPOSE AND EFFECT: The Agency proposes an amendment relating to bone marrow transplantation procedures. The proposed revisions would reflect recommendations of the bone marrow transplant panel based on review of current research findings, as required by section 627.4236(3)(e), Florida Statutes.

SUMMARY: The proposed amendment updates the recommendations for bone marrow transplant procedures that are acceptable within the appropriate oncological specialty and are not experimental for the purposes of s. 627.4236, Florida Statutes. The recommendations reflect the bone marrow transplant panel's review of scientific evidence based on current research findings, as required by s. 627.4236(3)(e), Florida Statutes. Authorization for this process is to ensure recommendations are based on current research findings and that insurance policies offer coverage for the latest medically acceptable bone marrow transplant procedures.

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: 627.4236 FS.

LAW IMPLEMENTED: 627.4236 FS.

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

TIME AND DATE: 2:00 p.m., July 11, 2000

PLACE: Agency for Health Care Administration, Building 3, Conference Room D, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robbie Roberts, Office of Health Policy, Agency for Health Care Administration, 2727 Mahan Drive Building 3, Tallahassee, Florida 32308, (850)487-7023

THE FULL TEXT OF THE PROPOSED RULE IS:

59B-12.001 Bone Marrow Transplantation.

(1) Upon the recommendation of the Bone Marrow Transplant Panel ~~and in accordance with its final report to the Secretary, dated 2/9/95,~~ each of the following procedures is considered accepted within the appropriate oncological specialty and not experimental for the purposes of Section 627.4236, F.S. Bone marrow transplant refers collectively to hematopoietic stem cell transplantation using stem cells that are collected from peripheral blood and cord blood as well as bone marrow. As used in this rule, the term "appropriate oncological specialty" means that where a particular kind of tumor or disease is usually treated by a subspecialty group within the general discipline of oncology, those who practice within that subspecialty have had specific input into the decision making process:

(a) Autologous bone marrow transplant for acute myelogenous leukemia (stem cells collected in remission) ~~Bone Marrow Transplant for Acute Myelogenous Leukemia;~~

(b) Allogeneic bone marrow transplant for acute myelogenous leukemia (family-related donor with 5/6 or 6/6 match) ~~Bone Marrow Transplant for Acute Myelogenous Leukemia;~~

(c) Autologous bone marrow transplant for acute lymphoblastic leukemia (stem cells collected in remission); ~~Allogeneic Bone Marrow Transplant for Acute Lymphoblastic Leukemia;~~

(d) Allogeneic bone marrow transplant for acute lymphoblastic leukemia (family-related donor with 5/6 or 6/6 match) ~~Bone Marrow Transplant for Chronic Myelogenous Leukemia;~~

(e) Allogeneic bone marrow transplant for chronic, myelogenous leukemia (family-related donor with 5/6 or 6/6 match); ~~Autologous Bone Marrow Transplant for Chronic Myelogenous Leukemia, first chronic phase;~~

(f) Autologous bone marrow transplant for Hodgkin's disease ~~Bone Marrow Transplant for Hodgkin's Disease;~~

(g) Autologous bone marrow transplant for Non-Hodgkin's lymphoma, except low grade (small lymphocytic, follicular small-cleaved cell, follicular mixed cell types) ~~Bone Marrow Transplant for Non-Hodgkin's Lymphoma;~~

(h) Allogeneic bone marrow transplant for Non-Hodgkin's lymphoma, except low grade (small lymphocytic, follicular small-cleaved cell, follicular mixed cell types) (family-related donor with 5/6 or 6/6 match); ~~Autologous Bone Marrow Transplant for Neuroblastoma, (pediatric);~~

(i) Autologous bone marrow transplant for Ewing's sarcoma, chemotherapy sensitive after first relapse ~~Bone Marrow Transplant for Rhabdomyosarcoma, pediatric, after failure of first therapy;~~

(j) Autologous bone marrow transplant for Neuroblastoma ~~Bone Marrow Transplant for undifferentiated sarcoma, pediatric, after failure of first therapy;~~

(k) Autologous bone marrow transplant for breast carcinoma, stage ~~Bone Marrow Transplant for Breast Cancer, Stage II (8 or more nodes positive);~~

(l) Autologous bone marrow transplant for breast carcinoma, stage IIIa and IIIb ~~Bone Marrow Transplant for Germ Cell Tumor, Stage IV (metastatic) as part of second therapy;~~

(m) Autologous bone marrow transplant for germ cell tumor, after failure of first therapy but not progressing on salvage therapy ~~Bone Marrow Transplant for Acute Lymphoblastic Leukemia, High Risk, in Remission, Adults;~~

(n) Autologous bone marrow transplant for multiple myeloma ~~Bone Marrow Transplant for Acute Lymphoblastic Leukemia, High Risk, in Remission, Pediatric;~~

(o) Allogeneic bone marrow transplant for myelodysplastic syndrome (family-related donor with 5/6 or 6/6 match) ~~Bone Marrow Transplant for Hodgkin's Disease, Responsive;~~

(p) Autologous bone marrow transplant for PNET (including medulloblastoma and pinealoblastoma), chemotherapy sensitive after first relapse; ~~Allogeneic Bone Marrow Transplant for Non-Hodgkin's Lymphoma, Responsive;~~

(q) Autologous bone marrow for medulloblastoma and other PNET tumors, metastatic, at diagnosis. ~~Allogeneic Bone Marrow Transplant Plasma Cell Dyscrasia, Responsive (includes myeloma & Waldenstrom's);~~

~~(r) Autologous Bone Marrow Transplant for Wilm's Tumor, Pediatric, at relapse, after appropriate conventional therapy has failed.~~

(2) Each of the following procedures is considered accepted within the appropriate oncological specialty and not experimental for the purposes of Section 627.4236, F.S., provided that the bone marrow transplantation procedure is performed in the context of a well-designed and conducted Phase II or Phase III clinical treatment trial as described in paragraph (3).

(a) Autologous bone marrow transplant for Non-Hodgkin's lymphoma, low grade (small lymphocytic, follicular small-cleaved cell, follicular mixed cell types) ~~Bone Marrow Transplant for Breast Cancer, Stage IV;~~

(b) Allogeneic bone marrow transplant for Non-Hodgkin's lymphoma, low grade (small lymphocytic, follicular small-cleaved cell, follicular mixed cell types) (family-related donor with 5/6 or 6/6 match); ~~Autologous Bone Marrow Transplant for Breast Cancer, Stage III;~~

(c) Autologous bone marrow transplant for chronic, myelogenous leukemia ~~Bone Marrow Transplant for Breast Cancer, Inflammatory;~~

(d) Autologous bone marrow transplant for chronic lymphoblastic leukemia ~~Bone Marrow Transplant for Epithelial Ovarian Cancer, Stage III and Stage IV, consolidation of first response;~~

(e) Allogeneic bone marrow transplant for chronic lymphoblastic leukemia (family-related donor with 5/6 or 6/6 match); ~~Autologous Bone Marrow Transplant for Epithelial Ovarian Cancer, Stage III and Stage IV, chemoresponsive relapse;~~

(f) Allogeneic bone marrow transplant for Hodgkin's disease (family-related donor with 5/6 or 6/6 match); ~~Autologous Bone Marrow Transplant for Plasma Cell Dyscrasia, Responsive, Stage II and Stage III;~~

(g) Autologous bone marrow transplant for plasma cell dyscrasias other than multiple myeloma (e.g. Waldenstrom's, amyloid) ~~Bone Marrow Transplant for High Grade Astrocytoma and Glioblastoma Multiforme, as part of 1st Therapy, Pediatric (21 years or less);~~

(h) Allogeneic bone marrow transplant for multiple myeloma and other plasma cell dyscrasias (e.g. Waldenstrom's, amyloid) (family-related donor with 5/6 or 6/6 match); ~~Autologous Bone Marrow Transplant for Medulloblastoma, first recurrence, Pediatric (21 years or less);~~

(i) Autologous bone marrow transplant for breast carcinoma, stage II, with four to seven nodes positive ~~Bone Marrow Transplant for Ewing's Sarcoma, localized, pelvic or non-pelvic greater than 8 cm in diameter at diagnosis, Pediatric (21 years or less);~~

(j) Autologous bone marrow transplant for breast carcinoma, stage IV, except progressive (25 percent or greater increase in the size of measurable disease) despite therapy; ~~Bone Marrow Transplant for Small Cell Lung Cancer, Limited Extent, Responsive (complete or near complete response [more than 90% responsive]);~~

(k) Autologous bone marrow transplant for high-grade astrocytoma, glioblastoma multiforme, pediatric;

(l) Autologous bone marrow transplant for Ewing's sarcoma, localized, greater than eight cm or metastatic at presentation;

(m) Autologous bone marrow transplant for small-cell lung cancer, limited extent, in complete response;

(n) Autologous bone marrow transplant for ovarian carcinoma (epithelial), stage III and IV, chemosensitive relapse and consolidation of first response;

(o) Autologous bone marrow transplant for soft tissue sarcoma (other than rhabdomyosarcoma), pediatric, after failure of first therapy;

(p) Autologous bone marrow transplant for Wilms' tumor, at relapse;

(q) Autologous bone marrow transplant for germ cell tumor, high risk, at diagnosis;

(r) Alternate donor allogeneic bone marrow transplant for any of the indications in subsections (1) and (2) (unrelated donor, cord blood donor, or family-related donor other than 5/6 or 6/6 match).

(3) A well-designed and conducted clinical treatment trial is one which includes an IRB-approved written protocol. At a minimum, such protocol shall have specific criteria for evaluating the effect of treatment with defined endpoints that are precise, meaningful, and reliable and which allow valid conclusions to be drawn about therapeutic efficacy and safety. Protocols should include an adequate statistical section describing the method of randomization and stratification, if any, expected outcome parameters relating to response rates, time to progression, survival times and other relevant information. Such clinical treatment trials shall be consistent with protocols reviewed and approved by the National Cancer Institute for scientific merit.

(4) It should be noted that there are non-malignant (not oncological) diseases that are genetic disorders, or that result in bone marrow failure or lead to immunodeficiency syndromes for which bone marrow transplantation may be appropriate. While these non-malignant diseases are not described in the preceding lists, there are generally accepted and appropriate indications for bone marrow transplantation in these cases. In addition, there are malignant diseases that are uncommon in

their occurrence that also are not detailed in the above lists for which the appropriateness of bone marrow transplantation may be determined on a case by case basis.

Specific Authority 627.4236 FS. Law Implemented 627.4236 FS. History--New 11-9-95, Formerly 10D-127.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Scott Hopes, Director, Office of Health Policy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 31, 2000

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels And Restaurants

RULE CHAPTER TITLE: Florida Elevator Safety Code

RULE CHAPTER NO.: 61C-5

RULE TITLES: Elevators, Dumbwaiters, Escalators, Moving

RULE NOS.: 61C-5.001

Walks, Manlifts, Inclined and Vertical Wheelchair Lifts and Inclined Stairway Chairlifts

Bulletin Boards

61C-5.004

Alterations to Electric and Hydraulic Elevators and Escalators

61C-5.011

Service Maintenance Contracts

61C-5.013

PURPOSE AND EFFECT: These rule amendments are being promulgated to adopt the revision of Chapter 61C-5 which covers the adoption of elevator safety codes which have been changed to reflect the more current editions available.

SUMMARY: The area being addressed is the adoption of the most recent elevator safety codes and changes in some of the adopted codes.

SPECIFIC AUTHORITY: 399.02 FS.

LAW IMPLEMENTED: 399.01, 399.02 FS.

IF REQUESTED IN WRITING 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: 8:00 a.m. – 5:00 p.m., July 10, 2000

PLACE: 725 South Bronough Street, Room 259, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Suzette Hayes, Bureau of Elevator Safety, 1940 N. Monroe Street, Tallahassee, Florida 32399-1013, (850)488-9097

THE FULL TEXT OF THE PROPOSED RULES IS:

61C-5.001 Elevators, Dumbwaiters, Escalators, Moving Walks, Manlifts, Inclined and Vertical Wheelchair Lifts and Inclined Stairway Chairlifts.

(1) American National Standard Safety Code for elevators and escalators, ASME A17.1, 1996 ~~1993~~ edition, effective ~~8-1-96~~ and ASME A17.1a, 1997 ~~1994~~ addenda, effective ~~8-1-96~~, and ASME A17.1b, 1998 ~~1995~~ addenda, effective ~~8-1-96~~.

(2)(a) American National Standard Inspectors Manual for Electric Elevators and Escalators, ASME/ANSI A17.2.1, 1996 ~~1988~~ edition, and including ASME/ANSI A17.2.1a, 1997 ~~1989~~ Addenda and ASME/ANSI A17.2.1b, 1998 ~~1990~~ Addenda.

(b) American National Standard Inspectors Manual for Hydraulic Elevators ASME A17.2.2, 1997 edition including ASME A17.2.2a, 1998 Addenda.

(c) American National Standard Inspectors Manual for Escalators and Moving Walks, ASME A17.2.3, 1998 edition.

(3) American National Standard Safety Code for Manlifts, ASME ANSI/A90.1, 1992 ~~1976~~ edition.

(4) National Fire Protection Association, NFPA-70, National Electrical Code, 1999 ~~1996~~ edition.

(5) Through (6) No change.

(7) The following rules of ASME A17.1, are hereby amended ~~to read~~ as follows:

(a) Rule 211.9e is added, and reads as follows: Each car in a mutilator group shall be sequentially numbered from left to right, as viewed from the elevator lobby. Rule 111.10 Access to Hoistways for Emergency Purposes. Hoistway door unlocking devices conforming to Rules 111.9c(1) and (3) shall be provided for all hoistway doors.

(b) No change.

(c) Rule 211.8 Switch Keys, of ASME A17.1, is amended to read as follows: The switches required by Rule 211.2 through 211.5, for all elevators in a building, must be operable by the same keys. This key must not operate any other switch and shall not be part of a building master key system. There must be a key for the designated level switch and for each elevator in the group. These keys must be kept on the premises at all times in a location readily accessible to authorized personnel, and state elevator inspectors, but not where the key is available to the general public. NOTE: (RULE 211.8): Local authorities may specify a uniform keyed lock box to contain the necessary keys.

(d) Rule 805.2d is added, and 805.1a Starting Switch of ASME A17.1, is amended to read as follows: Starting switches must be of the key-operated type and must be located so that the escalator steps are within sight. Automatic starting by any means is prohibited. The key for the starting switches must be kept on the premises at all times in a location readily available to authorized personnel and state elevator inspectors, but not where the key is available to the general public.

(e) No change.

(8) Specifically excluded from ASME A17.1, 1996 ~~1993~~ edition and supplements are:

(a) through (d) No change.

Specific Authority 399.02 FS. Law Implemented 399.02 FS. History—Amended 10-20-63, 4-20-64, 11-17-73, 12-20-73, Revised 3-22-74, Amended 12-18-74, 8-21-79, 8-1-82, 9-19-84, Formerly 7C-5.01, Amended 11-1-87, 10-31-88, 6-12-89, 9-10-89, 10-3-90, 5-12-91, 6-23-91, 8-9-91, 8-27-92, Formerly 7C-5.001, Amended 2-2-94, 8-1-96, 1-1-98,_____.

61C-5.004 Bulletin Boards.

(1) through (6) No change.

(7) The bottom of the bulletin boards shall not be less than ~~4 5~~ feet above the cab floor, and no less than three inches above a handrail. ~~and the~~ The total area shall not exceed 4 square feet.

Specific Authority 399.02 FS. Law Implemented 399.02(2) FS. History—New 5-14-79, Amended 8-1-82, Formerly 7C-5.04, Amended 10-31-88, 4-11-91, Formerly 7C-5.004, Amended 2-2-94,_____.

61C-5.011 Alterations to Electric and Hydraulic Elevators and Escalators.

(1) In addition to the alterations set forth in Rule 1003.3 and Rule 1006.3, ASME A17.1, 1996 ~~1993~~, the following alterations require, in addition to a construction permit, that inspections and tests be performed to determine conformance with the ASME A17.1, 1996 ~~1993~~, rules cited below:

(a) through (g) No change.

(2) The following alterations require, in addition to a construction permit, that inspections be performed to determine conformance with the ASME A17.1, 1996 ~~1993~~, rule cited below:

(a) through (d) No change.

(e) Car leveling device (addition

of) and (trucking device) 1202.12b 1203.8b
~~1202.4a~~

(f) through (x) No change.

Specific Authority 399.02 FS. Law Implemented 399.02 FS. History—New 2-11-92, Formerly 7C-5.0011, Amended 8-1-96,_____.

61C-5.013 Service Maintenance Contracts.

(1) No change.

(a) Registered elevator companies that enter into service maintenance contracts with elevator owners must follow the procedures within the scope of ASME/~~ANSI~~ A17.2.1, A17.2.2, and A17.2.3, Inspectors Manuals, and latest Addendas, ~~Part I, H, III and IV~~, for its routine examinations of elevators;

(b) through (2) No change.

Specific Authority 399.02 FS. Law Implemented 399.01 FS. History—New 2-2-94, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cathy White, Bureau of Elevator Safety, 1940 N. Monroe Street, Tallahassee, FL 32399-1013, (850)488-9097

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Secretary Cynthia A. Henderson
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Certification of Registered Contractors
RULE NO.: 61G6-5.0035

PURPOSE AND EFFECT: The Board proposes to implement Section 489.514, F.S.

SUMMARY: The Board determined it is necessary to implement a rule that will provide guidance for registered contractors who wish to become certified.

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: 489.507(3), 489.514 FS.

LAW IMPLEMENTED: 489.507(3), 489.514 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.0035 Certification of Registered Contractors.

Any registered contractor who wishes to become a certified contractor in the appropriate category pursuant to the "grandfathering" provisions of Section 489.514, F.S., shall meet all of the following requirements:

(1) Submit a completed "Application for Certification of a Registered License" on Form BPR/ECLB-REG.TO. CERT.5/2000, with instructions attached, which is hereby incorporated by reference, effective _____, a copy of which may be obtained from the Board office.

(2) Submit proof of continuing education pursuant to Rule 61G6-9.001, F.A.C. for the latest renewal cycle prior to application.

(3) For purposes of implementing Section 489.514, F.S., the registered contractor must have:

(a) Passed with a grade of 75% or better, a written, proctored examination in the appropriate category as specified in subsection (2) of the statute, and,

(b) Five (5) years experience as a registered contractor in the category for which certification is sought. The registered contractor must have held an active license in that category for a period of at least 5 years. The 5 year period is not required to be consecutive. Any time periods when the license was placed on inactive status or when the licensee was on probationary status shall not count toward the 5 years required experience; or,

(c) Five (5) years of oversight or inspection responsibility as a building code administrator or inspector in the category for which certification is sought. Any time periods when the license was placed on inactive status or when the licensee was on probationary status shall not count toward the five (5) years' required experience.

Specific Authority 489.507(3), 489.514 FS. Law Implemented 489.513(3), 489.514, 489.517 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: Examination Review Procedure

RULE NO.: 61G10-11.003

PURPOSE AND EFFECT: The Board proposes the amendment to address examination review procedure.

SUMMARY: The purpose of the rule amendment is to update the rule text with regard to examination review procedure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 455.217(1),(2),(3), 481.306 FS.

LAW IMPLEMENTED: 455.217(1),(2),(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherri Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe, Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-11.003 Examination Review Procedure.

(1) through (4) No change.

(5) Any applicant who takes the professional examination upon payment to the Department of the actual CLARB fee may review Sections C and E of the examination. A review of Section F will be charged at a rate of \$75.00. Reviews are not permitted for Sections A, B., or D in accordance with national guidelines. For a standard review of Sections C, E, and F, the applicant may examine at a mutually convenient time, his answer or questions , papers, grades, and grading key upon such terms and conditions set forth by the Department of Business and Professional Regulation at the office of the Board. Red-line reviews for the graphics sections are available for Sections C and E. Red-line reviews identify generalized errors that the applicant committed on vignettes in these graphics sections. Reviews of either type shall be subject to the national and Department testing security requirements in order to ensure the integrity of the examination.

Specific Authority 455.217(1),(2),(3), 481.306 FS. Law Implemented 455.217(1),(2),(3) FS. History—New 2-4-80, Amended 6-20-85, Formerly 21K-11.03, Amended 3-13-89, 5-30-91, Formerly 21K-11.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: Application and Examination Fees

RULE NO.: 61G10-12.001

PURPOSE AND EFFECT: The Board proposes the amendment to address Application and Examination Fees.

SUMMARY: Adjustment to the application and examination fee being proposed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 481.306, 481.307 FS.

LAW IMPLEMENTED: 481.307 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: Sherri Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-12.001 Application and Examination Fees.

(1) No change.

(2) The following is the examination fee schedule for the Landscape Architectural Registration Examination and the Florida Section:

(a) If you are a first-time candidate and elect to take all sections of the examination, your examination fee will be \$900.00.

(b) If you are a retake candidate or a first time candidate and elect to only take certain sections, your fee schedule is as follows:

Section A	\$65.00
Section B	\$115.00
Section C	\$230.00
Section D	\$180.00
Section E	\$225.00
Florida Section	\$300.00

The total fee for the Florida Section is \$300.00, of which \$274.00 is payable to the Department and \$26.00 is payable to the approved testing service. The \$274.00 fee payable to the Department is due at the time of the application. The \$26.00 fee payable to the approved testing service is due at the time of the testing.

Specific Authority 481.306, 481.307 FS. Law Implemented 481.307 FS. History—New 2-4-80, Amended 3-9-84, 7-26-84, Formerly 21K-12.01, Amended 10-7-87, 11-12-89, 3-11-91, Formerly 21K-12.001, Amended 8-7-95, 1-13-99, 8-16-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLES: RULE NOS.:

Obtaining Inactive Status 61G10-13.005

Reactivation of Inactive License 61G10-13.007

PURPOSE AND EFFECT: The Board proposes these rules to address the manner in which obtaining inactive status and reactivation of inactive status will be reviewed and approved by the Board.

SUMMARY: These rules are being amended to remove unnecessary specificity in the subject content requirement for certification in specified subject areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 481.306, 481.315, 455.271(4), 455.271(9), 455.271(11) FS.

LAW IMPLEMENTED: 481.315, 455.271(4), 455.271(9), 455.271(11), 481.315(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 RULES IS: Sherri Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G10-13.005 Obtaining Inactive Status: ~~Voluntary; Involuntary.~~

(1) A license to practice landscape architecture which is not renewed before the license expires at the end of the biennium prescribed by the Department shall automatically revert to delinquent inactive status for the next licensure cycle.

(2) No change.

(3) A licensee who changes from inactive to active status is not eligible to return to inactive status until the licensee completes a full licensure cycle on active status after changing his status to inactive status.

(4)(3) Pursuant to Section 481.325(1)(i), F.S., it is unlawful to practice landscape architecture with an inactive license.

Specific Authority 481.306, 481.315(2), 481.315, 455.271(5), 455.271(2) FS. Law Implemented 481.315(2), 455.271(5), 455.271(2) FS. History—New 3-13-89, Formerly 21K-13.005, Amended _____.

61G10-13.007 Reactivation of Inactive License.

(1) An inactive license may change to active status at any time, provided the licensee meets all the requirements for active status, pays an additional licensure fees necessary to equal those imposed on an active status licensee, and pays the additional reactivation fee specified in Rule 61G10-12.002, F.A.C. remain on inactive status for a period not to exceed four (4) years from the commencement of the biennial period that it becomes inactive.

(2) A license which has become inactive for less than two consecutive bienniums may be reactivated upon application to the Department and demonstration of compliance with the following conditions:

(a) Payment of the reactivation fee specified in Rule 61G10-12.002-011(3), F.A.C.

(b) Proof of completion of 12 classroom hours of continuing education which fulfills the requirements of Rule 61G10-13.003(2), F.A.C., for each year or part of the year the license was inactive. However, a license which has been inactive for less than one (1) year is not required to satisfy this requirement.

(3) A license which has become inactive for more than two consecutive bienniums may be reactivated upon application to the Department and demonstration of compliance with the following conditions:

(a) Payment of the reactivation fee specified in Rule 61G10-12.002, F.A.C.

(b) Proof of completion of 12 classroom hours of continuing education which fulfills the requirements of Rule 61G10-13.003(2), F.A.C., for each year or part of the year the license was inactive.

(c) No more than 48 hours of continuing education as approved by the Board for more than two (2) consecutive bienniums on inactive status

(4)(3) The Department shall not reactivate a license unless the inactive license has paid an inactive application fee, any biennial renewal fee for reactive status not previously paid, and reactivation fee.

(5) The status or change in status of a licensee shall not alter the Board's right to impose discipline or enforce discipline previously imposed on a licensee for acts or omissions committed by a licensee while holding an active, inactive or delinquent license.

Specific Authority 481.306, 481.315, 455.271(4), 455.271(9), 455.271(11) FS. Law Implemented 481.315, 455.271(4), 455.271(9), 455.271(11) FS. History--New 3-15-89, Formerly 21K-13.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

RULE NO.: 61G10-14.003

PURPOSE AND EFFECT: The Board proposes the rule amendment to address the range of penalties in the disciplinary guidelines and citation violations.

SUMMARY: The Board is substantially rewording this rule to update the provisions and the penalty amounts to be assessed for each violation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 481.306, 481.325, 455.227 FS., Ch. 86-90, § 2, Laws of Florida.

LAW IMPLEMENTED: 481.323, 481.325, 455.227 FS., Ch. 86-90, § 2, Laws of Florida.

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: Sherri Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G10-14.003 follows. See Florida Administrative Code for present text.)

61G10-14.003 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) Purpose. The legislature created the Board to assure protection of the public from persons who do not meet minimum requirements for safe practice or who pose a danger to the public. Pursuant to § 455.227, F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Part II, Chapter 481, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons within this rule. Each range includes the lowest and highest penalty and all penalties falling in between. The purposes of the imposition of discipline are to punish the applicants or licensees for violation

and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceeding pursuant to Sections 120.57(1) and 120.57(2), F.S., the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range of penalties corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full range of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
<u>(a) Unlicensed practice</u> (481.323(1)(a)-(e); 455.227(1)(j) F.S.)		
First Offense	6 months probation with conditions and \$1000 fine	Denial/revocation and \$1000 fine plus \$50 per day for over 10 worked up to \$5000
Second Offense	Revocation and \$1000 fine plus \$50 per day for over 10 worked up to \$5000	Revocation and \$10,000 fine
<u>(b) Attempting to obtain a license or certificate by bribery, fraud or through an error of the Department or the Board.</u> (481.323(1)(d), 481.325(1)(a), (c), 455.227(1)(h), F.S.)		
First Offense	Denial/revocation, \$1000 fine and referral to State Attorney's Office if not licensed.	Denial/revocation, \$3000 fine and referral to State Attorney's state if not licensed.
Second Offense	Revocation and \$3000 fine	Revocation and \$6000 fine
Third Offense	Revocation and \$6000 fine	Revocation and \$10,000 fine
<u>(c) Knowingly conceal violations of Chapter 481 or 455, F.S.</u> (481.323(h), 481.325(1)(a); 455.227(1)(r), F.S.)		
First Offense	Reprimand and \$250 fine	1 year probation with conditions and \$1000 fine
Second Offense	1 year probation with conditions, and \$1000 fine	6 months suspension, 1 year probation with conditions and \$1000 fine
Third Offense	6 months suspension, 1 year probation with conditions and \$1000 fine	1 year suspension, 1 year probation with conditions and \$1000 fine
<u>(d) Aiding unlicensed practice</u> (481.325(1)(g), (k), 455.227(1)(j), F.S.)		
First Offense	Reprimand and \$1000 fine	1 year suspension, 2 years probation with conditions and \$1000 fine
Second Offense	1 year suspension, 2 years probation with conditions and \$1000 fine	2 years suspension, 2 years probation with conditions and \$3000 fine

Third Offense	2 years suspension, 2 years probation with conditions and \$3000 fine.	Revocation and \$3000 fine.
<u>(e) Action taken against license by another jurisdiction</u> (481.325(1)(d), 455.224(1)(f), F.S.)		
First Offense	Imposition of discipline which would have been imposed if the substantive violation occurred in Florida and \$1000 fine	Suspension/denial until the license is unencumbered in the jurisdiction in which the disciplinary action was originally taken and \$1000 fine.
Second Offense	Imposition of discipline which would have been imposed if the substantive violation occurred in Florida and \$1000 fine	Revocation until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and \$2000 fine.
<u>(f) Guilt of a crime directly relating to practice or ability to practice</u> (481.325(1)(f), F.S.)		
First Offense	Misdemeanor Reprimand Felony	Misdemeanor Denial/(1) year suspension, 2 years probation with conditions and \$1000 fine Felony
	1 year suspension, 2 years probation with conditions and \$1000 fine	revocation and \$1000 fine
Second Offense	Misdemeanor \$1000 fine Felony	Misdemeanor 2 years suspension, 2 years probation with conditions and \$3000 fine Felony
	Revocation and \$1000 fine	Revocation and \$5000 fine
Third Offense	Misdemeanor 2 years suspension, 2 years probation with conditions and \$3000 fine	Misdemeanor Revocation and \$5000 fine
<u>(g) Filing a false report or failing to file a report as required.</u> (481.325(1)(f), 455.227(1)(l) 455.227(1)(l), F.S.)		
First Offense	1 year suspension, 2 years probation with conditions and \$100 fine	Revocation and \$1000 fine
Second Offense	2 years suspension, 2 years probation with conditions and \$3000 fine	Revocation and \$3000 fine
Third Offense	Revocation and \$3000 fine	Revocation and \$5000 fine

(h) False, deceptive or misleading advertising (481.325(1)(e), 455.227(1)(a), F.S.)

First Offense	Reprimand	1 year probation with conditions and \$1000 fine
Second Offense	1 year probation with conditions and \$1000 fine	1 year suspension, 2 years probation with conditions and \$3000 fine
(Third Offense)	1 year suspension, 2 years probation with conditions and \$3000 fine	1 year suspension, 2 years probation with conditions \$5000 fine

(i) Deceptive, untrue, or fraudulent representations in the practice of landscape architecture (481.325(1)(h), 455.227(1)(a), F.S.)

First Offense	1 year suspension, 2 years probation with conditions and \$1000 fine	Revocation and \$1000 fine
Second Offense	2 years suspension, 4 years probation with conditions and \$3000 fine	Revocation and \$3000 fine
Third Offense	5 years suspension, 10 years probation with conditions and \$5000 fine	Revocation and \$5000 fine

(j) Negligence in the practice of landscape architecture (481.325(1)(h), F.S.)

First Offense	Reprimand, 2 years probation with conditions and \$1000 fine	Denial/Revocation and \$1000 fine
Second Offense	1 year suspension, 2 years probation with conditions and \$3000 fine	Revocation and \$3000 fine

(k) Incompetence in the practice of landscape architecture (481.325(1)(h), F.S.)

First Offense	Submit to mental/physical examination and impose conditions on practice	Submit to mental/physical examination and suspension until able to demonstrate ability to practice with reasonable skill and safety
Second Offense	Submit to mental/physical examination and suspension until able to demonstrate ability to practice with reasonable skill and safety	Submit to mental/physical examination, suspension until able to practice with reasonable skill and safety and \$3000 fine
Third Offense	Submit to mental/physical examination, suspension until able to demonstrate ability to practice with reasonable skill and safety and \$3000 fine	Renovation and \$5000 fine

(l) Misconduct in the practice of landscape architecture (481.325(1)(h), F.S.)

First Offense	Reprimand and \$1000 fine	1 year suspension, 2 years probation with conditions and \$1000 fine
Second Offense	1 year suspension, 2 years probation with conditions and \$1000 fine	2 years suspension, 4 years probation with conditions and \$3000 fine
Third Offense	2 years suspension, 4 years probation with conditions and \$3000 fine	Revocation and \$3000 fine

(m) Intentionally violating any rule adopted by the Board or the Department as appropriate (455.227(1)(q), F.S.)

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

(n) Practice on revoked license (481.325(1)(j), 455.227(1)(a), 455.227(1)(m), F.S.)

First Offense	Refer to state attorney's office and \$1000 fine	Refer to state attorney's office and \$5000 fine
Second Offense	Refer to state attorney's office and \$5000 fine	Refer to state attorney's office and \$10,000 fine

(o) Practice on suspended license (481.325(1)(j), 455.227(1)(a), 455.227(1)(m), F.S.)

First Offense	Additional suspension and \$1000 fine	Revocation and \$3000 fine
Second Offense	Revocation and \$3000 fine	Revocation and \$5000 fine

(p) Practice on inactive license (481.325(1)(j), 455.227(1)(a), 455.227(1)(m), F.S.)

First Offense	\$100 fine per month up to year \$1000	1 year suspension, 1 probation with conditions and \$1000 fine
Second Offense	1 year suspension, 1 year probation with conditions and \$2000 fine	2 years suspension, 2 years probation with conditions and \$3000 fine
Third Offense	2 years suspension, 2 years probation with conditions and \$5000 fine	Revocation and \$5000 fine

(q) Failure to perform legal obligation (455.227(1)(k), F.S.)

First Offense	Reprimand and \$100 fine	6 months probation with conditions and \$100 fine
Second Offense	6 months probation with conditions and \$100 fine	6 months suspension, 1 year probation with conditions and \$500 fine
Third Offense	6 months suspension, 1 year probation with conditions and \$500 fine	Revocation and \$1000 fine

(r) Exercising influence on client for financial gain (455.227(1)(n), F.S.)

First Offense	1 year probation with conditions and \$1000 fine	1 year suspension, 2 year probation with conditions or denial and \$5000 fine
Second Offense	Revocation and \$5000 fine	Revocation and \$10,000 fine

(s) Practicing beyond scope permitted (455.227(1)(o), F.S.)

First Offense	Reprimand and \$100 fine	6 months suspension 6 months probation with conditions or denial and \$1500 fine
Second Offense	6 months suspension, 6 months probation with conditions and \$1500 fine	1 year suspension, 1 year probation with conditions and \$3000 fine
Third Offense	1 year suspension, 1 year probation with conditions and \$3000 fine	Revocation and \$5000 fine

(t) Delegation of professional responsibilities to unqualified person (455.227(1)(p), F.S.)

First Offense	Reprimand and \$1000 fine	1 year suspension, 2 years probation with conditions and \$1000 fine
Second Offense	1 year suspension, 2 years probation with conditions and \$1000 fine	2 years suspension, 4 years probation with conditions and \$3000 fine
Third Offense	2 years suspension, 4 years probation with conditions and \$3000 fine	Revocation and \$3000 fine

(u) Violation of law, rule, order, or failure to comply with subpoena (455.227(1)(q), F.S.)

First Offense	Suspension until law, rule, order, or subpoena complied with and \$500 fine	Revocation and \$1500 fine
Second Offense	6 month suspension, 1 year probation with conditions and \$1500 fine	Revocation and \$5000 fine

(v) Being convicted or found guilty of or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of or the ability to practice a licensee's profession. (455.227(1)(c), F.S.)

First Offense	6 months probation with conditions and \$1000 fine	Denial/revocation and \$5000 fine
Second Offense	1 year suspension and \$5000 fine	Revocation and \$10,000 fine

(w) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the Department against another licensee (455.227(1)(e), F.S.)

First Offense	1 year probation with conditions and \$1000 fine	6 months suspension, 1 year probation with conditions and \$2000 fine.
Second Offense	6 months suspension, 1 year probation with conditions and \$2000 fine	1 year suspension, 2 years probation with conditions and \$4000 fine

(x) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (455.227(1)(m), F.S.)

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

(y) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (455.227(1)(r), F.S.)

First Offense	6 months probation with conditions, and \$1000 fine	6 months suspension, 1 year probation with conditions and \$2000 fine
Second Offense	6 months suspension, 1 year probation with conditions and \$200 fine	1 year suspension, 2 years probation with conditions and \$4000 fine
Third Offense	1 year suspension, 2 years probation with conditions and \$4000 fine	Revocation and \$10,000 fine

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

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

Specific Authority 481.306, 481.325, 455.227 FS, Ch. 86-90, § 2, Laws of Florida. Law Implemented 481.323, 481.325, 455.227 FS, Ch. 86-90, § 2, Laws of Florida. History–New 11-24-86, Formerly 21K-14.003, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DOCKET NO: 00-14R

RULE TITLE: Federal Regulations Adopted by Reference
RULE NO.: 62-204.800

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update through March 31, 2000, the adoptions by reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 60, 61, and 63.

SPECIFIC AUTHORITY: 403.8055 FS.
LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S.

SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTIONS WITH THE ENVIRONMENTAL REGULATION COMMISSION AT THE FOLLOWING ADDRESS: 3900 Commonwealth Boulevard, Mail Station 18, Tallahassee, Florida 32399-3000, Attention: Jacki McGorty. Objections must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to

which the person objects and the reason for the objection. Objections which are frivolous will not be considered sufficient to prohibit adoption of the rule as published.

WRITTEN COMMENTS: The Secretary of the Department of Environmental Protection will consider written comments received within 21 days of publication of this notice. Comments should be submitted to Ms. Sandy Ladner, Division of Air Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400.

THE FULL TEXT OF THE PROPOSED RULE IS:

- 62-204.800 Federal Regulations Adopted by Reference.
 - (1) through (6) No change.
 - (7) Chapter 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.
 - (a) No change.
 - (b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 CFR Part 60, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:
 - 1. through 2. No change.
 - 3. 40 CFR 60, Subpart Db, Industrial-Commercial-Institutional Steam Generating Units, amended September 16, 1998, 63 FR 49442 (effective April 1, 1999); amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended March 13, 2000, 65 FR 13242 (effective August 1, 2000).
 - 4. through (9) No change.
 - (10) Chapter 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.
 - (a) No change.
 - (b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 63, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:
 - 1. through 47. No change.
 - 48. 40 CFR 63, Subpart 000, promulgated January 20, 2000, 65 FR 3276 (effective August 1, 2000).
 - ~~49.48.~~ No change.
 - 50. 40 CFR 63, Subpart RRR, promulgated March 23, 2000, 65 FR 15690 (effective August 1, 2000).
 - 49. through 51. renumbered 51. through 53. No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History–New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Howard L. Rhodes, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, Deputy Secretary, Department of Environmental Protection
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 1998

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-03R

RULE CHAPTER TITLE: Ground Water Permitting and Monitoring Requirements

RULE CHAPTER NO.: 62-522

RULE TITLE: General Provisions for Ground Water Permitting and Monitoring

RULE NO.: 62-522.300

PURPOSE AND EFFECT: To make Chapter 62-522 consistent with newly adopted provisions in Chapter 62-610, Reuse of Reclaimed Water and Land Application.

SUMMARY: The proposed amendments provide for a zone of discharge for secondary drinking water standards and sodium for aquifer storage and recovery of reclaimed water, injection of reclaimed water for ground water recharge, and salinity barrier systems.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 403.061 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.088 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: 2:00 p.m., July 17, 2000
PLACE: Twin Towers Office Building, Conference Room 609, 2600 Blair Stone Road, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donnie McClaugherty, Department of Environmental Protection, Bureau of Watershed Management, MS #3575, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9438

THE FULL TEXT OF THE PROPOSED RULE IS:

62-522.300 General Provisions for Ground Water Permitting and Monitoring.

(1) Unless exempted by Rule 62-520.500, 62-520.510, or 62-520.520, F.A.C., no installation shall directly or indirectly discharge into ground water any contaminant that causes a violation in the water quality standards and criteria for the receiving ground water as established in Chapter 62-520, F.A.C., except within a zone of discharge established by permit or rule pursuant to this chapter.

(2) ~~No Z~~ zones of discharge shall be allowed for projects that allow direct contact with ground water as provided below under any of the following circumstances:

(a) Projects or facilities listed in 1. and 2. below, which provide beneficial discharges through wells to ground water, are allowed a zone of discharge as described in the cited rules.

1. projects designed to recharge aquifers with surface water of comparable quality, or projects designed to transfer water across or between aquifers of comparable quality for the purpose of storage or conservation; and-

2. facilities permitted under Rule 62-610.466 for aquifer storage and recovery of reclaimed water, 62-610.560(3) for ground water recharge by injection of reclaimed water, or 62-610.562(4) for creation of salinity barrier systems by injection of reclaimed water.

~~(3)(a) Other d~~ Discharges through wells or sinkholes that allow direct contact with Class G-I, Class F-I, or and Class G-II ground water; shall not be allowed a zone of discharge except for.

(b) renumbered (4) No change.

(3) through (6) renumbered (5) through (8) No change.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History--New 9-8-92, Amended 4-14-94, Formerly 17-522.300, Amended 12-9-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 12, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Recreation and Parks

DOCKET NO.: 99-51R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Financial Assistance for Outdoor Recreation, Florida Recreation Development Assistance Program 62D-5, Part V

RULE TITLES: RULE NOS.:

Definitions 62D-5.054
Application Requirements and Processing 62D-5.056
Evaluation Criteria 62D-5.057
Grant Administration 62D-5.058

PURPOSE AND EFFECT: The Florida Recreation Development Assistance Program (FRDAP) is a competitive program which provides grants for acquisition and development of land for public outdoor recreation use. The purpose of this amendment is to conform the rule to current law and to add and clarify matters related to recreational trails and contract extensions.

SUMMARY: The proposed rule provides definition for "recreational trail". The proposed rule provides for definition and points for trail connectivity. The proposed rule incorporates the following changes from the Florida Forever Act which include: increasing allowable active projects from two to three; and increasing allowable application submissions in one submission cycle from one to two. The proposed rule clarifies number and length of project contract extensions to allow two one-year extensions, with maximum project completion time of five years.

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: 375.075 FS.

LAW IMPLEMENTED: 375.075 FS.

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

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Terri Messler, Bureau of Design and Recreation Services, Division of Recreation and Parks, 3900 Commonwealth Boulevard, MS 585, Tallahassee, FL 32399-3000, (850)488-5372

THE FULL TEXT OF THE PROPOSED RULES IS:

62D-5.054 Definitions.

The terms used in this part are defined as follows:

(1) through (41) No change.

(42) "RECREATIONAL TRAIL" means a linear corridor and any adjacent support parcels on land or water providing public access for recreation or authorized alternative modes of transportation such as bicycling, hiking, equestrian, and aquatic or water activities.

(42) through (46) renumbered (43) through (47) No change.

Specific Authority 370.023, 375.075 FS. Law Implemented 375.075 FS. History--New 12-10-90, Formerly 16D-5.054, Amended 8-13-98,_____.

62D-5.056 Application Requirements and Processing.

The Department shall approve applications for program grants in order of priority until all program funds are depleted under the following standards and criteria:

(1) No change.

(2) PROJECT ELIGIBILITY.

(a) through (b) No change.

(c) Number of Applications: An applicant may submit no more than two ~~only one~~ applications during each application submission period, with the exception of a consolidated city-county government which may submit four ~~two~~ applications.

(d) Active Projects: A grantee with two incomplete FRDAP projects by the closing date of an application submission period shall only be eligible to submit one additional application ~~not be eligible to apply for program funds~~.

(e) No change.

(3) through (6) No change.

Specific Authority 370.023, 375.075 FS. Law Implemented 375.075 FS. History--New 12-10-90, Formerly 16D-5.056, Amended 8-13-98,_____.

62D-5.057 Evaluation Criteria.

Pursuant to Subsection 62D-5.055(7), a total point score shall be assigned to each eligible application after an evaluation according to the application criteria which follows:

(1) GENERAL CRITERIA.

(a) through (f) No change.

(g) The project creates or enhances the development, extension or connection of local, regional, state or national parks, greenways, or trails. The project would provide for increased trail access by (a) connecting an existing, publicly owned and designated recreational trail with a project trail outside the project boundary; or (b) connecting two publicly designated trails outside of any park. 5 points

(2) through (3) No change.

Specific Authority 370.023, 375.075 FS. Law Implemented 375.075(2) FS. History--New 12-10-90, Formerly 16D-5.057, Amended 8-13-98,_____.

62D-5.058 Grant Administration.

The following constitutes procedures for administration of program grants:

(1) through (6) No change.

(7) DEVELOPMENT PROJECTS. The following constitutes the specific procedures for administration of development projects:

(a) Grant Period. The grantee will have up to three years from the effective date of the project agreement to complete the project. At the written request of the grantee, Department staff will allow up to two one-year extensions will extend this period for good cause such as financial hardship, public controversy, material shortage, unfavorable weather conditions, material factors beyond grantee's control, or other similar hardships means. If the project is not completed within five years from the original contract date, the contract shall be terminated and the project funds shall revert to the revenue fund from which they were appropriated.

(b) No change.

(c) Commencement Documentation. Prior to commencement of project construction, the grantee shall submit for approval the documentation described in the Florida Recreation Development Assistance Program Development Project Commencement Documentation Form, FPS-A034, effective 07/30/98, hereby incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida 32399-3000, (850)488-7896.

1. No change.

2. Land Value Match. Prior to the Department staff authorizing the grantee to commence construction of a project utilizing land value as match, the grantee shall submit to the Department an appraisal, prepared in accordance with the uniform standards of professional appraisal practices, which establishes the fair market ~~land~~ value of the project site. The fair market value of the project site shall be based on its highest and best use. The appraisal must be dated no earlier than one year prior to the closing date of the application submission period and prepared by an appraiser on the list of approved appraisers maintained by the Department's Division of State Lands, under provision of Chapter 353.025(6)(b), F.S., 259.041(7)(c), F.S., and 18-1.007, F.A.C. The list of approved appraisers may be obtained from the Division of State Lands, Bureau of Appraisal, 3900 Commonwealth Boulevard, Mail Station 110, Tallahassee, Florida 32399-3000, (850)488-9025. In lieu of obtaining an appraisal to establish the site's fair market value, the grantee may use the assessed value of the project site supported by documentation of the current assessed value from the County Property Appraiser. Approved fair market or assessed land value not used by the grantee for a match on an approved project may be used as matching funds on a subsequent approved project within two years after the

Secretary's approval of the initial project, and the grantee need not obtain a new appraisal or documentation of land value. Such use is limited to one additional project.

3. No change.

(d) through (e) No change.

Specific Authority ~~370.023~~, 375.075 FS. Law Implemented 375.075 FS. History-New 12-10-90, Formerly 16D-5.058, Amended 8-13-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terri Messler, Bureau of Design and Recreation Services, Division of Recreation and Parks, 3900 Commonwealth Boulevard, MS 585, Tallahassee, FL 32399-3000, (850)488-5372

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Fran Mainella, Director, Division of Recreation and Parks, Department of Environmental Protection
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2000

DEPARTMENT OF HEALTH

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

RULE TITLE: Disciplinary Guidelines
RULE NO.: 64B4-5.001

PURPOSE AND EFFECT: The Board proposes to substantially reword this rule to further clarify the penalties imposed for violations committed by an applicant, licensee, registered intern, provisional licensee, or certificate holder.

SUMMARY: The Board has determined that a substantial rewording of this rule is necessary to add first, second and third offenses for certain penalties imposed by the board. Unnecessary rule text is being deleted that is no longer needed.

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: 455.627, 491.004(5) FS.

LAW IMPLEMENTED: 455.627, 491.009 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B2-5.001 follows. See Florida Administrative Code for present text)

64B4-5.001 Disciplinary Guidelines.

(1) When the Board finds an applicant, licensee, registered intern, provisional licensee, or certificate holder whom it regulates under Chapter 491, Florida Statutes, has committed any of the acts set forth in Section 455.624(1), Florida Statutes, or Section 491.009(2), Florida Statutes, it shall issue a final order imposing appropriate penalties as recommended in the following disciplinary guidelines.

(a) Attempting to obtain, obtaining, or renewing a license under Chapter 491, Florida Statutes, by bribery or fraudulent misrepresentation or through an error of the Board or the Department.

(s. 455.624(1)(h) & s. 491.009(2)(a))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$500 fine and reprimand	denial or \$1000 fine and revocation;
SECOND OFFENSE:	\$1000 fine and probation	permanent denial and \$1000 fine and permanent revocation;

(b) Having a license or certificate to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(s. 455.624(1)(f) & s. 491.009(2)(b))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$1000 fine and reprimand	denial or \$1000 fine and revocation;
SECOND OFFENSE:	\$1000 fine and probation	permanent denial or \$1000 fine and revocation;
THIRD OFFENSE:	\$1000 fine, 1 year suspension followed by probation	permanent denial or \$1000 fine and revocation;

(c) Being convicted or found guilty, regardless of adjudication, or having entered a plea of nolo contendere to, a crime in any jurisdiction which directly relates to the practice of the licensee's profession or the licensee's ability to practice that profession.

(s. 455.624(1)(c) & s. 491.009(2)(c))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$1000 fine and probation	denial or \$1000 fine and revocation
SECOND OFFENSE:	\$1000 fine and 1 year suspension followed by probation;	permanent denial or \$1000 fine and permanent revocation;

(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.

(s. 491.009(2)(d))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$250 fine	\$1000 fine and reprimand;

SECOND OFFENSE:	\$500 fine	\$1000 fine and probation;
THIRD OFFENSE:	\$1000 fine	\$1000 fine and 1 year suspension followed by probation;

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(s. 491.009(2)(e))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$250 fine	\$1000 fine and reprimand;
SECOND OFFENSE:	\$500 fine	\$1000 fine and probation;
THIRD OFFENSE:	\$1000 fine	\$1000 fine and 1 year suspension followed by probation;

(f) Maintaining a professional association with any person whom the applicant or licensee knows, or has reason to believe, is in violation of Chapter 491, Florida Statutes, or of a rule of the Department or this Board.

(s. 491.009(2)(f))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$250 fine	\$1000 fine and reprimand;
SECOND OFFENSE:	\$500 fine	\$1000 fine and probation;
THIRD OFFENSE:	\$1000 fine	\$1000 fine and 1 year suspension followed by probation;

(g) Knowingly aiding, assisting, procuring, or advising a non-licensed person to hold oneself out as licensed under Chapter 491, Florida Statutes.

(s. 455.624(1)(j) & s. 491.009(2)(g))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$1000 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	\$1000 fine and revocation;
THIRD OFFENSE:	\$1000 fine and 1 year suspension followed by probation	\$1000 fine and permanent revocation;

(h)1. Failing to perform any statutory or legal obligation placed upon a person licensed under Chapter 491, Florida Statutes.

(s. 455.624(1)(k) & s. 491.009(2)(h))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	reprimand	\$1000 fine and 1 year probation;
SECOND OFFENSE:	\$1000 fine and reprimand	\$1000 fine and 6 month suspension followed by probation;
THIRD OFFENSE:	\$1000 fine and probation	\$1000 fine and revocation;

2. In the case of noncompliance with a continuing education requirement, the following guidelines apply:

(s. 455.624(1)(f) & s. 491.009(2)(b))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$1000 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	\$1000 fine and 1 year suspension followed by probation;

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record.

(s. 455.624(1)(l) & s. 491.009(2)(i))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$500 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	\$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	\$1000 fine, 1 year suspension followed by probation	denial or \$1000 fine and revocation;

(j) Paying or receiving a kickback, rebate, bonus, or other remuneration for receiving a patient or client or referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(s. 491.009(2)(j))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$1000 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	\$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	\$1000 fine and 1 year suspension followed by probation	denial or \$1000 fine and revocation;

(k) Committing any act upon a patient or client, which would constitute sexual battery or which would constitute sexual misconduct as defined in Section 491.0111, Florida Statutes.

(s. 455.624(1)(u) & s. 491.009(2)(k))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$1000 fine and 1 year suspension followed by probation	denial or \$1000 fine and revocation;
SECOND OFFENSE:	\$1000 fine and 2 years suspension followed by probation	denial or \$1000 fine and permanent revocation;

(l) Making misleading, deceptive, untrue, or fraudulent misrepresentations in the practice of any profession licensed under Chapter 491, Florida Statutes or employing a trick or scheme in or related to the practice of a profession.

(s. 455.624(1)(a) & (m) & s. 491.009(2)(l))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$250 fine	\$1000 fine and reprimand;
SECOND OFFENSE:	\$500 fine	\$1000 fine and probation;
THIRD OFFENSE:	\$1000 fine	\$1000 fine and 1 year suspension followed by probation;

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(s. 491.009(2)(m))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$500 fine and reprimand	\$1000 fine and 6 month suspension followed by probation;
SECOND OFFENSE:	\$1000 and reprimand	\$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	\$1000 fine 1 year suspension followed by probation	\$1000 fine and revocation;

(n) Failing to make available to a patient or client, upon written request, copies of tests, reports, or documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client.

(s. 491.009(2)(n))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$1000 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	\$1000 fine and 1 year suspension followed by probation;

(o) Failing to respond within thirty (30) days to a written communication from the Department or the Board concerning any investigation by the Department or the Board, or failing to make available any relevant records with respect to the investigation about the licensee's conduct or background.

(s. 491.009(2)(o))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$1000 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	\$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	\$1000 fine and 1 year suspension followed by probation	denial or \$1000 fine and revocation;

(p) Being unable to practice the profession for which one is licensed under Chapter 491, Florida Statutes, with reasonable skill and competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance.

(s. 491.009(2)(p))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$1000 fine and probation	\$1000 fine and suspension until the licensee is able to appear before the Board and demonstrate that he or she is able to practice with reasonable skill and competence, followed by probation;
SECOND OFFENSE:	suspension until the licensee is able to appear before the Board and demonstrate that he or she	\$1000 fine and permanent revocation

is able to practice with reasonable skill and competence, followed by probation

(q) Violating provisions of Chapter 491, Florida Statutes, or of Chapter 455, Part II, Florida Statutes, or any rule adopted pursuant thereto.

(s. 491.009(2)(q))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine and reprimand</u>	<u>\$1000 fine and probation</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

(r) Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(s. 491.009(2)(r))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

(s) Failing to meet the MINIMUM standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

(s. 491.009(2)(s))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$250 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation</u>

(t) Delegating professional responsibilities to a person whom the licensee knows or has reason to know is not qualified by training or experience to perform such responsibilities.

(s. 455.624(1)(p) & s. 491.009(2)(t))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and revocation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>\$1000 fine and permanent revocation;</u>

(u) Violating a rule relating to the regulation of the profession or a lawful order of the Department or the Board previously entered in a disciplinary hearing.

(s. 491.009(2)(u))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and 6 month suspension followed by probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

(v) Failure of a licensee to maintain in confidence any communication made by a patient or client in the context of services, except by written permission or in the face of clear and immediate probability of bodily harm to the patient or client or to others.

(s. 491.009(2)(v))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>denial or \$1000 fine and revocation;</u>

(w) Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

(s. 491.009(2)(w))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>denial or \$1000 fine and revocation;</u>

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

(s. 455.624(1)(g))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

(y) Except as provided in s. 465.016, failing to report to the department any person whom the licensee knows is in violation of Chapter 455, Part II, Chapter 491 or the rules of the Department or the Board.

(s. 455.624(1)(i))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$250 fine</u>	<u>\$1000 fine and reprimand;</u>
<u>SECOND OFFENSE:</u>	<u>\$500 fine</u>	<u>\$1000 fine and probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>

(z) Exercising influence on the client for the purpose of financial gain of the licensee or a third party.

(s. 455.624(1)(n))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>denial or \$1000 fine and revocation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and 1 year suspension to be followed by probation</u>	<u>permanent denial or and permanent revocation;</u>

(aa) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.

(s. 455.624(1)(r))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and 6 months suspension followed by probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

(bb) Intentionally violating any rule adopted by the Board or the department, as appropriate.

(s. 455.624(1)(b))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and 6 months suspension followed by probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

(cc) Failing to comply with the educational course requirements for domestic violence.

(s. 455.624(1)(s))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>reprimand</u>	<u>\$1000 fine and 1 year probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and 6 month suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and revocation;</u>

(dd) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

(s. 455.624(1)(o))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1000 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and revocation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>\$1000 fine and permanent revocation;</u>

(ee) Violating any provision of this part, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

(s. 455.624(1)(q))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine and reprimand</u>	<u>\$1000 fine and probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

(ff) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated

information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.

(s. 455.624(1)(v))

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine and reprimand</u>	<u>\$1000 fine and reprimand;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 3 month suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

(gg) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers for the solicitation of the people involved in the accidents.

(455.624(x), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine and reprimand</u>	<u>\$1000 fine and 6 month suspension followed by probation;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 and reprimand</u>	<u>\$1000 fine and 1 year suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine 1 year suspension followed by probation</u>	<u>\$1000 fine and revocation;</u>

(hh) Failing to report to the Board within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

(455.624(w), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine</u>	<u>\$1000 fine and reprimand;</u>
<u>SECOND OFFENSE:</u>	<u>\$1000 fine and probation</u>	<u>\$1000 fine and 6 month suspension followed by probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1000 fine and 1 year suspension followed by probation</u>	<u>denial or \$1000 fine and revocation;</u>

(2) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended above. The Board shall consider as aggravating or mitigating factors the following:

- (a) the severity of the offense;
- (b) the danger to the public;
- (c) the number of repetitions of offenses;
- (d) the length of time since the date of the violation(s);
- (e) prior discipline imposed upon the licensee;
- (f) the length of time the licensee has practiced;
- (g) the actual damage, physical or otherwise, to the patient;
- (h) the deterrent effect of the penalty imposed;
- (i) the effect of the penalty upon the licensee's livelihood;
- (j) any efforts for rehabilitation;

(k) the actual knowledge of the licensee pertaining to the violation;

(l) attempts by the licensee to correct or stop violations or failure of the licensee to correct or stop violations;

(m) related violations against the licensee in another state, including findings of guilt or innocence, penalties imposed and penalties served;

(n) any other mitigating or aggravating circumstances.

(3) The provisions of Sections (1) through (2) above shall not be constructed so as to prohibit civil action or criminal prosecution as provided in Section 455.624 or Section 491.012, Florida Statutes, and the provisions of Sections (1) through (2) above shall not be construed so as to limit the ability of the Board to enter into binding stipulations with accused parties as per Section 120.57(4), Florida Statutes.

Specific Authority 455.627, 491.004(5) FS. Law Implemented 455.627, 491.009 FS. History—New 3-5-89, Amended 1-3-91, 6-1-92, Formerly 21CC-5.001, Amended 1-9-94, Formerly 61F4-5.001, Amended 12-22-94, Formerly 59P-5.001, Amended 12-11-97,_____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2000

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Requirements for Approval of Continuing Education Training Courses for Laser and Light-based Hair Removal or Reduction

RULE NO.: 64B8-52.004

PURPOSE AND EFFECT: The proposed rule is intended to set forth the requirements for approval of continuing education training courses for laser and light-based hair removal or reduction.

SUMMARY: The proposed rule sets forth the requirements for approval of continuing education training programs for laser and light-based hair removal or reduction.

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: 478.43 FS.

LAW IMPLEMENTED: 478.42(5) 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: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-52.004 Requirements for Approval of Continuing Education Training Courses for Laser and Light-based Hair Removal or Reduction.

The Electrolysis Council will approve laser and light-based hair removal or reduction continuing education training courses upon application if the following requirements are met:

(1) Continuing education providers seeking initial approval by the Council shall pay a fee of \$250. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Council approval, a continuing education program:

(a) should be submitted for the Council's approval not less than 90 days prior to the date the offering is scheduled;

(b) shall have its sponsor submit to the Council at least the following:

1. a statement of the educational goals and objectives of the program;

2. a detailed course outline or syllabus, including such items as method of instruction, testing materials, if any;

3. a current curriculum vitae of the course instructor(s);

4. the procedure to be used for recording attendance of those attendees seeking to apply for continuing education credit and the procedure for certification by the course's registrar of attendance; and

5. a sample certificate of completion.

(2) The course consists of thirty (30) hours of instruction in the use of laser and light-based hair removal or reduction devices, including:

(a) biology of hair;

(b) laser and light-based device terminology;

(c) basic electricity;

(d) laser and light-based hair removal physics, including:

1. the theory of traditional light.

2. the theory of coherent light.

3. the electromagnetic spectrum.

4. the different types of laser and light-based hair removal devices.

5. the history of laser and light-based device development.

6. the history of medical laser and light-based device development.

7. understanding photonics principles and how a laser and light-based device works.

8. hair removal laser and light-based device delivery systems.

(e) safety and precautions, including:

1. federal and quasi-federal regulatory agencies and their roles in safety.

2. treatment room considerations.

3. eye safety for the operator and the patient.

4. fire safety.

(f) laser and light based tissue interaction, including:

1. Grothus draper law.

2. reflection, transmission, scatter and absorption.

3. the melanin and hemoglobin absorption curve at various hair removal device wavelengths.

4. depth of penetration and wavelength.

5. possible effects of absorption of light energy.

6. selective photothermolysis, including:

a. wavelength.

b. pulse duration.

c. energy fluence.

d. spot size.

(g) sanitation;

(h) Fitzpatrick skin typing;

(i) the patient intake form;

(j) the consultation;

(k) proper documentation of patient case history and consent forms;

(l) pre-treatment patient preparation including test spot considerations and the Nikolski sign;

(m) treatment contra-indications including the recognition of disease conditions of the skin;

(n) handpiece and spot size considerations;

(o) fluence setting;

(p) stretch technique;

(q) use of grid stamp;

(r) post-treatment procedures, including:

1. application of ice and medication.

2. instructions to patients.

(s) expected outcomes including erythema and edema;

(t) possible adverse outcomes;

(u) follow-up care;

(v) the concept of using needle-type epilators to complement laser and light-based hair removal or reduction devices; and

(w) hands-on experience with laser and light-based devices to include hair removal or reduction from all areas of the body.

(3) The course shall be instructed:

(a) by any person licensed under Chapters 458, 459 or 465, F.S.; or

(b) by a laser-certified electrologist who is a member of the American Society for Laser Medicine and Surgery (ASLMS), and

1. has completed a minimum of 30 hours of specialized training in the use of laser and/or light-based equipment in the practice of electrology and has five (5) years of practical experience in the practice of electrology; or

2. has taught a specialized course in the use of laser and/or light-based equipment in the practice of electrology a minimum of three times in the past two years, which totals a minimum of 30 hours, before a professional convention, professional group or at an electrology school, and has five (5) years practical experience in the practice of electrology.

Specific Authority 478.43 FS. Law Implemented 478.42(5) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2000

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Equipment and Devices; Protocols for Laser and Light-Based Devices 64B8-56.002

PURPOSE AND EFFECT: The proposed rule sets forth the criteria under which electrologists may utilize laser and light-based equipment for hair removal or reduction.

SUMMARY: The proposed rule amendment permits electrologists to utilize laser and light-based equipment for the purpose of hair removal or reduction provided they are properly trained and certified and operating under the direct supervision of a physician.

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: 478.43 FS.

LAW IMPLEMENTED: 478.42(5) 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: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-56.002 Equipment and Devices; Protocols for Laser and Light-based Devices.

(1) The Board of Medicine approves the following equipment and devices for the permanent removal of hair by licensed electrologists if they are used pursuant to requirements established by the Board.

(a) needle type epilators.

(b) laser and light-based hair removal or reduction devices cleared by the United States Food and Drug Administration (FDA) for hair removal or reduction.

(2) Licensed electrologists may not use laser and light-based hair removal or reduction devices unless they:

(a) have completed a continuing education training course approved by the Council pursuant to Rule 64B8-52.004;

(b) have been certified in the use of laser and light-based devices for the removal or reduction of hair by a national certification organization approved by the Council and the Board;

(c) are using only the laser and light-based hair removal or reduction devices upon which they have been trained; and

(d) are operating under the direct supervision of a physician properly trained in hair removal and licensed pursuant to the provisions of Chapter 458, Florida Statutes.

(3) "Direct supervision" as used herein and in Rule 64B8-52.004 shall mean the physical presence of the supervising physician on the premises.

(a) The supervising physician, initially upon assuming duties as the supervisor and semiannually thereafter, shall review and inspect the techniques, procedures, and equipment utilized by the electrologist in the performance of laser and light-based hair removal or reduction.

(b) The supervising physician shall provide semi-annual training for the electrologist in the areas of infection control, sterilization, and emergency procedures.

(4)(a) The supervising physician and the electrologist shall develop jointly written protocols regarding the medical condition for individuals to receive laser and light-based hair removal or reduction treatment; specific conditions and the procedure for identifying conditions that require direct evaluation or specific consultation by the physician; treatment of routine minor problems resulting during or from laser and light-based hair removal or reduction; and detailed procedures to be followed in the event of emergency situations developing during the performance of or as a result of laser and light-based hair removal or reduction. These written protocols must be signed, dated, and maintained in a readily available location on

the premises where the electrologist practices. One copy shall be maintained by the supervising physician and one copy must be filed with the Department of Health. The written protocols which are kept on the premises of the electrologist will be readily available for inspection and review by agents of the Department of Health or the Board of Medicine. The parties to a protocol must notify the Department within 30 days of the termination of their professional relationship.

(b) The written protocol shall include and require that the initial consultation with each patient must include an examination and assessment by a physician licensed pursuant to Chapter 458 or 459, Florida Statutes.

(c) The written protocol shall include a statement that the electrologist does and will maintain professional liability coverage that includes coverage for incidents arising from laser usage in an amount not less than \$100,000.

(5) Pursuant to Section 455.624(1)(i), Florida Statutes, any physician who knows that any electrologist is engaged in unsafe practice must report that electrologist to the Department of Health immediately.

(6) Any physician who provides supervision to an electrologist must keep the Board informed of the number of electrologists the physician is supervising. No physician is authorized to supervise more than four (4) electrologists at any one time.

Specific Authority 478.43 FS. Law Implemented 478.42(5) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

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

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Duplicate License Fee

RULE NO.: 64B11-3.008

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule entitled "Duplicate license Fee."

SUMMARY: The purposed rule defines "Duplicate license Fee".

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 468.204, 455.587(2), 455.587(7) FS.

LAW IMPLEMENTED: 468.204, 455.587(2), 455.587(7) 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: Kaye Howerton, Executive Director, Board of Occupational Therapy/MQA, 2020 S. E. Capital Circle, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.008 Duplicate License Fee.

(1) Licensees licensed prior to July 1, 1998 may obtain wall certificates by submitting a written request to the Board's along with a \$25.00 fee.

(2) Licensees may obtain a duplicate wall certificate by submitting a written request to the Board along with a \$25.00 fee.

(3) Licensees may obtain duplicate license by submitting a written request to the Board along with a \$25.00 fee.

Specific Authority 468.204, 455.587(2), 455.587(7) FS. Law Implemented 468.204, 455.587(2), 455.587(7) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE TITLE: Pinellas County Boating Restricted Areas
 PURPOSE AND EFFECT: This proposed rule was originally published in the May 21, 1999 issue of the Florida Administrative Weekly, Vol. 25, No. 20. We were unable to proceed with the rulemaking process when the Florida Department of Environmental Protection, Division of Law Enforcement, Office of Planning & Policy Coordination merged July 1, 1999 with what is now the Florida Fish and Wildlife Conservation Commission (FWC), and the rule development was withdrawn on June 25, 1999, of Vol. 25, No. 25, June 25, 1999 issue of the Florida Administrative Weekly. The FWC published a Notice of Proposed Rule Development in the April 21, 2000 issue of the Florida Administrative Weekly, Vol. 26, No. 16.

RULE NO.: 68D-24.010

This rule has been in continuous existence for the past ten years. The City of Clearwater cites as justification for amendment, vessel traffic congestion, public boat ramps and a marina that provides fuel. The purpose of this amendment is to protect vessel traffic safety. The effect of this rule will be to reduce vessel speed over the portion of the Gulf Intracoastal waterway extending 2,680 feet north of the existing restricted area.

The local office of the Florida Fish and Wildlife Conservation Commission has concurred with this action. This action is being coordinated with the City of Clearwater, United States Army Corps of Engineers and the United States Coast Guard.

SUMMARY: The amendment of the existing Slow Speed Minimum Wake zones as follows would provide a safer boating atmosphere in an area with vessel traffic congestion, public boat ramps and a marina that provides fuel. The area to be amended is 500 feet southwest of the S. R. 60 (Memorial Causeway) to 3,180 feet northeast of the centerline of S. R. 60 (Memorial Causeway) including all waters from the western right-of-way of the Florida Intracoastal Waterway to the shoreline of the City of Clearwater. The City of Clearwater will be authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area and shall install and maintain "Slow Speed Minimum Wake" and "Resume Normal Safe Operation" markers at the boundaries of the boating restricted areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 327.46 FS.

LAW IMPLEMENTED: 327.46 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 DATES: 8:00 a.m. – 5:00 p.m., September 6-8, 2000

PLACE: Holiday Inn, DeLand Convention Center, 350 East International Speedway Boulevard, DeLand, Florida 32724

Pursuant to the provision of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop or meeting is asked to advise the Commission at least five (5) calendar days prior by calling Andrenea Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency at (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Ms. Tara Alford, Division of Law Enforcement, Office of Planning & Policy, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600, Extension 169

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-24.010 Pinellas County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Florida Intracoastal Waterway in Pinellas County, Florida, the following boating restricted areas are established ~~is amended~~:

(a)1. through 6. No change.

7. Memorial Causeway, ~~S.R. State Road 60~~ - A Slow Speed Minimum Wake zone from the centerline of S. R. 60, to 500 feet southwest of S. R. 60 to 3,180 feet northeast of the centerline of S. R. 60 to include all waters from the western right-of-way of the Florida Intracoastal Waterway to the

~~shoreline of the City of Clearwater. All waters lying within the right-of-way of the Intracoastal Waterway between a line drawn perpendicular to the center line of the waterway 500 feet northeast of the Memorial Causeway at Clearwater and a line drawn perpendicular to center line of the waterway 500 southwest of said bridge, as depicted in drawing G.~~

8. through (b)2. No change.

(2) Pinellas County and the City of Clearwater ~~are~~ is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas and shall install and maintain the “Slow Speed Minimum Wake” and “Resume Normal Safe Operation” markers at the northern and southern boundaries of the boating restricted areas.

(3) The boating restricted areas are depicted in the following drawings:

Drawings A through F – No change.

Drawing H – No change.

INSERT MAP-ONE PAGE

89D-24

Specific Authority 327.04, 327.45 FS. Law Implemented 327.46 FS. History—New 9-18-88, Amended 12-7-89, Formerly 16N-24.010, Amended 10-1-96, 62N-24.010, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Colonel Robert Edwards
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: April 21, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE TITLE: Okeechobee Waterway Boating Restricted Areas
RULE NO.: 68D-24.011

PURPOSE AND EFFECT: This proposed rule was originally published in Vol. 25, No. 13, April 23, 1999 issue of the Florida Administrative Weekly (a notice of rule development was published in Vol. 25, No. 13 of the Administrative Weekly on April 2, 1999. A public hearing was held, based on a request received during the publication period, in Stuart, Florida on May 26, 1999. We were unable to proceed with the rulemaking process as the Florida Department of Environmental Protection, Division of Law Enforcement, Office of Planning & Policy Coordination merged July 1, 1999 with what is now the Florida Fish and Wildlife Conservation Commission (FWC). The FWC published a Notice of Proposed Rule Development in the April 21, 2000 issue of the Florida Administrative Weekly, Vol. 26, No. 16.

Martin County has requested that the commission establish boating safety areas along the Okeechobee Waterway portion of the Florida Intracoastal Waterway as it makes its way through Martin County. The areas under consideration are the Timer Powers Park and boat ramp, the Palm City Bridge, the Florida Turnpike Bridge, the I-95 Bridge and the Moore Haven Lock Structure. Martin County asserts that wakes from speeding vessels present a danger to vessels being launched or recovered at the public boat ramps located at the Timer Powers Park, Phipps Park and Leighton Park. Obstruction of visibility is a concern in the areas around the Florida Turnpike Bridge, I-95 Bridge, and the St. Lucie Lock and Dam, the Moore Haven Lock Structure.

This rulemaking action will be coordinated with the County Commissioners of Glades and Martin Counties, with the United States Army Corps of Engineers and with the United States Coast Guard.

By codifying these zones by rule, all zones established heretofore by the Commission (or by the Department of Natural Resources, DNR or Florida Department of Environmental Protection, DEP) other than by rulemaking are disestablished, and any regulatory markers other than those installed to implement this rule will be removed.

SUMMARY: The establishment of Slow Speed Minimum Wake zones as follows would provide a safer boating atmosphere in an area with vessel traffic congestion, public boat ramps, numerous bridge crossings and a lock and dam structure. A zone is to begin 200 feet north of the centerline of the Palm City Bridge to 1,500 feet south of the centerline of the Palm City Bridge at the northern tip of the island located east of Leighton Park at the public boat ramp in the Florida Intracoastal Waterway, shoreline to shoreline. A zone to begin at the St. Lucie Lock and Dam easterly, shoreline to shoreline, to 1,000 feet east of the eastern span of the northbound traffic lane of I-95. A zone beginning 1,000 feet northeast of the centerline of the Timer Powers Boat Ramp, shoreline to shoreline, to 1,000 feet southwest of the centerline of the Timer Powers Boat Ramp at Timer Powers Park. A zone beginning at the Moore Haven Lock Structure 1,000 feet north of the lock gates to 500 feet southwest of the lock gates within Martin County.

Martin County will be authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area and shall install and maintain “Slow Speed Minimum Wake” and “Resume Normal Safe Operation” markers at the boundaries of the boating restricted areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 327.46 FS.

LAW IMPLEMENTED: 327.46 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 DATES: 8:00 a.m. – 5:00 p.m., September 6-8, 2000

PLACE: Holiday Inn, DeLand Convention Center, 350 East International Speedway Boulevard, DeLand, Florida 32724

Pursuant to the provision of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop or meeting is asked to advise the

Commission at least five (5) calendar days prior by calling Andrenea Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency at (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Ms. Tara Alford, Division of Law Enforcement, Office of Planning & Policy, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600, Extension 169

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-24.011 Okeechobee Waterway Boating Restricted Areas.

For the purpose of regulating the speed and operation of vessel traffic on the Okeechobee Waterway, the following Boating Restricted Areas are established:

(a)1. through 3. No change.

4. Palm City Bridge (C. R. 714) – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the Okeechobee Waterway, from 200 feet north of the centerline of the Palm City Bridge to 1,500 feet south of the centerline of the Palm City Bridge at the northern tip of the island located east of Leighton Park and the public boat ramp as depicted in drawing D.

5. St. Lucie Lock and Dam Structure, the Florida Turnpike and I-95 Bridges – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the St.

Lucie Lock and Dam easterly to 1,000 feet east of the eastern span of the northbound traffic lane of I-95, as depicted in drawing E.

6. Timer Powers Park and Boat Ramp – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the Okeechobee Waterway, from 1,000 feet northeast of the centerline of the Timer Powers Boat Ramp to 1,000 feet southwest of the centerline of the Timer Powers Boat Ramp, as depicted in drawing F.

7. Moore Haven Lock Structure – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, north from the lock gates 1,000 feet in and adjacent to the Okeechobee Waterway to 500 feet southwest of the lock gates, as in depicted drawing G.

(b) Martin, Palm Beach County, the City of Clewiston (in coordination and cooperation with the South Florida Water Management District), and Glades County are authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas, or portions thereof, located within the respective counties. These local governmental entities may enter into agreements with public or private organizations or individuals to effect this purpose.

(2) The boating restricted areas ~~described in 62N 24.011~~ are depicted on the following drawings:

INSERT MAPS

1 of 4

68D-24.011

INSERT MAP

2 of 4

68D-24.011

INSERT MAP

3 of 4

68D-24.011

INSERT MAP

4 of 4

68D-24.011

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—
New 1-5-88, Formerly 16N-24.011, 62N-24.011, Amended 1-8-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Colonel Robert Edwards
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 2, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN THE FAW: April 21, 2000

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.:	RULE TITLE:
3F-5.0016	Certificate of Authority; Financial Requirements

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Funeral and Cemetery Services hereby gives notice of an additional public hearing on the above-referenced rule(s) to be held on July 18, 2000 at 10:00 a.m., at Hotel Royal Plaza, 1905 Hotel Plaza Blvd., Lake Buena Vista, FL 32830-2203, phone (407)828-2828. This hearing is being held in response to a request from the public. The rule was originally published in Vol. 26, No. 21, of the May 26, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

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 (5) 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 INSURANCE

RULE NO.:	RULE TITLE:
4-176.022	Mediation of Bodily Injury and Property Damage Claim

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 25, No. 33, August 20, 1999, of the Florida Administrative Weekly:

4-176.022(h) second line, add after 'Form DI4-1121', and before "Invoice" (rev. 11/99).

The remainder of the rule reads as previously published.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NOS.:	RULE TITLES:
5L-1.004	Production and Market Standards
5L-1.005	Shellfish Processing Plant Certification
5L-1.009	Shellfish Relaying
5L-1.019	Laboratory Procedures and Sample Testing

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. 18, May 5, 2000, issue of the Florida Administrative Weekly:

5L-1.004(8) Shellfish or shellfish products determined to be adulterated, or misbranded shall be subject to recall by the certified dealer responsible for distribution of the products. For a first offense in a certification license year, the department will apply mitigation measures if applicable. Mitigation measures include on-the-spot correction and reconditioning. For repeat violations, and where mitigation measures are not available, the department shall issue an order to stop the sale or to condemn, and destroy, shellfish or shellfish containers found to be adulterated, misbranded, or found to be held in non-compliance with any of the provisions of this Chapter. Reconditioning shall be a mitigation option only if the products will meet the safety standards of Rule 5L-1.004, F.A.C., and the labeling standards of Rule 5L-1.0076, F.A.C. Stop sale, condemnation, or reconditioning of products or containers shall be based on individual conditions found during inspections and shall be conducted using a Stop Sale Notice, DACS DEP Form 15001 34-013, revision 7/2000 2/96. This form is herein incorporated by reference, and available for inspection at the Department's offices located at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station #205, Tallahassee, Florida 32399.

5L-1.005(1) Upon request, the Department shall provide an application form entitled Shellfish Processing Plant Certification License Application, Form Number DACS DEP 15007 34-006 revision 7/2000 6/94, herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station #205, Tallahassee, Florida 32399, necessary for certification licensing of shellfish establishments. The following information shall be requested: (a) the name and address of the

firm, corporation, or establishment; (b) the name and address of the owner and operator; (c) the plant classification; and (d) the type of product to be processed.

5L-1.005(3) Certification is granted only to firms who meet the following inspection requirements: 4) no "Critical" item deficiencies; not more than two (2) "Key" item deficiencies; and 3) not more than three (3) "Other" item deficiencies. Failure of a certification inspection requires reapplication by the applicant. After successful inspection of the facility and the applicant's meeting the requirements of Rule 5L-1.005, F.A.C., a shellfish certification license, DACS DEP Form 15002 34-011 revision 7/2000 3/96, will be issued. This form is herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station #205, Tallahassee, Florida 32399. After a firm is certified, unannounced inspections using the DACS DEP plant inspection forms 15009 34-004 Revision 7/2000 6/94, and 15012 34-003 Revision 7/2000 6/94, and 34-002 Revision 2/96, if necessary, shall be conducted during periods of operation and at such frequency as necessary to assure that adequate operational and sanitary conditions are maintained. These forms are herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station #205, Tallahassee, Florida 32399. At the completion of each inspection, a copy of the completed inspection forms shall be issued to the plant supervisor or the plants designated representative a responsible individual at the firm.

5L-1.005(5)(4) In the event that a licensed certified shellfish processing plant changes its name, changes owners, changes location, changes address, or changes classifications ~~When the name of an establishment location, or owner changes,~~ a new application, DACS DEP form 15007 34-006, revision 7/2000 must be completed and submitted to the department. The firm will be required to go through the complete certification process and recertification license, DEP form 34-011, shall be required.

5L-1.005(9)(7) Each applicant for a shellfish certification license shall have conducted a Hazard Analysis to determine whether there are food safety hazards that are reasonably likely to occur for ~~of the~~ shellfish products produced at the location listed on DACS DEP form 15007 34-006, revision 7/2000 Shellfish Processing Plant Certification License Application. Each certified dealer shall prepare a written HACCP plan. The HACCP plan shall incorporate critical control points that will eliminate, prevent, or control the hazards identified in the hazard analysis. Critical control points shall have established critical limits for parameters to ensure when exceeded the dealer takes corrective actions. The HACCP plan shall include

the procedures, and frequency thereof that will be used to monitor each of the critical control points to ensure compliance with the critical limits. The HACCP plan shall provide for a recordkeeping system that documents the monitoring of the critical control points. The records shall contain the actual values and observations obtained during monitoring. The plan shall be signed and dated by the owner or corporate officers of the firm at the time of its implementation, and after any modification. Each establishment shall develop or adopt acceptable sanitation monitoring records to meet the requirements in 5L-1.013(12).

5L-1.009(3) Anyone wishing to conduct shellfish relaying operations shall provide the Department, upon application form entitled "Application for A Special Activity License to Relay Shellfish", Form Number DACS DEP 15109 34-110, effective 7/2000 12-30-94, available from the Department of Agriculture and Consumer Services Environmental Protection, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Tallahassee, FL 32399, and herein incorporated by reference, with the following information:

(a) through (j) No change.

5L-1.009(4)(p) If shellfish are relayed to a lease in Approved or Conditionally Approved areas, they shall not be harvested without written permission from the Department. Permission will be granted only after a minimum of 15 days have elapsed to allow the shellfish to cleanse themselves, and this cleansing is verified by laboratory analysis. The fifteen days will commence when the Department receives the licensee's "Special Activity License to Relay Shellfish" for cancellation. The fifteen day period does not include days that shellfish harvesting areas have been temporarily closed to harvest. Laboratory analysis shall consist of a minimum of five samples (each sample to consist of a minimum of 12 individual shellfish), collected by an employee of a laboratory with a current Department certification letter or staff of the Department. Four samples are to be collected from four corners of the lease and one sample collected from approximately the center of the lease. High-density aquaculture lease areas will be treated as a single entity pursuant to subsection 5L-1.009(4)(s)3. and 8., F.A.C. for ~~bacteriological~~ sampling. The laboratory must be certified by the Department State Laboratory Certification Officer pursuant to Guidance document A.11 Appendix E of the National Shellfish Sanitation Program Model Ordinance Manual of Operations, Part I (1990), and the Shellfish Laboratory Evaluation Checklist (1995) (1992), published by the U.S. Food and Drug Administration, which is hereby incorporated by reference and available for inspection at the Department's offices located at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Tallahassee, Florida 32399. Laboratory analysis shall include approved methods for fecal coliform bacteria and standard plate count.

The bacteriological quality of the relayed shellfish shall be equal to or better than shellfish of the same species harvested from nearby Approved or Conditionally Approved areas. The holder of the "Special Activity License to Relay Shellfish" must coordinate with the certified laboratory and other persons or agencies that these criteria are met and communicate this information to the Department. Upon verification that the criteria have been met the Department will issue the written permission in the form of a letter.

5L-1.019(1) Samples of shellfish, processing water, or ice, may be taken at any reasonable time or place by the Department and examined for compliance with sections of this Chapter. Samples of shellfish shall be furnished by processors of such shellfish upon request of the Department. Samples will be collected and appropriate sample collection and receipt forms will be used by Department staff to document sample collections. Forms include DACS DEP 15005 34-008, Collection/Analysis Water Report, Revision 7/2000 6/94, DACS 15004 34-009, Shellfish Sample Collection Report, Revision 7/2000 6/94, and DACS DEP 15013 34-014, Receipt for Samples, Revision 7/2000 2/94. These forms are herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station #205, Tallahassee, Florida 32399.

DEPARTMENT OF TRANSPORTATION
Florida Seaport Transportation and Economic Development Council

RULE NOS.:	RULE TITLES:
14B-1.001	Definitions
14B-1.002	Port Project Funding Application Procedures and Requirements
14B-1.003	Measuring Economic Benefits
14B-1.004	Determination of Funding; Council/Agency Review
14B-1.005	Council Procedures
14B-1.006	Eligible Port Funding Requirements
14B-1.007	Reporting Requirements

NOTICE OF CHANGE

Notice is hereby given that changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., Florida Statutes, published in the Vol. 26, No. 3, January 21, 2000, issue of the Florida Administrative Weekly. The changes have been made to address concerns expressed by the Joint Administrative Procedures Committee. The proposed rule is revised to read as follows:

14B-1.001 Definitions.

(1) "Council" means the Florida Seaport Transportation and Economic Development Council as provided in s. 311.09(1), F.S.

(2) "Program Funds" are those funds identified in s. 311.07(2), F.S., derived from the State Transportation Trust Fund and funds derived from the provisions of ss. 320.20(3) and (4), F.S. "~~Trust Fund~~" means the ~~Florida Seaport Transportation and Economic Development Trust Fund as provided in s. 311.07(2), F.S.~~

(3) "Eligible Port" means deepwater ports listed in s. 403.021(9)(b), F.S., which are governed by a public body, or any other deepwater port which is governed by a public body which complies with the water quality provisions of s. 403.061, F.S., the comprehensive master plan requirements of s. 163.3178(2)(k), F.S., the local financial management and reporting provisions of Part III of Chapter 218, F.S., and the auditing provisions of s. 11.45(3)(a)(4), F.S.

(4) "Port Transportation Project" means:

(a) Transportation facilities within the jurisdiction of the port; or

(b) The dredging or deepening of channels, turning basins, or harbors; or

(c) The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing; or

(d) The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce; or

(e) The acquisition of land to be used for port purposes; or

(f) The acquisition, improvement, enlargement, or extension of existing port facilities; or

(g) Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; defined in s. 376.22, F.S., or which result from the funding of eligible projects listed herein; or

(h) Transportation facilities as defined in s. 334.03(31)(27), F.S., which are not otherwise part of the Department of Transportation's adopted work program; ~~or-~~

(i) Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3), F.S.

(5) "Port Master Plan" means a comprehensive master plan prepared by each eligible deepwater port ~~listed in s. 403.021(9), F.S.,~~ which addresses existing port facilities and any proposed expansions and which adequately addresses the applicable requirements of s. 163.3178(2)(k), F.S., or other provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163.

(6) "Florida Seaport Mission Plan" means the mission statement developed by the Council which defines the goals and objectives of the Council concerning the development of port facilities and an intermodal transportation system. The five year plan shall be updated annually and shall include specific recommendations for the construction of intermodal transportation projects which connect a port to another transportation mode and port transportation projects which enhance international commerce and provide economic benefits to the state.

(7) "Matching Funds" for an approved port transportation project other than seaport intermodal access projects are those funds provided by the eligible port from any source other than the Florida Department of Transportation which shall, at a minimum, be an amount equal to the program funds each contribution provided by the Trust Fund to fund the approved project. "Matching Funds" for seaport intermodal access projects as described in s. 341.053(5), F.S., that are identified in the Seaport Mission Plan shall be as mutually determined by the Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port funds, local funds, private funds, or specifically earmarked federal funds. "Matching Funds" for seaport intermodal access projects that involve the dredging or deepening of channels, turning basins, or harbors; or the rehabilitation of wharves, docks, or similar structures shall be 25 percent of the total project funds coming from any port funds, federal funds, local funds, or private funds.

(8) "Approved Project" means a port transportation project which has been determined by the Department of Community Affairs to be consistent, to the maximum extent feasible, with an approved local government comprehensive plan and with the port master plan; determined by the Department of Transportation to be consistent with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program; and determined by the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ to be consistent with the Florida Seaport Mission Plan and to have an economic benefit to the state.

(9) "Eligible Costs" means costs that may be incurred and paid by program funds ~~funds from the Trust Fund~~. Eligible costs include: design and engineering, permitting costs, environmental mitigation, construction of the port transportation project, security, right-of-way acquisition, relocation of electrical utilities, drainage, railroad spurs, water lines, sewer lines, ~~and~~ other infrastructure costs associated with construction of the port transportation project, and the acquisition of trade data information products. Eligible costs may include improvements or fixtures constructed or placed on leased property so long as the useful life of the improvements or fixtures is equal to or less than the length of the lease, or so long as the improvements or fixtures remain under the control

and use of the port after the termination of the lease. Costs associated with preparation of the application or administration of the project fund are not eligible costs.

(10) "Acquisition" means the legal acquisition of real or personal property and may be by purchase, lease, gift, devise, grant, bequest, or eminent domain.

(11) "Existing Port Facilities" shall mean facilities, and improvements of every kind, nature, and description to property or facilities as defined in s. 311.07, F.S.

(12) "Trade Data Information Products" are products related to the purchase of information related to any or all of the following:

(a) Market intelligence;

(b) Economic activity;

(c) Economic and natural resources;

(d) Transportation infrastructure;

(e) Navigational and shipping issues;

(f) Environmental issues.

(13) "Material Project Modification" shall mean a modification to the facility or project that is reasonably expected to have the following impact:

(a) Increases the cost of the facility or project by more than 10 percent of its original estimated cost;

(b) Increases the capacity of heavy truck traffic, railcar, passenger car or changes in the configuration of internal roadways or rail lines by more than 5% of the capacity in the original estimate;

(c) Leads to a new or substantially different type of facility or project, including any operational change or other changes that impact the reported level of service on any affected roadway; or

(d) Any land acquisition.

Specific Authority ~~420.536; 311.09(4)~~ FS. Law Implemented 311.07, 311.09, 315.02, 320.20 FS. History—New 12-19-90, Amended _____.

14B-1.002 Port Project Funding Application Procedures and Requirements.

(1) An application shall be accepted only from an eligible port. The port shall apply for the grant by submitting to the Council an application entitled "Florida Seaport Transportation and Economic Development Project Application", Form FSTED-1, hereby incorporated by reference, effective _____, which contains five separate elements as described in (7) below. Applications shall be submitted by the appropriate duly authorized official of such port. ~~Beginning in 1991, the period for submitting applications for the applicable fiscal year funding shall be from January 1 to August 1~~ February 15 in each calendar year. Application forms may be obtained from and completed applications submitted in five (5) copies to:

Florida Seaport Transportation and Economic Development Council, P. O. Box 10137, Tallahassee, FL 32302; or, 315 South Calhoun Street, Suite 712, Tallahassee, FL 32301.

(2) The applicant must provide information in application format so that it may be determined whether the proposed port transportation project is consistent, to the maximum extent feasible, with an approved local government comprehensive plan and port master plan. The applicant must provide its current updated port master plan both to the Council and to the Department of Community Affairs.

(3) The application must be accompanied by a drawing or map which depicts the port transportation project in relation to the port and the local community.

(4) The applicant must provide information in application format so that it may be determined whether the project provides an economic benefit and is consistent with the Florida Seaport Mission Plan.

(5) The applicant must provide information in application format so that it may be determined whether the project is consistent with the policies and needs contained in the Florida Transportation Plan.

(6) The Council will have fifteen (15) days from receipt of an application to examine the application and notify the applicant ~~in writing~~ of any apparent errors or omissions and to request any needed additional information. The applicant shall then have fifteen (15) days from receipt of the request to provide the additional information. The application shall not be considered to be properly completed if the additional information is not provided. If technical changes are necessary, the Council or Administrative Staff can make those changes with approval of the applicant port.

(7) The project information required to be submitted by the applicant port is contained in the application Form FSTED-1, consisting of the following ~~seven~~ five units or forms:

(a) Form A. The cover sheet summary of the Council's application contains the summary information: name of applicant, authorized representative, brief project description (project number, amount requested/fiscal year), plan information, economic benefit analysis, map/drawing, and signature of authorized official of the applicant port. Attached to Form A is a description of "Project Eligibility Requirements."

(b) Form B – Means of Financing. Incorporated herein by reference is a copy of Form B which requires a detailed description of the project, estimated number of years for project completion, phase or year of request, state funds requested, and source of port matching funds.

(c) Form C – Port Development Candidate File. Incorporated herein by reference is Form C which is a five year forecast of funding requests for capital improvements at the applicant port. If the port's total capital improvement program for the five year period is different than the five year forecast of funding requests, a description of the total five year capital

improvement program should also be provided. This latter information will be used for the reporting requirements of the Florida Seaport Mission Plan.

(d) Form D – Plan Information. Incorporated herein by reference is Form D which requires information from the applicant port about its port master plan and local government comprehensive plan so that the Department of Community Affairs may review the project to determine whether it is consistent to the maximum extent feasible with the local government comprehensive plan and the port master plan. The applicant must certify that both the Department of Community Affairs and the FSTED Council have a ~~provide two (2) copies of its~~ current updated port master plan of the port when submitting the applications.

(e) Form E – Economic Benefit Analysis. Incorporated herein by reference is Form E which requires economic benefit information related to the project so that the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ may determine whether the project provides an economic benefit to the state and is consistent with the Florida Seaport Mission Plan.

(f) Form F – Transportation Impact Information. Incorporated herein by reference is Form F which requires transportation impact information related to the project so that the Department of Transportation may determine the transportation impact to the state. Prior to submitting Form F to the Council, the port applicant is encouraged to submit the project description and Form F to the local government of jurisdiction upon whose transportation facility the proposed project would impact in order to highlight any possible transportation problems relating to level of service requirements.

(g) Form G – Status Report and Resubmittal of Previously Submitted Projects. Incorporated herein by reference is Form G which requires information related to the status of projects and resubmission of previously submitted project applications to the Council. Previously submitted projects that have a material project modification shall require new or additional project information to be submitted on forms A through F.

(8) All forms and form instructions are incorporated herein by reference and are available by writing to the address provided in subsection (1) above.

(9) The Council will consider the submittal by an eligible port of an application for funding of an emergency project at any time during the calendar year. An emergency project is defined as a project which requires the maintenance or reconstruction of an eligible project which contributes to or enables the port to continue to perform an essential service at the same level of service which it has previously provided in the movement of cargo or passengers, or is a project which, because of changing circumstances, new opportunities, or a material project modification is considered by the Council to

be an eligible project which can not wait until the next application period without causing harmful effects to the port or the citizens of the state.

Specific Authority ~~420.53~~, 311.09(4) FS. Law Implemented 311.09 FS. History—New 12-19-90, Amended.

14B-1.003 Measuring Economic Benefits.

(1) The Council shall review each properly completed application to determine the economic benefit of the port transportation project measured by the potential for the proposed project to increase or maintain cargo flow, cruise passenger movement, international commerce, port revenues, and the number of jobs for the port's local community.

(2) The minimum criteria to be utilized by the Council in specifying and identifying a port transportation project as facilitating the economic benefit of Florida shall consist of satisfaction of the following:

(a) Each application must indicate the amount of the port's capital investment in the port transportation project and the source of port matching funds.

(b) Each application must provide a separate port analysis of how the port transportation project will support international commerce, increase or maintain cargo flow through the port or improve cruise passenger movements. The analysis must provide specific assumptions about demand for additional service or capacity on which the project is based; type of employment to include the average hourly wage that will be created by the project or reasons the port project is needed to support existing employment; expected life of the project; expected port revenue stream resulting from the project; and a description of how the port project will affect and enhance the local, regional and state economies. The applicant shall, upon request by the Council, provide any other economic impact information which would assist the Council and the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ to determine the economic benefit of the port transportation project.

Specific Authority ~~420.53~~, 311.09(4) FS. Law Implemented 311.09 FS. History—New 12-19-90, Amended.

14B-1.004 Determination of Funding; Council/Agency Review.

(1) The Council shall review and take action on approve or disapprove each project eligible for funding ~~from the Trust Fund~~ within one hundred twenty (120) days of the application deadline. After such determination, the Council shall annually submit to the Secretary of Transportation, the Office of Tourism, Trade, and Economic Development ~~Secretary of Commerce~~, and the Secretary of Community Affairs a list of projects which have been approved by the Council. The list shall specify the recommended funding level for each project; and, if staged implementation of the project is appropriate, the

funding requirements for each stage shall be specified. ~~The decision to fund a project at any funding level is within the sole discretion of the Council.~~

(2) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Department of Community Affairs shall review the projects to determine consistency, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the port is located and with the port master plan. Within forty-five (45) days from receipt of the list of projects and supporting applications, the Department of Community Affairs shall notify the Council of those projects which are not consistent, to the maximum extent feasible, with such comprehensive plans and port master plans. Should additional information be requested from one or more applicants by the Department of Community Affairs to permit the Department of Community Affairs to evaluate project consistency, the time limit for the Department's review and notice to the Council shall be extended fifteen (15) days following receipt of the requested information.

(3) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Department of Transportation shall review the list of projects for consistency with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program. In evaluating the consistency of a project, the Department shall determine whether the transportation impact of the proposed project is adequately handled by existing state highway facilities or by the construction of additional state highway facilities as identified in the Department's adopted work program. In reviewing for consistency a transportation facility project as defined in s. 334.03~~(31)(27)~~, F.S., which is not otherwise part of the Department's work program, the Department shall evaluate whether the project is needed to provide for projected movement of cargo or passengers from the port to the State Highway System or local road. If the project is needed to provide for projected movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. Within forty-five (45) days from receipt of the list of projects, the Department of Transportation shall identify those projects which are not consistent with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program and shall notify the Council of projects found to be inconsistent. Should additional information be requested from one or more applicants by the Department of Transportation to permit the Department of Transportation to evaluate project consistency, the time limit for the Department's review and notice to the Council shall be extended fifteen (15) days following receipt of the requested information.

(4) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ shall review the list of projects to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ shall evaluate the economic benefits of each project based upon the information required by the Council Rule No. 14B-1.003 and, in so doing, may conduct any appropriate investigation to determine the accuracy of the information. Within forty-five (45) days from receipt of the list of projects, the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the Council of its findings. Should additional economic impact information be requested from the applicant by the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~, the time limit for the Department's review of the project shall be extended fifteen (15) days following receipt of the requested information.

(5) The Council shall review the findings of the Department of Community Affairs, the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~, and the Department of Transportation. Projects found to be inconsistent pursuant to subsections (2), (3), and (4) above and projects which have been determined not to offer an economic benefit to the state pursuant to subsection (4) shall not be included in the list of projects to be funded. However, the list of proposed projects may include projects which have been determined inconsistent, where such inconsistency determination was wholly unrelated to the proposed project itself, but was made on the basis that the local government comprehensive plan was not in compliance with the requirements of Chapter 163, F.S. Such projects are eligible for funding at the time the local government comprehensive plan is determined by the Department of Community Affairs or the Administration Commission to be in compliance with Chapter 163, F.S.; provided, however, that no amendments to the local comprehensive plan which brought it into compliance altered or modified the plan in relation to the impacts of the project itself.

(6) The Council shall submit to the Department of Transportation a list of approved projects for funding ~~from the Trust Fund~~. The Department of Transportation shall include in its annual legislative budget request a Florida Seaport Transportation and Economic Development grant program ~~for expenditure of funds in the Trust Fund~~. Such budget request shall request funding for the list of approved projects submitted by the Council based upon the funds expected to be available ~~in the Trust Fund~~ during the ensuing budget year. Additionally, the Council may submit to the department a list of unfunded

approved projects that could be made production-ready within the biennium and for which program trust funds are not available in that budget year. ~~The list of unfunded approved projects shall be submitted by the Department of Transportation as part of the project list prepared pursuant to s. 339.135(4)(j), F.S., and the needs list prepared pursuant to s. 339.155(5)(b), F.S.~~

Specific Authority 420.53; 311.09(4) FS. Law Implemented 311.09 FS. History—New 12-19-90, Amended _____.

14B-1.005 Council Procedures.

~~(1) The Council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the Council must meet at least semiannually. A majority of voting members of the Council constitutes a quorum for the purpose of transacting the business of the Council. All members of the Council are voting members except for members representing the Department of Transportation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development Department of Commerce. A majority vote of the voting members present is sufficient for any action of the Council, unless the bylaws of the Council require a greater vote for a particular action.~~

~~(1)(2) The Council shall allocate prioritize funding for approved projects. A majority vote of the voting Council members present is sufficient to approve funding for a specific port transportation project and is sufficient for the Council to allocate prioritize funding for all approved projects. A Certification of Project Acceptance which certifies that the Council has reviewed the port projects pursuant to the requirements of applicable Florida law must be executed by the Chairman of the Council, witnessed, and attested to by the Assistant Secretary prior to submission of the approved project candidate list to the Department of Transportation. Said certification in the form approved by the Department of Transportation shall accompany the project list submittal. A majority vote of the voting Council members present is sufficient to disapprove funding for a specific port transportation project.~~

~~(2)(3) The Council shall submit a summary of port transportation projects with pertinent information to the Council members no less than five (5) seven (7) working days prior to the date of the meeting at which such projects will be considered for funding approval.~~

~~(3)(4) Applicants whose port transportation projects are not recommended for funding in any given year may reapply for subsequent funding consideration by the Council.~~

~~(4)(5) The Council shall publish in the Florida Administrative Weekly, at least seven (7) days prior to Council meetings or workshops, notification of the time and place the Council will meet. Such meetings or workshops shall be open to the public. At least seven (7) days prior to a meeting, the Council shall prepare and make available an agenda for~~

distribution on request of any interested person. The Council also shall provide seven (7) days prior notification of Council meetings or workshops by mailing a notice to each eligible port applicant whose port transportation project is to be considered.

~~(5)(6) Emergency Special~~ meetings of the Council may be held at the call of the Chairman or shall be called by the Chairman at the written request of a majority of the voting members for the purpose of acting on emergency matters affecting the public health, safety, or welfare, or to consider an application for funding of an emergency project as provided in Chapter 14B-1.002(9), F.A.C. Emergency meetings may be conducted by telephone conference call so long as the public may participate. Whenever an emergency meeting is scheduled to be held, notice shall be given by any procedure that is fair under the circumstances and necessary to protect the public interest, such as notifying at least one major newspaper of general circulation in the area where the meeting will take place; and the agency may also notify all major wire services of the time, date, place, telephone conference call number, and purpose of the meeting. Following an emergency meeting, notice of the time, date, and place of the meeting; a statement setting forth the reasons why an emergency meeting was necessary; and a statement setting forth the action taken at the meeting shall be published in the appropriate publication prescribed by Section 120.54(3), F.S. Upon seven (7) days public notice, a special meeting may be conducted by a telephone conference call with members of the Council in accordance with the provisions of Chapter 28-8, F.A.C., Model Rules of Procedure.

~~(7) Emergency meetings of the Council may be held at the call of the Chairman in accordance with the provisions of Chapter 28-2.007, F.A.C., Model Rules of Procedure.~~

~~(6)(8) Members of the Council shall serve without compensation but are entitled to receive reimbursement for per diem and traveling expenses as provided in s. 112.061, F.S. The Council may elect to provide an administrative staff, by contract or otherwise, to provide services to the Council on matters relating to the program Trust Fund and the Council. The cost for such administrative services shall be paid by all ports that receive program funds funding from the Trust Fund, based upon a pro-rata formula measured by each recipient's share of the funds as compared to the total program trust funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in full by the recipient port upon execution by the port and the Department of Transportation of a Joint Participation Agreement or as otherwise directed by the FSTED Council. at the time the first payment of trust funds are disbursed to it. Such administrative services payment is in addition to the matching funds required to be paid by the recipient port.~~

Specific Authority ~~420.53, 311.09(2),(11) FS. Law Implemented 311.09 FS. History--New 12-19-90, Amended _____.~~

14B-1.006 Eligible Port Funding Requirements.

(1) Except for projects funded pursuant to ss. 320.20(3) and (4), F.S., a port eligible for matching funds from the Trust Fund may receive a grant of program funds from the Trust Fund of not more than \$7 million during any one calendar year and grants of not more than \$30 million during any five calendar year period.

(2) Any port which receives funding from the Council Trust Fund shall institute procedures to ensure that jobs created as a result of the state funding shall be subject to equal opportunity hiring practices in the manner provided in s. 110.112, F.S.

(3) The Department of Transportation shall subject any project that receives funds pursuant to this section to a final audit. The Department may adopt rules and perform such other acts as are necessary or convenient to ensure that the final audits are conducted and that any deficiency or questioned costs noted by the audit are resolved.

(4) Funds received by eligible ports from the Council Trust Fund shall be expended on eligible costs only. If program funds are not expended on eligible costs, then the port shall immediately reimburse the Council for its share of the ineligible expenditures.

(5) Except for seaport intermodal access projects and projects funded pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., uUpon legislative approval of the Department of Transportation's budget request as provided in Rule 14B-1.004 and upon entering into the Department of Transportation's a written Joint Participation Agreement (JPA) grant agreement with an eligible port, the Department of Transportation will reimburse the eligible port an amount equal to 50 percent of eligible costs incurred on an approved project. This reimbursement will be made upon receipt of an invoice showing total eligible costs incurred to date, less the port's 50 percent share, less reimbursements received to date. These reimbursements will be made in compliance with the payment requirements set forth in s. 215.422, F.S. The final reimbursement to the port will be released upon the satisfactory completion of a final audit conducted by the Florida Department of Transportation.

(6) For projects funded pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., the reimbursement procedures will be as set forth in the Master Agreement, the Indenture of Trust, the Loan Agreement, which are incorporated herein by reference, and any other agreement with another applicable governmental entity.

Specific Authority ~~420.53, 311.07(4) FS. Law Implemented 311.07, 320.20(3),(4) FS. History--New 12-19-90, Amended _____.~~

14B-1.007 Reporting Requirements.

(1) If the port transportation project, except for seaport intermodal access projects and projects funded pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., is to be funded in annual phases, the Council shall require

the port to submit an annual written report which describes the work completed per the project schedule, the status of the project, a description of any change orders which change the nature of the project and a budget summary detailing the amount of financial contribution to the project by the port. A phased project shall be considered by the Council as one project and shall be annually prioritized accordingly. An approved phased project shall be awarded separate annual grants until complete; provided, however, that no change order has been requested by the recipient port. Change orders requested for previously approved projects will require resubmission of a revised project application for Council and agency consistency review.

(2) Except for seaport intermodal access projects and projects pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., the The eligible port shall enter into the Department of Transportation's a Joint Participation Agreement (JPA) with the Department of Transportation which sets forth the duties and obligations of the parties thereto regarding the expenditure and receipt of funds prior to any expenditure of state funds. The recipient port also shall provide a signed letter stating that the port accepts total responsibility and ownership of the port transportation project.

Specific Authority ~~420.53, 311.09(4)~~ FS. Law Implemented 311.07 FS. History—New 12-19-90, Amended _____.

COMMISSION ON ETHICS

RULE NO.: 34-5.0043
 RULE TITLE: Investigation of Facts and Parties
 Materially Related to Complaint
 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. 18, May 5, 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 (4) of the proposed rule shall now read as follows:

Whenever the investigation of the complaint at issue indicates the existence of a party materially related to the complaint, the Executive Director shall order an investigation of that party. The investigator shall maintain a separate investigatory file and prepare a separate investigative report, neither of which shall be made available to the complainant or to the original respondent. ~~The Advocate may recommend and the Commission may order a public hearing as to those violations of Art. II, Sec. 8, Fla. Const., or the Code of Ethics which are indicated by the investigator's report to have been committed by such a party.~~ Separate proceedings from the original complaint at issue shall be commenced against such a party, who shall be deemed a "respondent," by sending to that person a copy of the Executive Director's order to investigate. From the date the investigation is ordered until final disposition of the matter, the charges against such a party (respondent) shall

be treated as if they had been included in a complaint filed against such party. A separate public hearing shall be held on the matter unless consolidation with the original complaint is ordered as provided in Rule 34-5.016.

COMMISSION ON ETHICS

RULE NOS.: 34-13.212
 34-13.250
 RULE TITLES: Specific Examples of What May Constitute a Gift
 "Procurement Employee" Defined
 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. 18, May 5, 2000 issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee.

34-13.212 Specific Examples of What May Constitute a Gift.

A "gift" includes ~~may include, but is not limited to,~~ any of the following:

- (1) through (14) No change.

34-13.250 "Procurement Employee" Defined.

A "procurement employee" is defined in Sections 112.3148(2)(e) and 112.3149(1)(e), F.S. ~~means any employee of an officer, department, board, commission, or council of the executive branch or judicial branch of State government who participates in the procurement of contractual services or commodities costing more than \$1,000 in any year through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity.~~

- (1) No change.
- (2) "Contractual service" is defined in Section 287.012(7), F.S. ~~means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to: evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged thereunder; and professional, technical, and social services, such as services rendered by architects, engineers, and other professionals regulated by the Department of Business and Professional Regulation, as well as attorneys regulated by the Supreme Court of Florida. "Contractual service" does not include any contract for the furnishing of labor or materials for the construction, renovation, repair, modification, or demolition of any facility, building, portion of~~

~~building, utility, park, parking lot, or structure or other improvement to real property entered into pursuant to Chapter 255, F.S.~~

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.009
 RULE TITLE: Parenteral Conscious Sedation
CORRECTED NOTICE OF CHANGE

The Board of Dentistry hereby gives notice of this correction to the Notice of Change which was recently published in the May 12, 2000 issue of the Florida Administrative Weekly, Vol. 26, No. 19. The rule was originally published in the March 3, 2000 issue of the Florida Administrative Code, Vol. 26, No. 9. Subsection (3)(e) of the rule shall now read as follows:

(e) As of July 1, 2001, the facility must have defibrillator equipment appropriate for the patient population being treated. **THE PERSON TO BE CONTACTED REGARDING THE ABOVE PROPOSED CHANGE IS:** William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.010
 RULE TITLE: Pediatric Conscious Sedation
CORRECTED NOTICE OF CHANGE

The Board of Dentistry hereby gives notice of this correction to the Notice of Change which was recently published in the May 12, 2000 issue of the Florida Administrative Weekly, Vol. 26, No. 19. The rule was originally published in the March 3, 2000 issue of the Florida Administrative Code, Vol. 26, No. 9. Subsection (3)(f) of the rule shall now read as follows:

(f) As of July 1, 2001, the facility must have defibrillator equipment appropriate for the patient population being treated. **THE PERSON TO BE CONTACTED REGARDING THE ABOVE PROPOSED CHANGE IS:** William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

DEPARTMENT OF HEALTH

Board of Medicine

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

The Board of Medicine hereby gives notice that it is withdrawing the above-referenced rule amendment which was published in Vol. 26, No. 6, of the February 11, 2000, Florida Administrative Weekly. The person to be contacted regarding the rule is: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

RULE NO.: 65A-1.725
 RULE TITLE: Medicaid for Pregnant Women Pilot Project
NOTICE OF WITHDRAWAL

Notice is hereby given the above rule, as noticed in Vol. 25, No. 38, (September 24, 1999) Florida Administrative Weekly, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Miscellaneous
 RULE NO.: 68B-5.005
 RULE TITLE: Landing of Finfish with Heads and Tails Intact; Exception; Definitions
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: King Mackerel Resource Renewal
 RULE NO.: 68B-12.0035
 RULE TITLE: Size Limit
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Reef Fish
 RULE NO.: 68B-14.006
 RULE TITLE: Other Prohibitions
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Snook

RULE NO.: 68B-21.005 RULE TITLE: Size Limits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Red Drum (Redfish)

RULE NO.: 68B-22.006 RULE TITLE: Other Prohibitions; Applicability

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spanish Mackerel

RULE NO.: 68B-23.0035 RULE TITLE: Size Limit

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: King Mackerel – Atlantic Fishery

RULE NO.: 68B-30.0025 RULE TITLE: Size Limit

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Pompano, African Pompano, and Permit

RULE NO.: 68B-35.003 RULE TITLE: Size and Bag Limits; Prohibition of Sale

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Black Drum

RULE NO.: 68B-36.005 RULE TITLE: Other Prohibitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spotted Seatrout

RULE NO.: 68B-37.003 RULE TITLE: Size Limits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Dolphin

RULE NO.: 68B-41.003 RULE TITLE: Size Limit, Prohibition of Sale

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Bluefish

RULE NO.: 68B-43.003 RULE TITLE: Size Limit

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Weakfish

RULE NO.: 68B-47.002 RULE TITLE: Size Limits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Flounder and Sheepshead

RULE NO.: 68B-48.003 RULE TITLE: Size and Bag Limits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Tripletail

RULE NO.: 68B-49.002 RULE TITLE: Size and Bag Limits, Daily Commercial Vessel Limit, Designation as Restricted Species

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER TITLE: Manatees

RULE NO.: 68C-22.027 RULE TITLE: Duval County and Associated County (Parts of Clay and St. Johns) Zones

NOTICE OF CHANGE

Notice is hereby given that changes have been made to proposed amendments to Rule 68C-22.027, in accordance with § 120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly (Vol. 26, No. 16) on April 21, 2000. Public hearings were held in Jacksonville (on May 2, 2000) and in Pensacola (on May 24, 2000).

The proposed 700-foot Slow Speed shoreline buffers for the St. Johns River south of the Fuller Warren Bridge and in the Doctors Lake vicinity have been changed to a variable-width buffer. The proposed 300-foot Slow Speed shoreline buffers along the western shoreline of the Ortega River between Fishing Creek and the Timuquana Bridge and along the western shoreline of Ortega Island have been removed. The final amendment language for these zones, as changed, is shown below, followed by the updated maps that cover the areas affected by the changes. For additional information, or for a copy of the final amendments and maps in their entirety, please contact Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

68C-22.027 Duval County and Associated County (Parts of Clay and St. Johns) Zones.

(1) No change from original proposal

(a) No change from original proposal

(b)(d) SLOW SPEED SHORELINE BUFFER ZONE (Year-round) –

1. through 4. No change from original proposal

5.4. St. Johns River, Fuller Warren Bridge to the South Duval County Line Acosta Bridge to Julington Creek Area – Those waters of the St. Johns River lying within 300 feet of the general contour of the easterly and westerly shorelines of the St. Johns River, southwestwesterly of the centerline of the Fuller Warren Acosta (State Road 13) Bridge, northerly of the centerline of the Buckman (Interstate 295) Bridge (the Duval County/Clay County line) on the western westerly shore, and westerly and north of the centerline of the San Jose Boulevard (State Road 13) Bridge crossing Julington Creek on the eastern easterly shore, including to include: those waters of Big Fishweir Creek east, easterly of the centerline of the Herschel Street Bridge; those waters northeast of and within 500 feet of the centerline of the Ortega (Grand Avenue) Bridge; those waters of the Ortega River lying within 300 feet of the general

contour of the northwesterly and southeasterly shorelines, northeasterly of the centerline of the Ortega (Grand Avenue) Bridge, to include all waters within 300 feet north of said bridge; those waters of Pirates Cove (also referred to as the Venetia Yacht Basin); those waters of Mulberry Cove northwest of a line that runs from a point (approximate latitude 30° 13' 05" North, approximate longitude 81° 40' 31" West) on the northern shoreline of the cove to another point (approximate latitude 30° 12' 56" North, approximate longitude 81° 40' 46" West) on the southern shoreline; those waters of Marco Lake; and those waters of Craig Creek, westerly of the centerline of the Hendricks Avenue (State Road 13) Bridge; and those waters of Goodby's Creek. Except for the waters northeast of the Ortega (Grand Avenue) Bridge as described above, the waters described in this paragraph shall be subject to a variable-width shoreline buffer whose width is as set forth in section (2) of this rule;

6. Ortega River Area – Those waters within 300 feet of the general contour of the shorelines of the Ortega River, including all associated waterways, south of the centerline of the Ortega (Grand Avenue) Bridge, north of the centerline of the Timuquana Bridge for the buffer along the eastern shoreline, and east of the southernmost point (approximate latitude 30° 15' 57" North, approximate longitude 81° 43' 36" West) of the peninsula that forms the northern shoreline of the Cedar River for the buffer along the western shoreline, including all waters within 300 feet south of the centerline of the Ortega (Grand Avenue) Bridge and all waters within 300 feet of either side of the Roosevelt Boulevard Bridge;

7. No change from original proposal

8. St. Johns River in St. Johns County, Julington Creek to Nature's Hammock Road North – Those waters of the St. Johns River in St. Johns County, west and south of the centerline of the San Jose Boulevard (State Road 13) Bridge, and north of the western extension of Nature's Hammock Road North. The waters described in this paragraph shall be subject to a variable-width shoreline buffer whose width is as set forth in section (2) of this rule;

9. St. Johns River in Clay County, Buckman Bridge to Peter Branch – Those waters of the St. Johns River in Clay County, south of the centerline of the Buckman (Interstate 295) Bridge and north of a line that bears 90° from a point on the shoreline (approximate latitude 30° 06' 05" North, approximate longitude 81° 41' 24" West) located 300 feet south of Peter Branch. The waters described in this paragraph shall be subject to a variable-width shoreline buffer whose width is as set forth in section (2) of this rule;

10. Doctors Lake and Doctors Inlet Area – Those waters of Doctors Lake, Duck Creek, and Swimming Pen Creek, and including those waters of Doctors Inlet within 500 feet of either side of the centerline of the U.S. Highway 17 Bridge. Except for the waters of Doctors Inlet described above, the waters described in this paragraph shall be subject to a variable-width shoreline buffer whose width is as set forth in section (2) of this rule.

(2) The width of the variable-width shoreline buffer referenced in paragraphs (1)(b)5., 8., 9., and 10., above is as follows: The buffer includes at a minimum all waters within 500 feet of the general contour of the shoreline. Where there are docks that extend out farther than 300 feet into the waterway, the buffer extends out beyond the 500-foot line to include all waters shoreward of a line that runs 200 feet beyond and parallel to the dock line. For the purposes of this rule, the dock line shall be defined as a line that runs between the ends of successive docks.

(3)(2) The zones described in 68C-22.027(1) above herein are depicted on the following maps, labeled (numbered 1-10 and labeled "Duval and Associated County Manatee Protection Zones") dated October 1992 for identification. The maps provided are intended to be as depictions of the above-described zones. In the event of conflict between the two, the above descriptions shall prevail. The October 1992 maps shall become effective for purposes of this rule concurrent with its effective date.

INSERT MAPS

68C-22 – 1 OF 3

INSERT MAPS

68C-22 – 2 OF 3

INSERT MAPS

68C-22 – 3 OF 3

Section IV
Emergency Rules

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Sales of Clothing During the Period July 29 through August 6, 2000

RULE NO.: 12AER00-1

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized promulgation of an emergency rule to administer the provisions of the Florida Residents' Tax Relief Act of 2000. Additionally, an emergency rule is the most expedient and appropriate means of notifying dealers and taxpayers of the Florida Residents' Tax Relief Act of 2000.

SUMMARY OF THE RULE: This emergency rule notifies the general public and retailers of the Florida Residents' Tax Relief Act of 2000 (Chapter 2000-175, Laws of Florida) granting a nine day exemption from sales tax on the sales of clothing, and certain accessories, that have a sales price of \$100.00 or less. The nine day exemption begins at 12:01 a.m. on July 29, 2000, and expires at midnight on August 6, 2000. The exemption does not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), F.S., or within a public lodging establishment as defined in s. 509.013(4), F.S., or within an airport as defined in s. 330.27(2), F.S. The rule defines "clothing," "theme park or entertainment complex," "public lodging establishment," "airport," and "mail order sales"; describes the items that are included in the exemption; and explains how various transactions are to be handled for purposes of the exemption, including returns, refunds, exchanges, layaways, reporting requirements, documentation to be maintained, and merchant's license fees.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Sara D. Faulkenberry, Tax Law Specialist, Technical Assistance and Dispute Resolution, Office of the General Counsel, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

THE FULL TEXT OF THE EMERGENCY RULE IS:

12AER00-1 Sales of Clothing During the Period July 29 through August 6, 2000.

(1) Exempt clothing sales.

(a) Beginning 12:01 a.m. July 29, 2000, and ending midnight August 6, 2000 (the exemption period), no tax is due on the sale or purchase of any article of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, with a selling price of \$100.00 or less. This exemption

does not apply to sales of clothing, wallets, or bags within a theme park, entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible item selling for \$100.00 or less. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases two shirts for \$60.00 each. Both items will qualify for the exemption, even though the customer's total purchase price (\$120.00) exceeds \$100.00.

(c)1. The exemption does not apply to the first \$100.00 of price of an eligible item selling for more than \$100.00.

2. Example: A customer purchases a pair of pants costing \$110.00. Tax is due on the entire \$110.00.

(2) Definitions.

(a) "Clothing" means any article of wearing apparel, including all footwear, except skis, swim fins, in-line skates, and other skates, intended to be worn on or about the human body. "Clothing" does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

(b) "Theme park or entertainment complex" means a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.

(c)1. "Public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. License classifications of public lodging establishments, and the definitions therefor, are set out in s. 509.242, F.S. For the purpose of licensure, the term does not include condominium common elements as defined in s. 718.103, F.S.

2. The following are excluded from the definition in subparagraph 1.:

a. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;

b. Any hospital, nursing home, sanitarium, assisted living facility, or other similar place;

c. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;

d. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a

place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;

e. Any migrant labor camp or residential migrant housing permitted by the Department of Health, under ss. 381.008-381.00895, F.S.; and

f. Any establishment inspected by the Department of Health and regulated by chapter 513, F.S.

(d) "Airport" means any area of land or water, or any man-made object or facility located thereon, which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(e) "Mail order sale" is a sale of tangible personal property, ordered by mail or other means of communication, from a dealer who receives the order in another state of the United States, or in a commonwealth, territory, or other area under the jurisdiction of the United States, and transports the property or causes the property to be transported, whether or not by mail, from any jurisdiction of the United States, including this state, to a person in this state, including the person who ordered the property.

(3) Sales of sets containing both exempt and taxable items.

(a) When exempt items are normally sold together with taxable merchandise as a set or single unit, the full price is subject to sales tax.

(b) Example: A gift set consisting of a wallet and key chain is sold for a single price of \$35.00. Although the wallet would otherwise be exempt during the exemption period, the full price of the gift set is taxable because the key chain is taxable.

(4) Articles normally sold as a unit.

(a) Articles that are normally sold as a unit must continue to be sold in that manner; they cannot be separately stated and sold as individual items in order to obtain the exemption.

(b) Example: A pair of shoes normally sells for \$120.00. The pair cannot be split in order to sell each shoe for \$60.00 to qualify for the exemption.

(c) Example: A suit is normally priced at \$125.00 on a single price tag. The suit cannot be split into separate articles so that any of the components may be sold for \$100.00 or less in order to qualify for the exemption. However, components that are normally priced as separate articles may continue to be sold as separate articles and qualify for the exemption if the price of an article is \$100.00 or less.

(5) Buy one, get one free or for a reduced price.

(a) The total price of items advertised as "buy one, get one free," or "buy one, get one for a reduced price," cannot be averaged in order for both items to qualify for the exemption.

(b) Example: A retailer advertises pants as "buy one, get one free." The first pair of pants is priced at \$110.00; the second pair of pants is free. Tax is due on \$110.00. The store cannot sell each pair of pants for \$55.00 in order for the items to qualify for the exemption. However, the retailer may advertise and sell the items for 50% off, selling each pair of \$110.00 pants for \$55.00, making each pair eligible for the exemption.

(c) Example: A retailer advertises shoes as "buy one pair at the regular price, get a second pair for half price." The first pair of shoes is sold for \$120.00; the second pair is sold for \$60.00 (half price). Tax is due on the \$120.00 shoes, but not on the \$60.00 shoes. The store cannot sell each pair of shoes for \$90.00 in order for the items to qualify for the exemption. However, a retailer may advertise the pair for 25% off, thereby selling each pair of \$120.00 shoes for \$90.00, making each pair eligible for the exemption.

(6) Mail order sales.

(a) For purposes of this exemption, eligible items purchased by mail order, including sales transactions over the Internet, will receive the exemption if the order is accepted by the mail order company during the exemption period for immediate shipment. When the acceptance of the order by the mail order company occurs during the exemption period, the exemption will apply even if delivery is made after the exemption period.

(b) An order is accepted by the mail order company when it has taken an action to fill the order for immediate shipment. Actions to fill an order include, but are not limited to, placing an "in date" stamp on a mail order or assigning an "order number" to a telephone order.

(c) An order is for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment notwithstanding that the shipment may be delayed because of a backlog of orders or because stock is currently unavailable to, or on back order by, the company.

(7) Shipping and handling charges.

(a) Shipping and handling charges are included as part of the sales price of the eligible item, whether or not separately stated. If multiple items are shipped on a single invoice, the shipping and handling charge must be proportionately allocated to each item ordered, and separately identified on the invoice, to determine if any items qualify for the exemption.

(b) Example 1: A customer orders a jacket for \$95.00. The shipping charge to deliver the jacket to the customer is \$15.00. The selling price of the jacket is \$110.00. Tax is due on the full selling price.

(c) Example 2. A customer orders a suit for \$300.00 and a shirt for \$40.00. The transportation charge to deliver the items is \$15.00. The \$15.00 transportation charge must be proportionately and separately allocated between the items: $\$300 / \$340 = 88\%$, therefore, 88% of the \$15.00 shipping charge, or \$13.20, must be allocated to the suit, and separately

identified on the invoice as such. The remaining 12% of the \$15.00 shipping charge, or \$1.80, must be allocated to the shirt, and separately identified on the invoice as such. The selling price of the shirt is \$40.00 plus \$1.80, totaling \$41.80, and therefore qualifying for the exemption.

Suit	\$300.00
Shipping for suit	13.20
Shirt	40.00
Shipping For shirt	1.80

(d) Example 3. A customer orders a suit for \$300.00 and a shirt for \$95.00. The transportation charge to deliver the items is \$50.00. The \$50.00 transportation charge must be proportionately and separately allocated between the items: \$300 / \$395 = 76%. Therefore, 76% of the \$50.00 shipping charge, or \$38.00, must be allocated to the suit, and separately identified on the invoice as such. The remaining 24% of the \$50.00 shipping charge, or \$12.00, must be allocated to the shirt, and separately identified on the invoice as such. The selling price of the shirt is \$95.00 plus \$12.00, totaling \$107.00; since the selling price of the shirt exceeds \$100.00, the purchase of the shirt is taxable.

Suit	\$300.00
Shipping for suit	38.00
Shirt	95.00
Shipping For shirt	12.00

(8) Layaway sales. A layaway sale is a transaction in which merchandise is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and, at the end of the payment period, receives the merchandise. For purposes of this exemption, eligible items will qualify for the exemption if a retailer and a customer enter into a contract for a layaway sale during the exemption period, the customer makes the usual deposit in accordance with the retailer's layaway policy, and the merchandise is segregated from the retailer's inventory. Also, if final payment on a layaway order is made by, and the merchandise is given to, the customer during the exemption period, that sale of eligible items will qualify for the exemption.

(9) Rain checks. Eligible items purchased during the exemption period using a rain check will qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the exemption period will not qualify eligible items for the exemption if the item is actually purchased after the exemption period.

(10) Exchanges.

(a) If a customer purchases an eligible item during the exemption period, then later exchanges the item for the same item (different size, different color, etc.), no additional tax will be due even if the exchange is made after the exemption period.

(b) If a customer purchases an eligible item during the exemption period, then later returns the item and receives credit on the purchase of a different item, the appropriate sales tax will apply to the sale of the newly purchased item.

(c) Examples:

1. During the exemption period, a customer purchases an \$85.00 dress that qualifies for the exemption. Later, during the exemption period, the customer exchanges the \$85.00 dress for a \$125.00 dress. Tax is due on the \$125.00 dress. The \$85.00 credit from the returned item cannot be used to reduce the sales price of the \$125.00 item to \$40.00 for exemption purposes.

2. A customer purchases a \$35.00 shirt during the exemption period. After the exemption period, the customer exchanges the shirt for a \$35.00 jacket. Since the jacket was not purchased during the exemption period, tax is due on the \$35.00 price of the jacket.

(11) Refunds.

(a) A customer who pays tax to a dealer on an eligible item when no tax is due must secure a refund of the tax from the dealer and not from the Department of Revenue.

(b) For the period July 29, 2000, through September 30, 2000, when a customer returns an item that would qualify for the exemption, no refund of tax shall be given unless the customer provides a receipt or invoice showing tax was paid, or the retailer has sufficient documentation to show that tax was paid on the specific item.

(12) Coupons, Rebates, and Discounts.

(a)1. Manufacturer's coupons. Manufacturer's coupons do not reduce the sales price of an item. Therefore, a manufacturer's coupon cannot be used to reduce the selling price of an item to \$100.00 or less in order to qualify for the exemption.

2. Example: A jacket sells for \$105.00. The customer has a \$10.00 manufacturer's coupon good for the purchase of the jacket. The manufacturer's coupon does not reduce the sales price of the jacket. Tax is due on \$105.00 even though the customer only pays the retailer \$95.00 for the jacket.

(b)1. Store coupons and discounts. Store coupons and discounts reduce the sales price of an item. Therefore, a store coupon or discount can be used to reduce the sales price of an item to \$100.00 or less in order to qualify for the exemption.

2. Example: A customer buys a \$400.00 suit and a \$110.00 shirt. The retailer is offering a 10 percent discount. After applying the 10 percent discount, the final sales price of the suit is \$360.00, and the sales price of the shirt is \$99.00. The suit is taxable (it is over \$100.00) and the shirt is exempt (it is less than \$100.00).

(c)1. Rebates. Rebates occur after the sale and do not affect the sales price of an item purchased.

2. Example: A jacket sells for \$105.00. The customer receives a \$10.00 rebate from the manufacturer. The rebate occurs after the sale, so it does not reduce the sales price of the jacket. Tax is due on \$105.00.

(13) Repairs and alterations to eligible items.
(a) Repairs to eligible items do not qualify for the exemption.

(b)1. Alterations to clothing or footwear do not qualify for the exemption, even though alterations may be sold, invoiced, and paid for at the same time as the item to be altered.

2. Example: A customer purchases a pair of pants for \$99.00, and pays \$5.00 to the retailer to have the pants cuffed. The \$99.00 charge for the pants is exempt; however, tax is due on the \$5.00 alterations charge.

(14) Rentals of clothing. Rentals of clothing or footwear do not qualify for the exemption.

(15) Reporting. No special reporting procedures are necessary to report exempt sales made during the exemption period. Sales should be reported as currently required by law.

(16) Record retention and documentation. No special record keeping requirements are necessary. Records should be maintained as currently required by law.

(17) License fees or other fees imposed by Panama City and Panama City Beach.

(a) The cities of Panama City and Panama City Beach impose upon retailers a Merchant's License Tax or similar gross receipts tax or fee, which may be passed on to the customer. The Merchant's License Tax is included in the sales price of each item whether or not the tax is separately stated on the invoice.

(b) Example: A jacket sells for \$99.95. The separately stated 1% gross receipts fee for this item is \$1.00. Since the gross receipts fee is part of the sales price of the item (\$100.95), the shirt will not qualify for the exemption.

(18) List of items and their taxable status during the exemption period. The following is a list of items and their taxable status during the exemption period if they are sold for \$100.00 or less. This is not an inclusive list. T = Taxable, E = Exempt.

- A
- T Accessories (generally)
- E Barrettes and bobby pins
- E Belt buckles
- E Bow ties
- E Hair bows, clips, and bands
- E Handbags
- T Handkerchiefs
- T Jewelry
- E Neckwear
- T Key cases
- E Ponytail holders
- E Scarves
- E Ties
- E Wallets
- T Watch bands
- T Watches
- E Aerobic clothing

- E Antique clothing
- E Aprons/Clothing shields
- T Athletic gloves
- T Athletic pads
- E Athletic supporters
- B
- E Baby clothes
- E Backpacks
- E Bandanas
- E Baseball cleats
- E Bathing suits, caps and cover-ups
- E Belt buckles
- E Belts
- T Belts for weight lifting
- E Bibs
- E Blouses
- E Book bags
- E Boots (except ski boots)
- E Bowling shoes (sold)
- T Bowling shoes (rented)
- E Bow ties
- E *Braces and supports worn to correct or alleviate a physical incapacity or injury
- E Bras
- T Briefcases
- C
- E Caps and hats
- T Checkbook covers (separate from wallets)
- T Chest protectors
- E *Choir and altar clothing
- E Cleated or spiked shoes
- E *Clerical vestments
- T Cloth and lace, knitting yarns, and other fabrics
- T Clothing repair items, such as thread, buttons, tapes, iron-on patches, zippers
- E Coats and wraps
- E Coin purses
- T Corsages and boutonnières
- E Corsets and corset laces
- T Cosmetic bags
- E Costumes
- E Coveralls
- T Crib blankets
- D
- E Diaper bags
- E Diapers, diaper inserts (adult and baby, cloth or disposable)
- E Dresses
- T Duffel bags
- E

T	<u>Elbow pads</u>	L	
E	<u>Employee uniforms</u>	E	<u>Lab coats</u>
F		E	<u>Leg warmers</u>
E	<u>Fanny packs</u>	E	<u>Leotards and tights</u>
T	<u>Fins</u>	T	<u>Life jackets and vests</u>
T	<u>Fishing boots (waders)</u>	E	<u>Lingerie</u>
E	<u>Fishing vests (nonflotation)</u>	T	<u>Luggage</u>
T	<u>Football pads</u>	M - N	
E	<u>Formal clothing (unless rented)</u>	T	<u>Make-up bags</u>
G		E	<u>Martial arts attire</u>
T	<u>Garment bags</u>	E	<u>Neckwear and ties</u>
E	<u>Garters and garter belts</u>	O-P	
E	<u>Girdles, bras, and corsets</u>	E	<u>Overshoes and rubber shoes</u>
E	<u>Gloves (generally)</u>	T	<u>Pads (football, hockey, soccer, elbow, knee, shoulder)</u>
T	<u>Baseball</u>	T	<u>Paint or dust masks</u>
T	<u>Batting</u>	E	<u>Pants</u>
T	<u>Bicycle</u>	E	<u>Panty hose</u>
E	<u>Dress (unless rented)</u>	T	<u>Patterns</u>
E	<u>Garden</u>	T	<u>Protective masks (athletic)</u>
T	<u>Golf</u>	R	
T	<u>Hockey</u>	E	<u>Raincoats, rainhats, and ponchos</u>
E	<u>Leather</u>	E	<u>Receiving blankets</u>
T	<u>Rubber</u>	E	<u>*Religious clothing</u>
T	<u>Surgical</u>	T	<u>Rented clothing (including uniforms, formal wear, and costumes)</u>
T	<u>Tennis</u>	T	<u>Repair of wearing apparel</u>
E	<u>Work</u>	E	<u>Robes</u>
T	<u>Goggles (except *prescription)</u>	T	<u>Roller blades</u>
E	<u>Graduation caps and gowns</u>	T	<u>Roller skates</u>
E	<u>Gym suits and uniforms</u>	S	
H		E	<u>Safety clothing</u>
E	<u>Hair nets, bows, clips, and bands</u>	T	<u>Safety glasses (except *prescription)</u>
E	<u>Handbags and purses</u>	E	<u>Safety shoes</u>
T	<u>Handkerchiefs</u>	E	<u>Scarves</u>
T	<u>Hard hats</u>	E	<u>Scout uniforms</u>
E	<u>Hats</u>	T	<u>Shaving kits/bags</u>
T	<u>Helmets (bike, baseball, football, hockey, motorcycle, sports)</u>	E	<u>Shawls and wraps</u>
E	<u>Hosiery, including support hosiery</u>	T	<u>Shin guards and padding</u>
E	<u>Hunting vests</u>	E	<u>Shirts</u>
I-J		E	<u>Shoe inserts</u>
T	<u>Ice skates</u>	E	<u>Shoes (including athletic)</u>
T	<u>In-line skates</u>	E	<u>Shoulder pads (for dresses, jackets, etc.)</u>
E	<u>Insoles</u>	T	<u>Shoulder pads (football, hockey, sports)</u>
E	<u>Jackets</u>	E	<u>Shorts</u>
E	<u>Jeans</u>	T	<u>Skates (ice, in-line, roller)</u>
T	<u>Jewelry</u>	T	<u>Ski boots (snow)</u>
K		T	<u>Ski vests (water)</u>
T	<u>Key chains</u>	E	<u>Ski suits (snow)</u>
T	<u>Knee pads</u>	T	<u>Skin diving suits</u>
		E	<u>Skirts</u>

- E Sleepwear, nightgowns, pajamas
- E Slippers
- E Slips
- E Socks
- T Sports helmets
- T Sports pads (football, hockey, soccer, knee, elbow, shoulder)
- E Sports uniforms (except pads, helmets)
- T Suitcases
- E Suits, slacks, and jackets
- T Sunglasses (except *prescription)
- E Suspenders
- E Sweatbands
- E Sweaters
- T Swimming masks
- E Swim suits and trunks

- T Ties (neckties – all)
- E Tights
- E Tuxedos, excluding cufflinks and rentals

- U Umbrellas
- E Underclothes
- E Uniforms (work, school, and athletic – excluding pads)

- V-W
- E Vests
- E Wallets
- T Watchbands
- T Water ski vests
- T Weight lifting belts
- T Wet and dry diving suits
- T Wigs, toupees, and chignons
- E Work clothes and uniforms

* These items are always exempt as prosthetic or orthopedic appliances, or due to another specific exemption.

EFFECTIVE DATE July 3, 2000

Specific Authority 212.17(6), 212.18(2), 213.06(1), (2) FS., Section 2, Chapter 2000-175, L.O.F. Law Implemented 95.091, 212.02(16), 212.05, 212.0596, 212.06, 212.13, 213.35, 215.26(1), 330.27(2), 509.013(4),(9) FS., Chapter 2000-175, L.O.F. History–New 7-3-00.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: July 3, 2000

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 309 Specifics
 RULE NO.: 53ER00-25

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game 309, "MYSTERY MONEY" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-25 Instant Game 309 Specifics.

(1) Name of Game. Instant Game Number 309, "MYSTERY MONEY."

(2) Price. MYSTERY MONEY Lottery tickets sell for \$1.00 per ticket.

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

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

INSERT CHART

(5) The "LUCKY CLUES" ("LUCKY SYMBOLS") play symbols and play symbol captions in MYSTERY MONEY are as follows:

INSERT CHART

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

SEE CHART

(7) The legends in MYSTERY MONEY are as follows:

SEE CHART

(8) Determination of Prize Winners. The holder of a ticket having any symbol exposed in the "YOUR SYMBOLS" play area that matches either symbol in the "LUCKY CLUES" ("LUCKY SYMBOLS") play area shall be entitled to the corresponding prize amount shown for that symbol, or if TICKET is shown as the corresponding prize, shall be entitled to a prize of a \$1.00 ticket. Prize amounts which may appear in the play area are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$100, \$250 and \$1,000.

(9) Number and Size of Prizes. The expected value, number of prizes, and odds of winning in Instant Game Number 309 are as follows:

MATCH ANY OF YOUR SYMBOLS TO EITHER LUCKY CLUE (LUCKY SYMBOL) WITH PRIZES OF:

TICKET	WIN	NUMBER IN 56 POOLS OF 180,000 TICKETS PER POOL	ODDS
\$1	\$1	1,176,000	1 in 8.57
\$1 + \$1	\$2	470,400	1 in 21.43
\$1 + \$1 + \$1 + \$1	\$4	336,000	1 in 30.00
\$2 + \$2	\$4	336,000	1 in 30.00
\$4	\$4	168,000	1 in 60.00
\$1 + \$2 + \$2 + \$5	\$4	67,200	1 in 150.00
\$5 + \$5 + \$5 + \$5	\$10	67,200	1 in 150.00
\$10 + \$10 + \$10 + \$10	\$20	33,600	1 in 300.00
\$20 + \$20	\$40	6,160	1 in 1,636.36
\$100 x 4	\$400	2,240	1 in 4,500.00
\$250 x 4	\$1,000	112	1 in 90,000.00
\$1,000	\$1,000	6	1 in 1,680,000.00
		6	1 in 1,680,000.00

(10) The over-all odds of winning any prize in Instant Game Number 309 are 1 in 3.79.

(11) For reorders of Instant Game Number 309, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History—New 6-2-00.

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

EFFECTIVE DATE: June 2, 2000

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 310 "BINGO" RULE NO.: 53ER00-28

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 310, "BINGO" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the number and size of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-28 Instant Game Number 310, "BINGO."

(1) Name of Game. Instant Game Number 310, "BINGO."

(2) Price. BINGO Lottery tickets sell for \$2.00 per ticket.

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

(4) The "Caller's Card" play symbols are as follows:

SEE CHART

(5) The player's cards play symbols are as follows:

SEE CHART

(6) Determination of Prize Winners. There is one Caller's Card, and four player's cards numbered 1 through 4 on each BINGO ticket. The holder of a ticket whose Caller's Card numbers match the numbers on one of the four player's cards in one of the following designs shall be entitled to the prize shown for that design on the card:

(a) Horizontal line of five numbers (or four numbers and "FREE")

(b) Vertical line of five numbers (or four numbers and "FREE")

(c) Diagonal line of five numbers (or four numbers and "FREE")

(d) Four corners

(e) "X" (consisting of eight numbers + "FREE")

(7) Prize amounts for a particular design are different on each player's card.

(8) Players may win on one or more player's cards per ticket.

(9) Prizes which appear in the player's card play area are: FREE TICKET, \$3, \$10, \$25, \$50, \$150, \$250, \$1,000, \$10,000.

(10) Number and Size of Prizes. The value, number of prizes, and odds of winning in Instant Game Number 310 are as follows:

GET BINGO WITH:	WIN:	NUMBER IN 63 POOLS OF 120,000 TICKETS	PER POOL	ODDS
LINE - CARD 1	\$2 TICKET	907,200		1 in 8.33
LINE - CARD 2	\$3	705,600		1 in 10.71
LINE - CARDS 1, 2	\$3 + \$2 TICKET	302,400		1 in 25.00
LINE - CARD 3	\$10	252,000		1 in 30.00
LINE - CARD 4	\$25	50,400		1 in 150.00
LINE - CARDS 1, 2, 4	\$28 + \$2 TICKET	3,591		1 in 2,105.26
LINE - CARDS 1, 2, 3, 4	\$38 + \$2 TICKET	2,520		1 in 3,000.00
4 CORNERS - CARD 2	\$50	1,575		1 in 4,800.00
"X" - CARD 1	\$150	630		1 in 12,000.00
4 CORNERS - CARDS 1, 3 + LINE - CARD 4	\$200	315		1 in 24,000.00
4 CORNERS - CARD 2 + "X" - CARD 1	\$200	315		1 in 24,000.00
4 CORNERS - CARDS 1, 2, 3 + LINE - CARD 4	\$250	315		1 in 24,000.00
"X" - CARD 2	\$250	315		1 in 24,000.00
4 CORNERS - CARD 4	\$250	315		1 in 24,000.00
"X" - CARD 3	\$1,000	28		1 in 270,000.00
"X" - CARD 4	\$10,000	5		1 in 1,512,000.00

(11) The over-all odds of winning any prize in Instant Game Number 310 are 1 in 3.39.

(12) For reorders of Instant Game Number 310, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c), 24.109(1) FS. History—New 6-2-00.

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

EFFECTIVE DATE: June 2, 2000

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs has issued a Final Order Granting Petition for Waiver in response to the Petition for Waiver received May 2, 2000 from the City of Gainesville. Notice of this petition appeared in the May 12, 2000 edition of the Florida Administrative Weekly. It is ordered that the Petition for Waiver by the City of Gainesville be, and by this Final Order is, hereby granted with respect to FCT Project number 99-039-P9A.

A copy of the Final Order, which has been assigned the number DCA00-WAI-183, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Department of Community Affairs has issued a Final Order Granting Amended Emergency Petition for Waiver in response to the request received April 27, 2000 from the City of Tampa. Notice of this petition appeared in the May 12, 2000 edition of the Florida Administrative Weekly. It is ordered that the Amended Emergency Petition for Waiver by Petitioner City of Tampa be, and by this Final Order is, hereby granted with respect to the Mirabella parcels for Florida Communities Trust Project number 99-026-P9A.

A copy of the Final Order, which has been assigned the number DCA00-WAI-181, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on May 19, 2000, the South Florida Water Management District (SFWMD) has received a petition for waiver from Kenneth M. Salvucci, for utilization of works or land of the SFWMD known as the C-51 Canal, Palm Beach County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which establishes the low member elevation requirements for docking facilities located within the District's right of way.

A copy of the petition may be obtained from Juli Triola at (561)682-6268 or e-mail at jtriola@sfwmd.gov. The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Attn.: Juli Triola, Office of Counsel.

NOTICE IS HEREBY GIVEN that on May 19, 2000, the South Florida Water Management District (SFWMD) has received a petition for waiver from Ramon E. Gonzalez, for utilization of works or land of the SFWMD known as the C-100A Canal, Miami-Dade County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which prohibits the placement of above ground facilities within 40 feet of the top of bank within the District's right of way.

A copy of the petition may be obtained from Juli Triola at (561)682-6268 or e-mail at jtriola@sfwmd.gov. The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Attn.: Juli Triola, Office of Counsel.

NOTICE IS HEREBY GIVEN that on May 11, 2000, the South Florida Water Management District (SFWMD) has received a petition for waiver from Seth Levy, for utilization of works or land of the SFWMD known as the C-51 Canal, Palm Beach County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which prohibits trees within forty feet from the top of bank within the District's right of way.

A copy of the petition may be obtained from Juli Triola at (561)682-6268 or e-mail at jtriola@sfwmd.gov. The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Attn.: Juli Triola, Office of Counsel.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NAME OF THE PETITIONER: Hick's Land Clearing Debris

DATE THE PETITION WAS FILED: March 8, 2000

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 62-701.300(2)(g), Florida Administrative Code, that prohibits the storage or disposal of solid waste within 200 feet of a water body.

REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Florida Administrative Weekly, March 31, 2000, Vol. 26, No. 13.

THE DATE OF THE ORDER APPROVING THE VARIANCE OR WAIVER: June 1, 2000.

THE GENERAL BASIS FOR THE AGENCY DECISION: The Petitioner has demonstrated that allowing it to continue operating a land clearing debris disposal facility within 200 feet of a water body, in accordance with the conditions set forth in the variance approval, is expected to meet the purpose of the underlying statute, and that the Petitioner would suffer an undue hardship if the variance is not granted.

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

The Department announces receipt of a petition filed May 26, 2000, pursuant to Section 120.542, Florida Statutes, from Buttrey Development Two, LLC., to obtain a variance from certain Department rules regarding the Keene Road Class III Landfill in Orange County. Specifically, the petitioner has requested a variance from Rule 62-701.340(4)(c), Florida Administrative Code, which requires a horizontal separation between waste deposits in a landfill and the landfill property boundary of at least 100 feet. The Petition for Variance is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Requests for copies or inspection should be made to Mary Jean Yon, Environmental Administrator at the above address.

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

NAME OF THE PETITIONER: LCD of Flagler, Inc.

DATE THE PETITION WAS FILED: June 2, 1999

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 62-701.300(2)(g), Florida Administrative Code, that prohibits the storage or disposal of solid waste within 200 feet of a water body.

REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Florida Administrative Weekly, June 18, 1999, Vol. 25, No. 24.

THE DATE OF THE ORDER APPROVING THE VARIANCE OR WAIVER: June 5, 2000.

THE GENERAL BASIS FOR THE AGENCY DECISION: The Petitioner has demonstrated that allowing it to continue operating a land clearing debris disposal facility within 200 feet of a water body, in accordance with the conditions set forth in the variance approval, is expected to meet the purpose of the underlying statute, and that the Petitioner would suffer an undue hardship if the variance is not granted.

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

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a petition filed on May 8, 2000, by Theodore T. Lee, M.D., seeking a waiver from Rule 64B8-5.001, with regard to the 7-year limit on passing all three parts of the licensure examination. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, within 14 days of publication of this notice. The Board will consider the petition at its next meeting to be held on July 8-9, 2000, at the Omni Colonnade Hotel, 180 Aragon Avenue, Coral Gables, Florida.

For a copy of the petition, contact: Tanya Williams, Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

**Section VI
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission

- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

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

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215, F.S. and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Museum of Florida History Foundation**, Inc. announces a Board of Director's Meeting to which all persons are invited.

DATE AND TIME: Monday, June 26, 2000, 12:15 p.m.

PLACE: R. A. Gray Building, Room 307, Tallahassee, FL

PURPOSE: Regularly scheduled meeting.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact Penny Lord, (850)922-5299, at least 48 hours prior to the meeting in order to request any special assistance.

DEPARTMENT OF LEGAL AFFAIRS

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

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

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The **Florida Elections Commission** announces a meeting.

DATE AND TIME: Wednesday, June 28, 2000, 8:30 a.m.

PLACE: The Broward County Government Complex, 115 South Andrews Avenue, Room 430, Fort Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of a case relating to alleged violations of Chapter 106, Florida Statutes.

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

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

DEPARTMENT OF INSURANCE

NOTICE OF CANCELATION – The rule development workshops scheduled for Rule 4A-3.009(11), FAC., by the Division of State Fire Marshal for the following dates has been canceled. The workshops will be noticed and held at a later time this year.

DATE AND TIME: June 19, 2000, 9:00 a.m.

PLACE: Clayton Hutchenson Building (behind the Mounts Botanical Garden), 559 N. Military Trail, West Palm Beach, Florida

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

PLACE: Steward Conference Center (Part of Polk County Agriculture Center), 1710 US 17, Bartow, Florida

DATE AND TIME: June 22, 2000, 9:00 a.m.

PLACE: Florida Dept. of Agriculture and Consumer Services (Doyle Conner Building), Room N100, 1911 S. W. 34th Street, Gainesville, Florida

DATE AND TIME: June 23, 2000, 9:00 a.m. (Central Time)

PLACE: Holmes County Agriculture Center, 1701 East Highway 90, Bonifay, Florida

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the Florida Agricultural Museum's Board of Trustees Special Meeting:

DATE AND TIME: Thursday, July 6, 2000, 1:00 p.m.

PLACE: Museum Office, Island House, 1850 Princess Place Road, Flagler County, Palm Coast, Florida

PURPOSE: Board Meeting.

The purpose of this special meeting is to discuss and possibly accept and authorize a contract to purchase 67 acres of land adjoining the Florida Agricultural Museum's property in Flagler County, Palm Coast, Florida.

This meeting will be held as a conference call. The public is invited to attend by calling 1(888)285-4585 (participant code 290400) or a speaker phone will be available for the public to hear and participate in this meeting at the Museum Office, 1850 Princess Place Road, Palm Coast, Florida.

For additional information or if you need special accommodations, call Bruce Piatek, (904)446-7630.

DEPARTMENT OF EDUCATION

The **Postsecondary Education Planning Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, June 22, 2000, 9:00 a.m. – 11:00 a.m.

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will discuss committee and staff assignments for 2000-2001, review new workforce grant funding procedures, and discuss other ongoing responsibilities.

For further information contact: Dr. William B. Proctor, Executive Director, Postsecondary Education Planning Commission, Tallahassee, Florida 32399-0400, (850)488-7894.

The Planning Committee of the **Postsecondary Education Planning Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, June 22, 2000, 11:00 a.m. – 12:30 p.m.

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will discuss projects and studies related to workforce needs and postsecondary education.

For further information contact: Dr. Jon Rogers, Educational Policy Director, Postsecondary Education Planning Commission, Tallahassee, Florida 32399-0400, (850)488-7894.

The Access Committee of the **Postsecondary Education Planning Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, June 22, 2000, 1:30 p.m. (or upon adjournment of the Planning Committee) – 4:00 p.m.

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will discuss study assignments for 2000-2001.

For further information contact: Mr. David Wright, Educational Policy Director, Postsecondary Education Planning Commission, Tallahassee, Florida 32399-0400, (850)488-7894.

The Program Committee of the **Postsecondary Education Planning Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, June 22, 2000, 1:30 p.m. (or upon adjournment of the Planning Committee) – 4:00 p.m.

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will discuss study assignments for 2000-2001.

For further information contact: Dr. Glenda A. Rabby, Educational Policy Director, Postsecondary Education Planning Commission, Tallahassee, Florida 32399-0400, (850)488-7894.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a meeting of the Community Services Block Grant results oriented management and data collection workgroup to which all interested parties are invited.

DATA COLLECTION WORKGROUP MEETING

DATE AND TIME: June 27, 2000, 10:00 a.m. – 4:30 p.m.

PLACE: Florida Department of Community Affairs, 2555 Shumard Oak Boulevard, Randall Kelley Training Center, Room 305, Tallahassee, Florida 32399-2100

ACTION TO BE TAKEN: The development of a reporting and data collection system which will adequately address the federally mandated Community Services Block Grant Program’s results oriented management and related reporting requirements.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting or public hearing, he or she will need a record of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Anyone that wants a copy of the agenda or additional information on this meeting may write or call: Susan Orr, Community Assistance Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Community Assistance Section, (850)488-7541, at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** (DCA) announces a telephone conference to which all interested persons are invited.

CSBG FARM WORKER STUDY GROUP TELEPHONE CONFERENCE

DATE AND TIME: June 28, 2000, 10:00 a.m. – 11:30 a.m.

PLACE: Access Telephone (850)488-5776 or Suncom 278-5776. Calling one of these numbers at the time of the conference will allow you to participate in this call.

PURPOSE: The purpose of this conference call is to finalize the workgroup’s recommendations to the state CSBG Advisory Committee and the DCA concerning how farm workers can be best served throughout the state with CSBG funds. These discussions will include the uses and distribution of the CSBG \$100,000 farm worker emergency set-aside, as well as the proposed .5 percent farm worker training and technical assistance funds and methods of estimating the farm worker population. The workgroup will finalize their recommendations.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting, he or she will be required to provide a record of the proceedings, and for such purposes he or she must ensure that an official record is made, including the testimony and evidence upon which the appeal is to be made.

Any person requiring special accommodations at this meeting because of a disability or a physical impairment should contact the CSBG program, (850)488-7541, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the CSBG program using the Florida Dual Party Relay System which can be reached at 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a meeting of the State Energy Program (SEP) Clean Fuel Florida Advisory Board (CFF) to which all interested parties are invited.

SEP CFF MEETING

DATES AND TIMES: June 29, 2000, 1:00 p.m. – 5:00 p.m.; June 30, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: University of South Florida, Center for Urban Transportation Research, 4202 East Fowler Avenue, Room CUT 100, Tampa, Florida 33620-5375

ACTIONS TO BE TAKEN: The CFF will consider the following items:

- 1) Baseline Status Report
- 2) Objectives

APPEAL INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting he or she may need a record or transcript of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record may include testimony and evidence relevant to the appeal.

Anyone who wants a copy of the agenda or additional information on this meeting may write or call: Emily Cook, Administrative Assistant, Department of Community Affairs, 2255 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-2475.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement, Criminal Justice Regional Training Council**, Region IV announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, June 27, 2000, 2:30 p.m.

PLACE: Santa Fe Community College, Institute of Public Safety, Kirkpatrick Criminal Justice Training Center, 3737 N. E. 39th Avenue, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review training needs and the amended FY 2000/2001 Criminal Justice Training Trust Fund budget for Region IV.

DEPARTMENT OF TRANSPORTATION

Notice is hereby given that the Florida **Department of Transportation** will offer the opportunity for a public hearing.

DATE AND TIME: July 5, 2000, 6:00 p.m. – 8:00 p.m.

PLACE: Pinellas County Courthouse, BCC Meeting Room, 315 Court Street, 5th Floor, Clearwater, Florida

PURPOSE: Concerning the proposed jurisdictional roadway transfer for SR 679/Anderson Boulevard, from West Traffic Circle to East Traffic Circle and SR 679/Pinellas Bayway, from Anderson Boulevard to Bunces Pass Bridge/Bridge Number 48. Pinellas County Government has requested the transfer of Anderson Boulevard and Pinellas Bayway off the State Highway System and onto the Pinellas County Road System.

All persons interested on this subject please contact: Charles A. Q. Gray, Jr., Florida Department of Transportation, District Seven, 11201 N. McKinley Drive, Tampa, Florida 33612, Phone (813)975-6439 or 1(800)226-7220, Ext. 7796.

NOTICE OF ADDITIONAL RULE DEVELOPMENT WORKSHOP

Notice of the rule development workshop for Rule Chapter 14-10, FAC., was published in Florida Administrative Weekly, Vol. 25, No. 47, dated November 24, 1999. This additional rule development workshop is to discuss changes resulting from the previous rule development workshop conducted on February 28, 2000.

The additional rule development workshop is rescheduled as follows:

DATE AND TIME: July 6, 2000, 9:00 a.m.

PLACE: Department of Transportation, 605 Suwannee Street, Fourth Floor, Conference Room (Room Number 479), Tallahassee, Florida

SUBJECT AREA TO BE ADDRESSED: This is an amendment to six of the rules in Rule Chapter 14-10. Revised forms are being incorporated by reference.

The **Department of Transportation**, Turnpike District announces a public hearing to which all persons are invited.

DATE AND TIMES: July 11, 2000, 6:00 p.m. – informal open house; 7:00 p.m. – formal hearing

PLACE: St. Mark Lutheran Church, 28215 S. U.S. Highway 27, Leesburg, Florida

PURPOSE: This hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is also being held in accordance with the Federal-Aid Highway Act of 1968, as amended, 23 U.S.C. 128, 40 C.F.R. 1500-1508, 23 C.F.R. 771, and Section 339.155, Florida Statutes, and is also consistent with the Americans with Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the preliminary design, social, economic and environmental effects of Financial Project ID 404214-1-52-01, otherwise known as the County Road 470 and Florida's Turnpike Interchange Study. New ramps will be located in each of the four interchange quadrants. Two new toll-booth facilities are currently proposed on the northern legs of the interchange. Right-of-way acquisition is anticipated for this project. Access to County Road 470 and the surrounding areas will be greatly enhanced by the proposed new interchange and there are no business or residential relocations associated with this project. Wetlands may be given special consideration under Executive Orders 11990 and 11988. A Toll Rate Rule Development Workshop will be held as part of this Public Hearing to allow the public an opportunity to comment on the development of proposed toll rates for this interchange of Florida's Turnpike.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call Ms. Catherine Bradley at telephone number (850)488-4671. Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Ms. Catherine Bradley, P. E., Project Development Engineer, Florida Department of Transportation, Turnpike District, 1211 Governor's Square Boulevard, Suite 400, Tallahassee, FL 32301.

The Florida **Department of Transportation**, District 1 announces a public hearing to which all persons are invited:

DATE AND TIME: Tuesday, July 11, 2000, 7:00 p.m.

PLACE: Bay Front YMCA, 750 West Retta Esplanade, Punta Gorda, Florida

PURPOSE: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of proposed improvements to Interstate 75 from US 17 north across the Peace River to CR 776. A distance of 3.2 miles. Financial Project ID# 404697 1 22 01.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Antone Sherrard, (863)519-2304.

Special accommodation requests under the American With Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Bryan Williams, District Environmental Management, Florida Department of Transportation, Post Office Box 1249, Bartow, Florida 33831.

NOTICE OF CHANGE – The Florida **Department of Transportation**, District 1 announces a **RESCHEDULED** public hearing to which all persons are invited:

DATE AND TIME: Thursday, July 13, 2000, 7:00 p.m.*

PLACE: Golden Gate Community Center, 4701 Golden Gate Parkway, Naples, Florida

PURPOSE: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of proposed improvements to Interstate 756 at Golden Gate Parkway Interchange, Financial Project Identification Number 200742 1 21 01.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Antone Sherrard, (863)519-2304.

Special accommodation requests under the American With Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Bryan Williams, District Environmental Management, Florida Department of Transportation, Post Office Box 1249, Bartow, Florida 33831.

*NOTE: The date has been changed. The previous notice, published in Florida Administrative Weekly, Volume 26, Number 21, dated May 26, 2000, had the date listed as June 20, 2000.

STATE BOARD OF ADMINISTRATION

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 23, 2000, 10:00 a.m.

PLACE: Hermitage Room, Plaza Level, The Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, FL 32308

PURPOSE: Regularly scheduled quarterly meeting of the Investment Advisory Council (IAC). The IAC is a six-member advisory council, which reviews the investments made by the staff of the Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under s. 215.444 of the Florida Statutes.

A copy of the agenda may be obtained by writing: State Board of Administration, Attention: Debbie Kuminka, 1801 Hermitage Boulevard, Suite 600, Tallahassee, Florida 32308, (850)413-1011.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify Dorothy Westwood, (850)488-4406.

FLORIDA PAROLE COMMISSION

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

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

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C, Third Floor, Tallahassee, Florida

PURPOSE: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, telephone (850)488-3417.

PUBLIC SERVICE COMMISSION

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

Docket No. 990649-TP – Investigation into pricing of unbundled network elements.

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

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

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

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

Docket No. 000061-EI – Complaint by Allied Universal Corporation and Chemical Formulators, Inc. against Tampa Electric Company for violation of Sections 366.03, 366.06(2) and 366.07, F.S., with respect to rates offered under commercial/industrial service rider tariff; petition to examine and inspect confidential information; and request for expedited relief.

DATE AND TIME: July 6, 2000, 1:30 p.m.

PLACE: Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech

impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

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

Docket No. 000601-TP – Request by Southeastern Services, Inc. for termination of rural LEC exemption of Northeast Florida Telephone Company, Inc., pursuant to 47 U.S.C. 251(f)(1)(B) of the Telecommunications Act of 1996.

DATE AND TIME: July 6, 2000, 3:30 p.m.

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

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

REGIONAL PLANNING COUNCILS

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

DATE AND TIME: Wednesday, June 28, 2000, 12:00 Noon

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: Board Orientation.

Notice is given that two or more members of the Boards of County Commissioners, City/Town Councils/Commission and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meeting to which all persons are invited:

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

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The Northeast Florida Regional Planning Council, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: July 6, 2000, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending personnel, program planning and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

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

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

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Ginny Montgomery, (904)363-6350, Extension 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

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

DATE AND TIME: July 6, 2000, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending transportation issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is given that two or more members of the Boards of County Commissioners, City/Town Councils/Commission and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

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

DATE AND TIMES: Wednesday, June 21, 2000, 9:00 a.m. – Finance Committee, 9:30 a.m. – Executive Committee

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32801, (Please call (407)623-1075, Ext. 304, to confirm date, time and place)

PURPOSE: Regular meeting of the Executive and Finance Committees.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

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

DATE AND TIME: Wednesday, June 21, 2000, 10:00 a.m.

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32801, (Please call (407)623-1075, Ext. 304, to confirm date, time and place)

PURPOSE: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

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

DATE AND TIMES: Wednesday, July 19, 2000, 9:00 a.m. – Finance Committee, 9:30 a.m. – Executive Committee

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32801, (Please call (407)623-1075, Ext. 304, to confirm date, time and place)

PURPOSE: Regular meeting of the Executive and Finance Committees.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.
DATE AND TIME: Wednesday, July 19, 2000, 10:00 a.m.
PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32801, (Please call (407)623-1075, Ext. 304, to confirm date, time and place)
PURPOSE: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.
DATE AND TIMES: Wednesday, August 16, 2000, 9:00 a.m. – Finance Committee, 9:30 a.m. – Executive Committee
PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32801, (Please call (407)623-1075, Ext. 304, to confirm date, time and place)
PURPOSE: Regular meeting of the Executive and Finance Committees.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.
DATE AND TIME: Wednesday, August 16, 2000, 10:00 a.m.
PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32801, (Please call (407)623-1075, Ext. 304, to confirm date, time and place)
PURPOSE: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

DEPARTMENT OF CORRECTIONS

The **Florida Corrections Commission** announces the following public meeting to which all interested persons are invited:
DATE AND TIME: Thursday, June 29, 2000, 9:00 a.m. – 3:00 p.m.

PLACE: Wakulla County Jail, 15 Oak Street, Crawfordville, Florida 32327

PURPOSE: The Commission will hold a meeting for the purposes of discussing issues to be included in the 2000 Annual Report.

A copy of the agenda may be obtained by writing: Mr. John Fuller, Executive Director, Florida Corrections Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 or call (850)413-9330.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a Land Acquisition and Management Committee Meeting and tour to which all persons are invited. The meeting is scheduled for:

TOUR
DATE AND TIME: Wednesday, June 28, 2000, 10:00 a.m. – 12:00 p.m.

PLACE: Tour – Moses Creek Conservation Area, Tour will depart from parking lot at Reconciliation Episcopal Church

MEETING: Land Acquisition and Management Committee Mtg.

DATE AND TIME: Wednesday, June 28, 2000, 1:00 p.m. – 4:00 p.m.

PLACE: Reconciliation Episcopal Church, 6900 U.S. 1, St. Augustine, FL 32086

PURPOSE: To review land management and land acquisition activities.

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

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

The **St. Johns River Water Management District** announces the following Facilities/Planning/Construction Committee meeting:

DATE AND TIME: Thursday, June 29, 2000, 10:00 a.m.

PLACE: St. Johns River Water Management, Orlando Service Center, 618 East South Street, Orlando, FL 32807

PURPOSE: To discuss project construction and contractual matters of the District.

A copy of the agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Mrs. Sharon Whitener, Administrative Support Coordinator, Department of Operations and Land Resources, (904)329-4281.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

NOTE: If any person decides to appeal any decision with respect to any matter considered by the St. Johns River Water Management District's Governing Board, such person may need to ensure that a verbatim record of the meeting is made to include the testimony and evidence upon which appeal is to be based.

The **St. Johns River Water Management District** announces a Public Hearing to which all persons are invited. The meeting is scheduled for:

MEETING: Public Hearing to amend Save Our Rivers Five-Year Plan

DATE AND TIME: Wednesday, July 12, 2000, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: To receive public testimony concerning proposed amendment to the District Five-Year Land Acquisition and Management for acquisition and management lands funded by the "Save Our Rivers", Section 373.59, Florida Statutes, Water Management Lands Trust Fund.

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

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

The **Southwest Florida Water Management District** announces the following public meetings to which all interested persons are invited:

GOVERNING BOARD MEETING, PUBLIC HEARING AND COMMITTEE MEETINGS

DATE AND TIME: Tuesday, June 27, 2000, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Meeting, Public Hearing and Committee Meetings

GOVERNING BOARD/HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS BREAKFAST

DATE AND TIME: Wednesday, June 28, 2000, 7:30 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the Hernando County Board of County Commissioners will meet with the District's Governing Board members for an informal breakfast.

GOVERNING BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

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

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Meeting and Public Hearing.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TTD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

NOTICE OF CHANGE – The **South Florida Water Management District** announces a revised notice of public forums of the Budget and Financial Advisory Commission to which all interested parties are invited:

DATE AND TIME: June 20, 2000, 6:00 p.m.

PLACE: SFWMD, Fort Myers Service Center, 2301 McGregor Blvd., Fort Myers, Florida

DATE AND TIME: June 23, 2000, 6:30 p.m.

PLACE: Collier County Commission Chambers, Collier County Government Center, 3301 E. Tamiami Trail, Naples, Florida

PURPOSE: To solicit public comments and input as part of the SFWMD FY 2001 budget development process.

Members of the District's Governing Board, Big Cypress Basin Board or Budget and Finance Advisory Commission may attend one or more of these meetings.

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

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

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

Those who desire more information, or those wishing to submit written or physical evidence may contact: Aaron Basinger, (561)682-6660.

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

DATES AND TIME: June 27, 2000; June 29, 2000, 7:00 p.m. – 9:00 p.m.

PLACE: June 27, 2000 – SFWMD, Homestead Field Station, 2195 N. E. 8th Street, Homestead, Florida; June 29 – SFWMD, Okeechobee Service Center, 205 N. Parrot Avenue, Suite 201, Okeechobee, Florida

PURPOSE: To discuss proposed changes to the 2001 Save Our Rivers Land Acquisition and Management Plan.

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

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

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

Those who desire more information may contact: Bill Helffrich, Land Stewardship Department, (561)682-6637 or by e-mail: whelffer@sfwmd.gov.

The **South Florida Water Management District** announces a special public workshop/meeting which may be conducted by means of or in conjunction with communications technology, specifically by telephonic conference, to which all interested parties are invited:

DATE AND TIME: June 28, 2000, 7:00 a.m.

PLACE: Sheraton Hotel, 630 Clearwater Park Road, West Palm Beach, Florida

PURPOSE: To discuss District budget.

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

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary

for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

Those who desire more information may contact: Darryl Bell, Governing Board/Business Operations Coordinator, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680, (561)682-2529.

The Big Cypress Basin, **South Florida Water Management District** announces a public meeting to which all interested persons are invited.

DATE AND TIME: June 30, 2000, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, Naples, Florida

The above address shall be the designated access point for public attendance of the meeting.

PURPOSE: Conduct Basin Business and FY 2001 Budget Workshop.

A copy of the agenda may be obtained by writing: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, or by calling Ann Christian, (941)597-1505.

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

Persons with disabilities who need assistance may contact Ann Christian, (941)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact the Big Cypress Basin by calling (561)697-2574.

Those persons who desire more information, or those wishing to submit written or physical evidence may contact Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (941)597-1505.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Tuesday, June 27, 2000, 10:00 a.m.

PLACE: HIP Health Plan of Florida, 300 S. Park Road, Hollywood, Florida 33021

PURPOSE: To study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Connie Cobia, (850)922-5587, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Connie Cobia, Information Technology, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

The **Agency for Health Care Administration** announces a meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 27, 2000, 10:00 a.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, Building 1, Room 207, 2727 Mahan Drive, Tallahassee, Florida

PURPOSE: To develop a competency test for home health agencies to administer to home health aides.

FOR AGENDA: Anne Menard, Home Care Unit, Agency for Health Care Administration, 2727 Mahan Drive, Building 1, Tallahassee, Florida 32308, Telephone (850)414-6010 or menarda@fdhc.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise Anne Menard, (850)414-6010 or menarda@fdhc.state.fl.us, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Anne Menard via the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), for assistance.

The **Agency for Health Care Administration** announces a meeting of the District 11, Managed Care Ombudsman Committee to which all interested parties are invited.

DATE AND TIME: Thursday, June 29, 2000, 12:30 p.m. – 2:30 p.m.

PLACE: AHCA Building, Room 216A, 8355 N. W. 53rd Street, Manchester Building, 2nd Floor, Miami, FL 33166, (305)499-2000

PURPOSE: Regular monthly meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact us, (850)414-1833, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Attention: Annette Lewis-Howard, Agency for Health Care Administration, Bureau of Consumer Protection, 2727 Mahan Drive, Ft. Knox, Building 1, 2nd Floor, Tallahassee, FL 32308.

DEPARTMENT OF MANAGEMENT SERVICES

The **SMART Schools Clearinghouse** announces a regular meeting of the SMART Schools Clearinghouse to which all interested persons are invited:

DATE AND TIME: June 29, 2000, 10:00 a.m.

PLACE: The Capitol, Room 1702, 400 South Monroe Street, Tallahassee, Florida

A copy of the agenda may be obtained by contacting: SMART Schools Clearinghouse, Office of the Executive Director, 4050 Esplanade Way, Suite 250, Tallahassee, FL 32399-0950, phone (850)921-8699, Suncom 291-8699.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Office of the Executive Director at the above telephone or address at least five (5) calendar days prior to the meeting. If you are hearing or speech-impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

NOTICE IS HEREBY GIVEN that the **Information Service Technology Development Task Force** will hold a two-day meeting on:

MEETING: General IT Town Meeting

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

PLACE: Tampa Convention Center, 333 South Franklin Street, Tampa, Florida 33602

PURPOSE: Governor Jeb Bush will be in attendance to deliver his IT address to all Floridians and outline his vision for Florida's digital future.

MEETING: Task Force Workday Meeting

DATES AND TIMES: July 24, 2000, 3:00 p.m.; July 25, 2000, 9:00 a.m.

PLACE: Hyatt Regency Tampa, Two Tampa City Center, Tampa, Florida 33602

PURPOSE: The purpose of the meetings is to carry out the legislative mandate of the Task Force and further develop, promote, and enhance Information Technology in Florida. The public is invited to attend.

For additional information, contact: Stacey McMillian, itflorida.com, 501 S. Calhoun Street, 336 Carlton Building, Tallahassee, Florida 32399-6548 or telephone (850)410-0850.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE OF CANCELLATION – Notice is hereby given by the **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes** of the cancellation of the following workshops:

DATE AND TIME: June 28, 2000, 1:00 p.m. – 4:00 p.m.

PLACE: The Hurston Complex, Conference Rooms C and D, First Floor, 400 West Robinson Street, Orlando, Florida 32801

PURPOSE: The workshop will provide a forum for all comments regarding mutual areas of interest, excluding the discussion of any specific case or matter pending before the Division.

DATE AND TIME: June 29, 2000, 8:30 a.m. – 2:00 p.m.

PLACE: The Hurston Complex, Conference Room C, First Floor, 400 West Robinson Street, Orlando, Florida 32801

PURPOSE: The workshop will address possible legislation that is needed to fully implement the existing statutory authority to regulate personal property timeshare plans.

DATE AND TIME: July 27, 2000, 8:30 a.m. – 2:00 p.m.

PLACE: The Hurston Complex, Conference Rooms A and B, First Floor, 400 West Robinson Street, Orlando, Florida 32801

PURPOSE: The workshop will address possible legislation that is needed to fully implement the existing statutory authority to regulate personal property timeshare plans, and may address other potential legislative issues.

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

DATE AND TIME: Friday, July 14, 2000, 10:30 a.m. or soon thereafter

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

PURPOSE: To conduct general business of the Council.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Regulatory Council of Community Association Managers, (850)488-2141. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

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

The **Barbers' Board** announces a Board Meeting open to the public and all persons are invited to attend.

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

PLACE: Wyndham Casa Marina Resort, 1500 Reynolds Street, Key West, Florida 33040

PURPOSE: Regular Board Business and Committee Matters.

A copy of the agenda may be obtained by writing: Barbers' Board, 1940 North Monroe Street, Suite #60, Tallahassee, Florida 32399-0790.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public meeting of the Environmental Regulation Commission (ERC) to which all interested persons are invited.

DATE AND TIME: June 29, 2000, 9:00 a.m.

PLACE: Conference Room 609, Twin Towers Building, 2600 Blairstone Road, Tallahassee, Florida

PURPOSE: The regularly scheduled meeting of the ERC will include briefings and approvals. Briefings include: Rules Under Development; Rules Under Appeal; Preliminary briefing on Total Maximum Daily Loads (TMDLs). Rule proceedings include: Chapter 62-552, Florida Administrative Code (FAC.), State Revolving Fund Program for Drinking Water Facilities; Chapter 62-505, FAC., Small Community Wastewater Facilities Grants; Chapter 62-302, FAC., Surface Water Quality Standards, dealing with the reclassification of Prospect Lake. Time will be allotted at the end of the meeting for public comment.

A copy of the agenda may be obtained by contacting: Jacqueline McGorty, Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)921-9717.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey, (850)488-2996, 1(800)955-8771 (TDD), at least seven days prior to the event.

The **Florida Springs Task Force** announces the following public meeting to which all interested parties are invited.

DATE AND TIME: June 20, 2000, 9:30 a.m. – 3:30 p.m.

PLACE: Wakulla Springs State Park, Pavillion, 550 Wakulla Springs Drive, Wakulla Springs, FL 32305

PURPOSE: Florida Springs Task Force: Develop strategy to protect Florida's springs.

For more information please contact the Office of Environmental Services, (850)487-1750.

If an accommodation is needed for a disability in order to participate in these meetings, please notify Linda Harvey, (850)488-0450, 1(800)955-8771 (TDD), at least seven days prior to the event.

The **Acquisition and Restoration Council** (ARC), as defined in Section 259.035, Florida Statutes, announces the following public meeting/hearing to which all interested parties are invited for the purposes of conducting business of the Council, including receiving public testimony for land acquisition proposals, management plans and proposed interim management uses of state-owned lands.

DATE AND TIME: June 27, 2000, 10:00 a.m.

PLACE: The Department of Environmental Protection, Conference Room A, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida

To obtain additional information, please contact: Office of Environmental Services, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 140, Tallahassee, Florida 32399-3000, (850)487-1750.

Persons requiring special accommodations due to a disability or physical impairment should contact Ms. Linda Harvey, (850)488-0450, 1(800)955-8771 (TDD), at least seven days before the meeting.

DEPARTMENT OF HEALTH

The **Department of Health**, Community Environmental Health Advisory Board announces a meeting to be held by way of telephone conference hookup.

DATE AND TIME: June 29, 2000, 12:00 p.m. – 2:00 p.m. EDT (Eastern Daylight Time)

PLACE: In order to prevent charges to participants to this call, this is an operated assisted call. This means the cost of the call will be paid by the Department of Health. If you would like to participate on this conference call, please call Pam Lewis, (850)245-4444, Extension 2927 no later than 5:00 p.m. on Friday, June 23, 2000, so that your name and telephone number can be given to the operator.

PURPOSE: To conduct general business of the board.

A copy of the agenda may be obtained by writing: Ric Mathis, Department of Health, Bureau of Facility Programs, 4052 Bald Cypress Way, BIN #A08, Tallahassee, FL 32399-1710 or by calling (850)245-4444, Extension 2337.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise

the department at least 5 days before the workshop/hearing/meeting by contacting the board office, (850)487-0004. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the council with respect to any matter considered at the above-cited meeting, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces an official telephone conference call and probable cause panel. All interested parties are invited to attend the telephone conference call, which is normally open to the public.

DATE AND TIME: June 27, 2000, 3:00 p.m.

PLACE: Telephone Number (850)245-4474 to inquire about call-in number

PURPOSE: Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, by June 20, 2000.

The Florida **Board of Dentistry** will hold a Probable Cause Panel meeting to which all persons are invited:

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

PLACE: Embassy Suites, 3974 N. W. South River Drive, Miami, FL

PURPOSE: To review reconsideration cases.

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

A copy of any item on the agenda may be obtained by writing: William H. Buckhalt, Executive Director, Board of Dentistry, 2020 Capital Circle, S. E., BIN #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-6016. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Hearing Aid Specialists** announces an official board meeting. Reconsiderations will also be held during the probable cause panel meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATES AND TIMES: July 13, 2000, Probable Cause Meeting – 2:00 p.m.; July 14, 2000, General Business meeting – 9:00 a.m.

PLACE: Embassy Suites, Tampa, 555 Westshore Drive, Tampa, Florida 33609, (813)875-1555

PURPOSE: Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, by July 3, 2000.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a meeting.

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

PLACE: University Centre Hotel, 1535 S. W. Archer Road, Gainesville, Florida 32608, (352)371-3339

PURPOSE: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, Telephone (850)922-2414, 1(800)955-8771(TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Department of Health, Board of Nursing** announces will hold the following meetings to which all persons are invited.

Central Probable Cause Panel

DATES AND TIME: June 29, 2000; July 27, 2000; August 31, 2000; Sept. 21, 2000, 6:30 p.m.

PLACE: 2727 Mahan Drive, Tallahassee, FL 32308, telephone conference

PURPOSE: To reconsider cases which are a matter of public record.

A list of cases to be reconsidered may be obtained through written request: Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox #3 Building, Tallahassee, Florida 32308, Attn.: Reginald D. Dixon, Staff Attorney.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal to be based.

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

The **Department of Health, Board Speech-Language Pathology and Audiology** announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

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

PLACE: The Tampa Airport Marriott Hotel, Tampa International Airport, Tampa, FL 33607, (813)879-5151

PURPOSE: Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, BIN C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, by July 3, 2000.

The Florida **Department of Health**, Bureau of HIV/AIDS announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 28, 2000, 5:30 p.m. – 7:00 p.m.

PLACE: Royal Palm Ballroom, Crowne Plaza – Westshore, 700 North Westshore Boulevard, Tampa, Florida 33609

PURPOSE: Pursuant to 42 U.S. Code Sec. 2617(b)(3)(A), the public health agency that administers the Title II Ryan White C.A.R.E. Act grant must conduct a public meeting concerning the use and distribution of funds from the grant. All persons, including representatives of city and county governments, health officials and public and private community organizations are invited to attend. To reserve a five minute speaking time or to obtain information, please call: Nancy Bird or David W. Poole, (850)245-4444 or Suncom 205-4444.

NOTE: All speakers are requested to provide a written copy of their presentation to a representative from the Department of Health, Bureau of HIV/AIDS at the public meeting.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATE AND TIME: June 29, 2000, 9:30 a.m. – 11:00 a.m.

PLACE: Bureau of Emergency Medical Services, 4025 Esplanade Way 3rd Floor, Tallahassee, FL 32399-1738, conference call at 1(888)860-6808

PURPOSE: A task force appointed by the Department of Health and the Agency for Health Care Administration is meeting to implement legislation, conduct a study and develop recommendations regarding the following:

- Hospital diversion of Emergency Medical Services
- Closure of hospital emergency departments
- Staffing and coverage of physicians and other ancillary services and providers of hospital-based emergency care
- Impact of unfunded mandates and uncompensated care on the provision of emergency services and care

The task force is directed to submit to the legislature a report of the study and recommendations by January 1, 2001.

A copy of the agenda may be obtained by writing: Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738 or by calling Beth Hamilton, (850)245-4440, Ext. 2775.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency before June 27, 2000 by contacting Beth Hamilton, (850)245-4440, Ext. 2775. If you are hearing or speech impaired, please

contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Purchase Order Number XOO699

The **Department of Health** announces a public meeting to which all persons are invited.

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

PLACE: Florida Association of Realtors, 7025 Augusta National Drive, Orlando, FL 32822, Local Telephone (407)438-1400

PURPOSE: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Water and Onsite Sewage Programs, 2020 Capital Circle, S. E., Bin #A08, Tallahassee, Florida 32399-1713.

The Florida **Emergency Medical Services Advisory Council** will hold their quarterly meeting.

DATE AND TIME: July 14, 2000, 8:00 a.m. (EST)

PLACE: Omni-Rosen Hotel, 9840 International Drive, Orlando, Florida 32819, telephone (407)996-9840

PURPOSE: To conduct general business of the council.

An agenda may be obtained by contacting: Desi Lassiter, Bureau of Emergency Medical Services, (850)245-4055.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Bureau of Emergency Medical Services, (850)245-4055, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For further information, write to Desi Lassiter: 2020 Capital Circle, S. E., Bin #C18 (HEMS), Tallahassee, Florida 32399-1738 or call (850)245-4055.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services, Developmental Services Program** "Choice & Control Pilot Projects" in District 4 announces a public coalition meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 21, 2000, 11:00 a.m. – 1:00 p.m.

PLACE: The Department of Children and Family Services, Developmental Service Program District Office, 3631-B Hodges Boulevard, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organization of Choice and Control Pilot Projects.

A copy of the agenda for this meeting may be obtained by contacting: Denese McGehee, Sr., Human Service Program Specialist for District Four, (904)992-2440.

The Florida **Commission on Mental Health and Substance Abuse** announces a Children's Workgroup meeting to which all persons are invited.

DATE AND TIME: Thursday, June 22, 2000, 7:30 p.m. – 10:00 p.m.

PLACE: Doubletree Hotel Tallahassee, Leon Room (2nd Floor), 101 S. Adams Street, Tallahassee, FL

PURPOSE: Participants will continue discussing and evaluating mental health and substance abuse services for children in Florida. Written testimony about children's mental health and substance abuse issues may be sent to: Dr. Robert Friedman, Chair, Department of Child and Family Studies, Florida Mental Health Institute, 13301 Bruce B. Downs Blvd., Tampa, FL 33612-3807, (813)974-4640.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Sandra Charles prior to the meeting at the address above or telephone (813)974-2751, Suncom 574-2751, or call via the Florida Relay Service, (813)974-4522 (TDD).

NAVIGATION DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATES AND TIME: Friday, June 23, 2000; Saturday June 24, 2000, 8:00 a.m.

PLACE: The Holiday Inn-Cocoa Beach, 1300 N. Atlantic Avenue, Cocoa Beach, Brevard County, Florida

PURPOSE: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Property Acquisition and Management Committee will meet.

Please contact: District Office, 1314 Marcinski Road, Jupiter, FL 33477, telephone (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Florida Sturgeon Production Working Group** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 27, 2000, 9:00 a.m. – 2:00 p.m.

PLACE: Fourth Floor, Conference Room, Florida Fish and Wildlife Conservation Commission, Florida Marine Research Institute, 100 8th Ave., S. E., St. Petersburg, FL 33701

PURPOSE: Seventh meeting of the Sturgeon Production Working Group pursuant to s.s. 370.31(4), F.S. to establish a state sturgeon aquaculture program to promote the commercial production and stock enhancement of sturgeon in Florida. At the meeting we will discuss and vote upon continued sturgeon research contracts and new sturgeon contracts currently being administered and to be administered by the Fish and Wildlife Conservation Commission, Florida Marine Research Institute. Also, an update of the State of Florida Conservation Plan for Gulf of Mexico sturgeon will be presented.

A copy of the agenda for the public meeting may be obtained from the agency contact person: Anne Wakeford, Environmental Specialist, Florida Fish and Wildlife Conservation Commission, Florida Marine Research Institute, 100 Eighth Avenue, S. E., St. Petersburg, FL 33701-5095, mail station #J2N-HUF, telephone (727)896-8626, Email: anne.wakeford@fwc.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please notify the Personnel Services Specialist, (850)488-2996 or 1(800)955-8771 (TDD), at least 7 calendar days prior to the event.

LEON COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The Development Review Committee of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: Every second Tuesday of each month through December, 2000, 8:30 a.m.

PLACE: Innovation Park Administrative Centre, 1673 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The development and operation of Innovation Park and related matters.

Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact Ms. Hoko Glenn, (850)575-0031.

The Board of Governors of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: Every third Tuesday of each month through December, 2000, 8:30 a.m.

PLACE: Innovation Park Administrative Centre, 1673 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The development and operation of Innovation Park and related matters.

Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact Ms. Hoko Glenn, (850)575-0031.

SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited:

DATE AND TIME: Friday, June 23, 2000, 11:00 a.m.

PLACE: Conference Room "R", Second Floor, City Hall, City of Orlando, 400 S. Orange Avenue, Orlando, FL

PURPOSE: Board of Directors Business Meeting.

Note: A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 27, 2000, 2:00 p.m.

PLACE: Moffitt Board Room, 12902 Magnolia Drive, Tampa, FL

PURPOSE: To conduct the general business of the Board of Directors.

A copy of the agenda may be obtained by writing: Ms. Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612.

Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Lori Payne by Friday, June 23, 2000.

ENTERPRISE FLORIDA

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

MEETING: Enterprise Florida, Inc. Partner Council Meeting

DATE AND TIME: Tuesday, June 27, 2000, 2:30 p.m. – 5:00 p.m.

PLACE: Hyatt Hotel, Orlando International Airport, Orlando, Florida, (407)825-1235

PURPOSE: Enterprise Florida, Inc. Partner Council Meeting.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)316-4726, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

PINELLAS WAGES COALITION

NOTICE OF CHANGE – The **Pinellas WAGES Coalition** announces the following change in the following Coalition meetings:

DATE AND TIME: June 28, 2000, 9:00 a.m. – 4:00 p.m.

PLACE: Please call (727)507-6197 for location

PURPOSE: Special meeting of the Coalition Meeting.

ISSUES TO BE DISCUSSED: Coalition Closeout Issues, SB 2050, Board Merger and Transition.

Members of the public are invited to attend and to be heard. Agendas can be obtained 7 days in advance of the meeting at 13770 58th Street, North, Suite 304, Clearwater, FL 33760 or by calling (727)507-6197.

Any person wishing to appeal any decision made by the Pinellas WAGES Coalition's Committee with respect to any matter considered at such meeting will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. The inclusion of this statement does not create or imply a right to appeal any decision made at this meeting if the right to an appeal does not exist as a matter of law or policy.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the agency sending the notice no later than three working days prior to the proceeding at the address given on the notice, telephone (727)507-6197.

FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION

The **First Florida Governmental Financing Commission** announces a public meeting, where all interested parties are invited:

DATE AND TIME: Friday, June 30, 2000, 11:00 a.m.

PLACE: Council Chambers, City Hall, City of St. Petersburg, 175 Fifth Street, North, St. Petersburg, Florida

A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, Post Office Box 14923, Tallahassee, FL 32317-4923 or calling (850)878-1874.

LOCAL EMERGENCY PLANNING COMMITTEE

The District I, **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited.

DATE AND TIME: July 19, 2000, 10:00 a.m.

PLACE: Walton County Emergency Management Center, One South Davis Lane, DeFuniak Springs, FL 32435-2901

PURPOSE: To conduct general business of the District I, Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Daniel F. Krumel, Executive Director, West Florida Regional Planning Council, P. O. Box 486, Pensacola, Florida 32593-0486.

FLORIDA CONFLICT RESOLUTION CONSORTIUM

The **Florida Conflict Resolution Consortium** announces a meeting of its Advisory Council to which all interested parties are invited.

DATE AND TIME: Thursday, July 20, 2000, 9:00 a.m. – 3:00 p.m.

PLACE: Downtown Academic Center, University of Central Florida, 36 West Pine Street, Room 105, Orlando, Florida 32801

PURPOSE: This meeting will be a strategic planning session.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has received a petition for a declaratory statement from Christopher Spencer, President of Local Union #2887, International Association of Fire Fighters, Marco Island Fire Department, Marco Island, Florida 34145. The petition seeks the agency’s opinion as to the applicability of Section

633.35(1), Florida Statutes as it applies to the petitioner. Specifically, the petition presents the following questions in pertinent part:

Question #1: Is it legal and safe (as compared to traditional Police Officers and Fire Fighters) for a municipality to have an employee who has been termed a Public Safety Officer (PSO) and who has been hired, trained and state certified as primarily a Law Enforcement Officer and also trained and certified as primarily a Fire Fighter, to be assigned both full-time positions and perform the duties and responsibilities of both simultaneously on a continuing momentary basis?

Question #2: If a Public Safety Officer (PSO) does not have the official basic state certification of a Fire Fighter, (360 hours under Section 633.35(1), Florida Statutes), can he or she be advertised to the public as a qualified, certified Fire Fighter and also perform the duties and responsibilities required of a certified Fire Fighter?

A copy of the petition may be obtained by contacting: A. Collin Cherry, Senior Attorney, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, phone (850)413-4230.

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has received a petition for a declaratory statement from Bart Wright, Fire Protection Inspector, Casselberry Fire Department. The petition seeks the agency’s opinion as to the applicability of Section 633.021, Florida Statutes, as it applies to the petitioner.

A copy of the petition may be obtained by contacting: Meredith Trammel, Senior Attorney, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, phone (850)413-4282.

DEPARTMENT OF CORRECTIONS

Notice is hereby given that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on May 24, 2000 from Susanne Manning. Petitioner is a prisoner seeking amendment of 33-602.402, Florida Administrative Code, to permit inmates to receive newspaper and magazine clippings as part of routine mail.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

Notice is hereby given that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on May 30, 2000 from Willie Lee Harper. Petitioner is a prisoner seeking amendment of 33-602.405(4), Florida Administrative Code, to exempt inmates with less than \$45.00 in their account from being required to pay for copies required for the filing of legal documents.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on June 2, 2000 from George Reddick. Petitioner is a prisoner seeking amendment of 33-602.101(16).

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on May 1, 2000 from Glenn Smith. Petitioner is a prisoner seeking amendment of rules relating to administrative confinement, disciplinary confinement, and close management to limit placement of more than one inmate in cells that are less than 80 square feet.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Board of Dentistry has received a Petition for Declaratory Statement, which was filed on May 16, 2000, by Robert Rappel, D.O., J.D., and Craig M. Rappel, Esquire, on behalf of James T. Yang, D.D.S., D.M.Sc. Petitioner seeks a declaratory statement from the Board which request that the Board interpret Rule 64B5-17.013(3)(a),(b),(d),(e) and (f), Florida Administrative Code, utilized to implement Sections 466.0285, 466.003, Subsections 466.028(1)(g),(h),(i) and (z), Florida Statutes, and Section 817.505, Florida Statutes. More specifically, Petitioner requests that the Board issue a Declaratory Statement advising the Petitioner as to whether he is subject to discipline for participating in and continuing in the Dental Practice Management Agreement and advising him as to legality of such an agreement.

The Board will address this Petition at its regularly scheduled meeting which will be held on August 19, 2000, 8:00 a.m. or shortly thereafter, at The Crowne Plaza, 950 N. W. LeJeune Road, Miami, Florida 33126.

A copy of the Petition for Declaratory Statement may be obtained by writing: William H. Buckhalt, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that the Department of Children and Family Services received a petition for declaratory statement in In Re: Petition for Declaratory Statement, Dr. Michael Dunn, D.C., Petitioner.

The Petitioner requests a declaratory statement as to the applicability of certain provisions of Chapter 394 and 397 to a situation involving his child who was involuntarily admitted for substance abuse assessment and stabilization by an officer of the law.

A copy of the Petition for Declaratory Statement, DCF Case Action 00-0094DS may be obtained by writing: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204X, Tallahassee, FL 32399-0700.

Please refer comment to: Virginia Daire, Assistant General Counsel, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204X, Tallahassee, FL 32399-0700.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

Florida State University announces that construction management services will be required for the project listed below:

Project No.: BR-202

Project and Location: Stadium Drive West Improvements
Florida State University, Tallahassee,
Florida

This project includes the widening of Stadium Drive West to four lanes from a point north of Pensacola Street to the Call Street intersection, and the widening of Bryan Street from the Call Street intersection north to Tennessee Street. Also included is the associated lighting and landscaping, protection of existing oak trees, and the development of a bicycle/pedestrian path.

The selected construction manager will provide a review of the construction documents and a Guaranteed Maximum Price and will provide construction services for the project. The project may need to be phased, depending on the availability of the right-of-way for the Bryan Street portion of the project. The construction manager would be required to develop and implement a traffic management plan during construction.

The construction budget is \$3,365,000.00.

Upon selection, the construction manager will develop a Guaranteed Maximum Price for the project. The construction manager shall publicly bid trade contracts, ensuring the inclusion of 30% of Certified Minority Business Enterprises (CMBEs).

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the project engineer.

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Board of Regents "Construction Manager Qualifications Supplement". Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered

consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained on-line at www.vpfa.fsu.edu/fpc or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

For further information on the project, contact: Lisa Durham, Senior Project Manager, at the address and phone listed above.

Four (4) bound copies of the required proposal data shall be submitted. Submittals must be received in the FSU Facilities Planning and Construction Office by 2:00 p.m. local time, on Friday, July 19, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of the State of Florida, Board of Regents, announces that professional services for minor projects are required in the following discipline: Mechanical/Electrical/Plumbing Engineering.

Minor projects are specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for the upcoming year.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement" dated September 1997. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information, and selection criteria may be obtained by contacting: Facilities Planning Department, Florida Atlantic University, 777 Glades Road, Bldg. T-10, Room #9, Boca Raton, FL 33431, (561)297-3141.

Submittals must be received in the: Facilities Planning Department, Florida Atlantic University, 777 Glades Road, Bldg. T-10, Room #9, Boca Raton, FL 33431, by 5:00 p.m. local time, on July 17, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of the State of Florida, Board of Regents, announces that professional services for Minor Projects are required in the following discipline: Architecture.

Minor projects are specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for the upcoming year.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement" dated September 1997. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information, and selection criteria may be obtained by contacting: Facilities Planning Department, Florida Atlantic University, 777 Glades Road, Bldg. T-10, Room #9, Boca Raton, FL 33431, (561)297-3141.

Submittals must be received in the: Facilities Planning Department, Florida Atlantic University, 777 Glades Road, Bldg. T-10, Room #9, Boca Raton, FL 33431, by 5:00 p.m. local time, on July 17, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of the State of Florida, Board of Regents, announces that professional services for minor projects are required in the following discipline: Civil Engineering/Surveying.

Minor projects are specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for the upcoming year.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement" dated September 1997. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information, and selection criteria may be obtained by contacting: Facilities Planning Department, Florida Atlantic University, 777 Glades Road, Bldg. T-10, Room #9, Boca Raton, FL 33431, (561)297-3141.

Submittals must be received in the: Facilities Planning Department, Florida Atlantic University, 777 Glades Road, Bldg. T-10, Room #9, Boca Raton, FL 33431, by 5:00 p.m. local time, on July 17, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

DEPARTMENT OF COMMUNITY AFFAIRS

REQUEST FOR GRANT PROPOSALS

The FLORIDA COMMUNITIES TRUST (Trust) announces a period for receiving grant proposals from local governments for funding from the Trust's AREA OF CRITICAL STATE CONCERN PROGRAM. The Trust's Area of Critical State Concern Program is governed by Rule Chapter 9K-5, FAC. Funds granted under this program come from the Trust's allocation of Preservation 2000 funding previously set aside for this purpose according to s. 259.101(3)(c), F.S.

PURPOSE OF GRANTS. All grants from this program shall be used for land acquisitions within an Area of Critical State Concern to implement or further the conservation, recreation and open space, or coastal management elements of the local comprehensive plan, to conserve natural resources, to resolve land use conflicts, and to implement land development regulations which further the principles for guiding development established for that Area of Critical State Concern.

AWARD, USE AND DISBURSEMENT OF GRANTS. Funds shall be awarded as grants to county governments, or the City of Apalachicola, that submit proposal(s) for land acquisitions or land acquisition programs within an Area of Critical State Concern. Funds shall be matched by the recipient county on a dollar-for-dollar basis. The City of Apalachicola, pursuant to HB 2403, Section 23, shall not be required to provide a match. The Trust is not obligated to award funds if proposals submitted do not fulfill the purpose of the Area of Critical State Concern Program.

ELIGIBLE APPLICANTS. County governments within an area designated as an Area of Critical State Concern pursuant to s. 380.05, F.S., and the City of Apalachicola, are eligible to apply for grants.

PROPOSAL FORM. Proposals must be submitted with Proposal Form FCT/ACSC-2 following procedures in Rule Chapter 9K-5, FAC. Copies of the rule chapter and proposal form may be obtained by contacting the Trust at the phone numbers and address stated below.

DEADLINE. Proposals must be received by the Trust by 5:00 p.m., September 1, 2000, at the address given below. No waiver of the deadline shall be allowed, except as set forth in Rule 9K-5.005(3), FAC. Proposals that do not meet the stated deadline shall not be eligible for evaluation.

AMOUNT OF FUNDS AVAILABLE. The amount available for distribution as grants during this proposal period is \$5,429,191.69. These funds were derived from funds previously set aside for this purpose according to s. 259.101(3)(c), F.S., but not awarded, or from funds previously awarded under this program but unspent by grant recipients.

TECHNICAL ASSISTANCE. Eligible local governments interested in submitting a proposal may contact Grant Gelhardt, Planning Manager, at the phone numbers and address given below for information or technical assistance.

PHONE. The Trust phone numbers are (850)922-1704 or Suncom 292-1704.

ADDRESS: For mail, carrier service and hand deliveries, the address is Florida Communities Trust, Sadowski Building, Suite 310, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100.

REGIONAL PLANNING COUNCILS

**DIXIE COUNTY COMMUNITY
TRANSPORTATION COORDINATOR**

Request for Letters of Interest

The North Central Florida Regional Planning Council, is seeking letters of interest and statements of qualifications from agencies or firms interested in coordinating transportation services for the transportation disadvantaged in Dixie County, Florida. The selected contractor will be the designated Community Transportation Coordinator for the Transportation

Disadvantaged Program, as authorized by Chapter 427, Florida Statutes, and more fully described in Rule 41-2 of the Florida Administrative Code. Experience with eligibility-based transportation services is required.

The Community Transportation Coordinator is defined by Chapter 427, Florida Statutes as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in s. 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427, Florida Statutes as “those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202.”

Interested providers are required to provide proof of qualifications in the following areas: coordination experience, scheduling and routing software used by the organization and vehicle acquisition. Letters of interest and qualifications should be limited to eight (8) pages.

Potential providers should submit their expression of interest and qualifications in a sealed envelope to: North Central Florida Regional Planning Council, ATTENTION: Charles F. Justice, Executive Director, 2009 N. W. 67th Place, Suite A, Gainesville, Florida 32653-1603. Letters must be marked, “LETTER OF INTEREST AND QUALIFICATIONS FOR DIXIE COUNTY COMMUNITY TRANSPORTATION COORDINATOR.” Letters of interest and qualifications must be received by 5:00 p.m., July 7, 2000.

Faxed and e-mailed responses will not be accepted. Late letters will be returned unopened with the notation, “This letter of interest was received after the delivery time designated for receipt and opening in the legal notice.” Only responses to the request for letters of interest will be considered if a request for proposals is issued for Community Transportation Coordinator.

The North Central Florida Regional Planning Council reserves the right to accept or reject any and all responses in the best interest of the State. Questions should be addressed to: Ms. Lynn Franson-Godfrey, Senior Planner, (352)955-2200, Extension 110.

GILCHRIST COUNTY COMMUNITY TRANSPORTATION COORDINATOR

Request for Letters of Interest

The North Central Florida Regional Planning Council, is seeking letters of interest and statements of qualifications from agencies or firms interested in coordinating transportation services for the transportation disadvantaged in Gilchrist County, Florida. The selected contractor will be the designated Community Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes, and more fully described in Rule 41-2 of the Florida Administrative Code. Experience with eligibility-based transportation services is required.

The Community Transportation Coordinator is defined by Chapter 427, Florida Statutes as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in s. 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427, Florida Statutes as “those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202.”

Interested providers are required to provide proof of qualifications in the following areas: coordination experience, scheduling and routing software used by the organization and vehicle acquisition. Letters of interest and qualifications should be limited to eight (8) pages.

Potential providers should submit their expression of interest and qualifications in a sealed envelope to: North Central Florida Regional Planning Council, ATTENTION: Charles F. Justice, Executive Director, 2009 N. W. 67th Place, Suite A, Gainesville, Florida 32653-1603. Letters must be marked, “LETTER OF INTEREST AND QUALIFICATIONS FOR GILCHRIST COUNTY COMMUNITY TRANSPORTATION COORDINATOR.” Letters of interest and qualifications must be received by 5:00 p.m., July 7, 2000.

Faxed and e-mailed responses will not be accepted. Late letters will be returned unopened with the notation, “This letter of interest was received after the delivery time designated for receipt and opening in the legal notice.” Only responses to the request for letters of interest will be considered if a request for proposals is issued for Community Transportation Coordinator.

The North Central Florida Regional Planning Council reserves the right to accept or reject any and all responses in the best interest of the State. Questions should be addressed to: Ms. Lynn Franson-Godfrey, Senior Planner, (352)955-2200, Extension 110.

WATER MANAGEMENT DISTRICTS

**REQUEST FOR QUALIFICATIONS (RFQ) #99/00-56
CITY OF ALACHUA WASTEWATER SYSTEM DESIGN
AND PREPARATION OF CONSTRUCTION DRAWINGS,
SPECIFICATIONS, AND BID DOCUMENTS**

The Suwannee River Water Management District is requesting qualifications for the design and preparation of construction drawings, specifications, and bid documents for the City of Alachua's wastewater system.

All RFQ responses must be mailed or delivered to the District prior to 4:00 p.m., June 27, 2000. Any individual or firm desiring to obtain a copy of this Request for Qualifications may do so by contacting:

Sandra Keiser, Administrative Assistant
Suwannee River Water Management District
9225 County Road 49
Live Oak, Florida 32060
(904)362-1001 or 1(800)226-1066, Florida only

Technical questions should be directed to Jon Dinges, P. E., at the same address and phone number listed above.

Anyone requiring reasonable accommodation as provided for in the Americans With Disabilities Act should contact Sandra Keiser, Administrative Assistant, (904)362-1001 or 1(800)226-1066 (Florida only).

AGENCY FOR HEALTH CARE ADMINISTRATION

DIVISION OF MEDICAID

MEDICAID PROGRAM DEVELOPMENT OFFICE

The Agency for Health Care Administration plans to release an Invitation to Negotiate (ITN) for the Specialized Intermediate Care Facility for the Developmentally Disabled Services Program. This Invitation to Negotiate (ITN) seeks proposals from qualified offerors in Medicaid geographic areas 1, 3, 4, 7 and 9, to provide specialized ICF/DD services to persons with developmental disabilities with limited or minimal needs under the terms of a selective contracting waiver authorized under Section 1915(b)(4) of the Social Security Act. Qualified offerors are organizations that own and operate licensed and certified ICFs/DD within the State of Florida.

Requests for information and comments regarding the invitation to negotiate for the specialized ICF/DD program should be made in writing: Nicola Moulton, Medicaid Program Development, P. O. Box 12600, Mail Stop #20, Tallahassee, Florida 32317-2600, (850)487-2618.

A copy of the selective contracting waiver and Invitation to Negotiate for Specialized ICF/DD services is available upon request, pursuant and subject to the provisions of Chapter 119, Florida Statutes, regarding Public Records.

REQUEST FOR PROPOSALS

The Agency for Health Care Administration, Medicaid Program Development is requesting responses from Federally Designated Utilization and Quality Control Peer Review Organizations under contract with Health Care Finance Administration (HCFA) and PRO-like Entities certified by HCFA to operate a utilization review program for Medicaid in the state of Florida. The potential contractor will be responsible for review of the following services: inpatient and outpatient hospital; HMO; MediPass (Primary Care Case Management); Provider Service Networks; county health departments, federally qualified health centers, and rural health clinics; and home health pre-certification. This contract will be for up to 45 months, commencing on October 2, 2000 and running through June 30, 2004. The Request for Proposals, AHCA - 0101, Medicaid Utilization Review Program, will be issued on June 16, 2000. Copies may be obtained by writing the contract manager at the address noted below:

Bob Sharpe, Assistant Deputy Director for Medicaid
Agency for Health Care Administration
2728 Mahan Drive, Building 3
Tallahassee, Florida 32308-5403
(850)488-3560, Fax (850)488-2520

Responses must be received by and will be opened on July 27, 2000. The agency reserves the right to reject any or all bids.

DEPARTMENT OF MANAGEMENT SERVICES

**PUBLIC ANNOUNCEMENT
OF A/E SELECTION RESULTS**

The Department of Management Services, Building Construction, announces that on the date listed below, authority was issued to negotiate and enter into a contract for Professional Services in accordance with the Consultants Competitive Negotiation Act for the number 1 firm listed below:

DATE: May 31, 2000

PROJECT NAME: Architectural Services for Continuing Area Contracts, Area 6

1. Alliance Design Group P.A. – Fort Myers, FL
2. Reynolds Smith and Hills, Inc. – Fort Myers, FL
3. URS Greiner Woodward Clyde, Inc. – Tampa, FL
4. Seibert Architects – Sarasota, FL

**PUBLIC ANNOUNCEMENT OF CONSTRUCTION
MANAGEMENT SELECTION RESULTS**

The Department of Management Services, Building Construction, announces that on the date listed below, authority was issued to negotiate and enter into a contract for Construction Management Services in accordance with Rule 60D-5 with two firms listed below as number 1, number 2:

DATE: June 5, 2000

PROJECT NAME: Construction Management Services for Continuing Area Contracts Area 5

1. Peter R. Brown Construction, Inc. – Clearwater, FL
2. L.I. & Company, Inc. – Orlando, FL
3. Dooley & Mack Constructors, Inc. – Sarasota, FL
4. Biltmore construction – Belleair, FL

DEPARTMENT OF HEALTH

The State of Florida, Department of Health Orange County Health Department requests information regarding agency and community organization capabilities to provide consultation and training services for the development of “Integrated Messages for Minority Youth in HIV/STD and pregnancy prevention” in Orange County. This is a Request for Information Only (RFI).

Certified Minority Business enterprises are encouraged to inquire.

For RFI requirements, please contact: Lesli P. Ahonkhai, Orange County Health Department, (407)623-1180, Ext. 229. E-mail: Lesli_Ahonkhai@doh.state.fl.us.

INVITATION TO BID

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF HEALTH, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO.: DOH 96202310

SAMAS CODE: 64-30-1-00314-64200000-00-081108-99

PROJECT NAME AND LOCATION: Julia Street 1911 Building-Exterior Restoration, 1217 Pearl Street, Jacksonville, Florida

FOR: State of Florida, Department of Health

PRE-QUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit pre-qualification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233, for information on pre-qualification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Rule

60D-5.004. A copy of rule requirements is included in the Instruction To Bidders under Article B-2 “Bidders Qualification Requirements and Procedures”.

HISTORIC RESTORATION EXPERIENCE

PREQUALIFICATION: Bidders shall have successfully completed a minimum of three (3) projects consisting of the restoration, rehabilitation or renovation of historic structures. At least two of the three completed projects must have a contract amount in excess of \$100,000. In order to prequalify, contractors shall complete and submit a “Contractor’s Prequalification Form (Exhibit 21)” to the State of Florida, Department of Health, via submittal to the Architect by 2:00 p.m., July 10, 2000. Completed forms may be faxed to the Architect at (904)281-0990. It is the Contractor’s responsibility to confirm receipt of Exhibit 21 by the Architect. Determination of a contractor’s prequalification to bid the project shall be made after review of Exhibit 21 data that is timely submitted. This determination will be available from the Architect July 13, 2000. Contractors that do not prequalify after submittal of Exhibit 21 will be eligible to receive a refund of plan deposits upon satisfactory return of their set/s of Construction Documents.

PROJECT DESCRIPTION: This project consists of exterior restoration and related work for the Julia Street 1911 Building (the Wilson T. Sowder, M.D., M.P.H. Building).

PUBLIC ENTITY CRIME INFORMATION STATEMENT:

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

PERFORMANCE BOND AND LABOR MATERIAL PAYMENT BOND:

If the construction contract award amount is more than \$100,000.00, a Performance and a Labor and Material Payment Bond SHALL be required.

Sealed bids will be received, publicity opened and read aloud on:

DATE AND TIME: Thursday, July 20, 2000, Until 2:00 p.m. local time

PLACE: Central Lab Complex, 1217 Pearl Street, Jacksonville, Florida 32202, Telephone (904)791-1562

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Addenda, Bidding Conditions, and Contractual Conditions, which may be examined and obtained from the following:

ARCHITECT-ENGINEER: Kenneth Smith Architects, Inc.

TELEPHONE: (904)281-0002

PRE-BID MEETING: Contractors are advised that the Architect will conduct a Pre-Bid meeting on Thursday, July 6, 2000, 2:00 p.m. local time at the Central Lab Complex, 1217 Pearl Street, Jacksonville, Florida 32202, during which time contractors may request clarification of Bid Document information.

DEPOSIT: \$50.00 per set of Drawings and Specifications is required with a limit of two (2) sets per General Contractor or Prime Bidder and one set per mechanical subcontractor and/or electrical subcontractor. The deposit shall only be returned to those General Contractors, or Prime Bidders, mechanical subcontractors and/or electrical subcontractors, who, after having examined the Drawings and Specifications:

- a. Submit a request for pre-qualification and fail to qualify, or
- b. Submit a bid (in the case of mechanical and/or electrical subcontractor's submission of a bid to a prime bidder), and return the Drawings and Specifications in good condition within fifteen (15) days of the date of receipt of bids.

Full sets of drawings and specifications may be purchased by payment of the printing and handling cost at the rate of \$50.00 per set.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at 4:00 p.m. local time, Thursday, July 20, 2000 at the location where the bids were opened. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

INVITATION TO BID

Proposals are requested from qualified modular building lessor's by the Department of Children and Family Services, hereinafter referred to as Lessee, for the following project:

**PROJECT: ADMINISTRATIVE OFFICE SPACE
FOR MARTIN TREATMENT CENTER
MARTIN COUNTY, INDIANHEAD, FL**

The project entails the Lessee's intent to lease two modular structures to house additional group therapy rooms for residents at Martin Treatment Center. The needs for the facility include two buildings with multiple conference rooms, to be installed on site with all appropriate utility connections.

QUALIFICATION: The Lessee accepts bids from those lessor's whose modular units bear the insignia of the Department of Community Affairs, Division of Housing and Community Development. After bid opening, the low bidder must qualify in accordance with Rule 60-5.004. A copy of the rule requirements is included in the Instructions to Bidders under Article B-2. Bidder qualification Requirements and Procedures.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: If the construction award is \$100,000.00 or less, a Performance Bond and Labor and Material Payment Bond are not required.

DATE AND TIME: Sealed bids will be received on June 30, 2000, until 1:30 p.m., E.S.T., at which time they will be publicly opened and read aloud.

PLACE: Department of Children and Family Services
Mental Health Program Office
Building 6, Mental Health Conference Room D
1317 Winewood Blvd.
Tallahassee, FL 32399-0700

PROPOSAL: All Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained from the Lessee.

Mark L. Hernandez
Department of Children and Family Services
1317 Winewood Boulevard, Bldg., 6, Rm. 220
Tallahassee, FL 32399-0700
Telephone (850)487-0488

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted at 2:30 p.m., E.S.T., on June 30, 2000, at the location where the bids were opened. Any protests of the bid must be made within 72 hours of posting of the results. Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed per Section B-21 of the Instructions to Bidders, Notice and Protest Procedures, the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Lessor.

INVITATION TO BID

Competitive sealed bids will be received in the Department of Children and Family Services, District III, Tacachale Purchasing Office, 1621 N. E. Waldo Road, Gainesville, Florida 32609 until 2:00 p.m. on July 20, 2000 for the following:

Renovation of Existing Elevated Potable Water Storage Tank
Interested bidders may obtain bid forms and specifications by writing or calling the Tacachale Plant Superintendent's Office at the above address, telephone (352)955-5671.

A pre-bid conference will be held in the Tacachale Administration Building Conference Room on June 21, 2000 at 2:00 p.m. The purpose of the meeting will be to respond to questions and clarify requirements. Attendance is not mandatory.

The Department reserves the right to reject any or all bids.
DCF 2000-3RN

Invitation to Negotiate

The Florida Department of Children and Family Services is requesting applications for Non-Judicial Backlog Protective Investigations. The program will be for a minimum of three months and will not exceed a maximum of eighteen months. General units of local government, minority businesses, non-profit agencies, for-profit agencies, and Indian tribes are eligible to apply.

District 13 (Citrus, Hernando, Lake, Marion and Sumter Counties) is in need of developing additional capacity to provide Protective Investigation Services to address the backlog status of reports made to the Florida Abuse Hotline. Pursuant to section 39.3065, Florida Statutes, the purpose of this Invitation to Negotiate is to attract qualified providers who will perform on a district specific contract designed to expand Protective Investigations Services in District 13, which will reduce the number of Non-Judicial Backlog cases and to assure the protection and safety of the child and secure necessary services for the family.

Copies of the Invitation to Negotiate may be obtained from the Department of Children and Family Services, District 13 beginning 8:00 a.m. (EDT) Monday, June 19, 2000. Written notices of intent to submit proposals should be received by the department by Monday, July 24, 2000. A prospective respondent's conference will be held on Monday, July 31, 2000, 10:00 a.m. (EDT) in Room 2002 of the Children and Family Services, District 13 Headquarters Office located at 1601 W. Gulf Atlantic Hwy., Wildwood, Florida. All applications for Non-Judicial Backlog Protective Investigations Services must be received by the department no later than Monday, August 21, 2000, 5:00 p.m. (EDT). Applications received after that time will not be considered. The department will post a list of the qualified applicants with whom it may seek to negotiate on Monday, September 4, 2000, at 8:00 a.m. (EDT). Certified minority business enterprises are encouraged to participate in any respondents conferences, presolicitation or prebid meetings which are scheduled. The department reserves the right to reject any and all applicants or accept minor irregularities in the best interest of the state.

All invitations for negotiation, inquiries, notices of intent to respond to the Invitation to Negotiate, and submission of the applications for Non-Judicial Backlog Protective Investigation Services are to be directed in writing to the following: Phillip

C. Love, Contract Manager, Special Programs, Department of Children and Family Services, District 13, 1601 W. Gulf Atlantic Hwy., Wildwood, FL 34785.

FLORIDA COMMISSION ON COMMUNITY SERVICE

Request for Proposals for FY 2000-2001
AmeriCorps Digital Divide Programs

Overview

The Florida Commission on Community Service (the Commission) is soliciting new proposals for Fiscal Year 2000-2001 AmeriCorps Digital Divide community service programs. Funding is provided for innovative community service programs that support efforts to help overcome the digital divide and provide digital opportunities. The impetus supporting this RFP is that AmeriCorps members and Learn and Serve America students can help bridge the digital divide by serving in programs that (1) assist in delivering technology access to low-income individuals and families; (2) help train school teachers and staff in community organizations so that they will become adept at using technology in their work with young people; (3) build the technology skills of those Americans, especially children who have not yet been exposed to computers; and (4) use technology to meet the needs of communities.

Project Period

It is anticipated that projects will be funded for three years, consisting of one-year contracts to be renewed annually on a non-competitive basis contingent upon satisfactory performance and availability of funds. The initial contract period is anticipated to be September 1, 2000 through August 31, 2001 or January 2001 through December 2001.

Funding Availability and Source

Florida AmeriCorps programs are funded by the Florida Commission on Community Service through grants from the Corporation for National Service, Washington, D.C. The Corporation has made available approximately \$5 million for national competitive programs.

Eligibility

Only Florida-based organizations are eligible to apply for AmeriCorps funds under the terms of this RFP, including: Florida incorporated private not-for-profit corporations (including schools and churches/religious establishments); Florida chapters of national not-for-profit organizations (e.g., American Red Cross); Florida city, county, and other municipal government entities; Florida public educational institutions, including elementary, secondary, post-secondary/higher education institutions, and local school boards/districts; Florida Native American/Indian Tribes; and state agencies of Florida.

A consortium of organizations may be formed for the purposes of applying for these funds. However, *a proposal must be submitted by only one eligible entity as the "lead*

agency.” Such consortia efforts must be documented in writing with letters of agreement or other documentation of cooperation and coordination between all consortium members, and the documentation must be included in the application.

Submission Deadline

Proposals for Digital Divide national competitive funding consideration are due no later than 5:00 p.m. EST, June 30, 2000.

Contact Person

All correspondence, questions, and other communications regarding these application instructions or the review of applications should be directed to:

Arie Sailor

Director of National Service Programs

The Florida Commission on Community Service

444 Appleyard Drive

Tallahassee, Florida 32304-2895

Telephone: (850)414-0096 (direct)

or (850)921-5172 (main office)

Facsimile: (850)921-5146

Internet E-Mail: asailor@fccs.org

**Section XII
Miscellaneous**

DEPARTMENT OF LEGAL AFFAIRS

NOTICE OF AVAILABILITY OF GRANT FUNDS

Attorney General Bob Butterworth and Crime Stoppers are pleased to announce the availability of grant funds for the purpose of advancing Crime Stoppers in the State of Florida.

Funding is available only to counties served by an official member of the Florida Association of Crime Stoppers, and may only be used to support Crime Stoppers and their crime fighting programs. Any county or unit of local government may apply for the funds collected in the judicial circuit in which the county is located pursuant to sections 16.555 and 938.06, Florida Statutes (1998 Supp.).

A grant application may be obtained by writing: Office of the Attorney General, Crime Stoppers, The Capitol, Room PL-01, Tallahassee, Florida 32399-1050 or by calling (850)414-3370. A request for an application may be faxed at (850)413-0633. TDD users, please call through the Florida Relay Service at 1(800)955-8771.

Applications for grant funds under this notice must be received by the Office of the Attorney General by close of business on July 21, 2000. The funding cycle under this notice is for the

period of October 1, 2000, through September 30, 2001. For more information regarding this notice, contact Crime Stoppers at (850)414-3300.

DEPARTMENT OF BANKING AND FINANCE

IN RE:

Sovereign Equity Management Corporation
Administrative Proceeding
2916-S-2/00

Shirley Miller

Respondent.

**NOTICE OF INTENT TO ENTER A FINAL ORDER
APPROVING RECOVERY FROM THE SECURITIES
GUARANTY FUND AND NOTICE OF RIGHTS**

The State of Florida Department of Banking and Finance, Division of Securities and Investor Protection (the “Department”), being authorized and directed to administer and to accept and pay claims against the Securities Guaranty Fund (the “Fund”), codified in Sections 517.131 and 517.141, Florida Statutes, does hereby give Notice of its intention to enter a Final Order approving the application of Shirley Miller (“Miller” and “Claimant”) for payment from the Fund for violations of the Florida Securities and Investor Protection Act by Sovereign Equity Management Corporation.

The Securities Guaranty Fund is disbursed as provided in Section 517.141, Florida Statutes, to a person who is adjudged by a court of competent jurisdiction to have suffered monetary damages as a result of a dealer, investment advisor, or associated person having violated Sections 517.07 or 517.301, Florida Statutes.

STATEMENT OF FACTS

1. Under the provisions of the Florida Securities and Investor Protection Act (the “Act”), the Department is charged with the responsibility and duty of administering the fund, which includes the duty to approve or deny applications for payment from the Fund, as set forth in Section 517.141(3)(a), Florida Statutes.

2. At all times material hereto, Sovereign Equity Management Corporation (“Sovereign”) was registered pursuant to Chapter 517, Florida Statutes (CRD No. 20016).

3. On January 31, 2000, Shirley Miller notified the Department that she was making a claim on the Securities Guaranty Fund and provided the following documentation:

a. a copy of the Final Judgement from the Circuit Court in and for Hillsborough County, Florida, Case No. 99-8614, confirming the Arbitration Award and awarding compensatory damages in the amount of \$35,948.45;

b. a copy of the Statement of Facts filed in NASD Arbitration No. 96-05708 in which Miller alleged unauthorized transactions, material misrepresentations and unsuitable recommendations; and

c. a copy of the Award in NASD Arbitration No. 96-05708, awarding compensatory damages in the amount of \$35,948.45.

4. On July 2, 1999, the Department entered a Final Order approving recovery from the Securities Guaranty Fund for the acts of Sovereign.

5. On October 24, 1999, the National Association of Securities Dealers, Inc., suspended Sovereign's registration for failure to pay an arbitration award.

6. On November 12, 1997, Sovereign's registration with the National Association of Securities Dealers was cancelled for failure to pay an arbitration award.

CONCLUSIONS OF LAW

7. The requirements for perfecting a claim to the Fund are found in Sections 517.131 and 517.141, Florida Statutes.

8. Based upon the foregoing Statement of Facts, the Department concludes that the Claimants have satisfied the requirements in Section 517.131, Florida Statutes, in that:

a. Miller has been adjudged by the County Court in and for Hillsborough County, Florida, to have suffered monetary damages in the amount of \$35,948.45 as the result of conduct which are violations of Section 517.301, Florida Statutes.

b. The Department waives compliance with Section 517.131(b), Florida Statutes, because a previous Claimant was unable to locate or collect assets owned by Sovereign, and because Sovereign's NASD registration was suspended and then cancelled for failure to pay an arbitration award.

c. At all times material hereto, Respondent was licensed under Chapter 517, Florida Statutes; and

d. The act for which Claimant seeks recovery occurred after January 1, 1979.

9. Each Claimant is limited to recovering the amount equal to the unsatisfied portion of his judgment or \$10,000, whichever is less, as set forth in Section 517.141(1), Florida Statutes.

10. The total claims may not exceed \$100,000, and all claims will be prorated based upon the ratio that the person's claim bears to the total claims filed, as set forth in Section 517.141(2), Florida Statutes.

11. Section 517.141(3), Florida Statutes, provides that no payment from the Fund shall be made until 2 years after the first claim has been determined by the Department to be eligible for payment from the Fund. This subsection further provides that any additional claims or potential claims filed with or approved by the Department during the two year period shall also be considered by the Department and provision made for further prorations concerning such additional claims, if any, two years hence.

12. It is the conclusion of the Department that no payment shall be made in connection with the Claimant's claim until two years from the date of the first Final Order regarding Sovereign which was entered on July 2, 1999.

PROPOSED FINAL ORDER

Upon due consideration of the factual statement set forth above and the law applicable thereto, NOTICE is hereby given that the Department intends to and will issue a Final Order substantially as follows, subject only to the Notice of Rights attached hereto and made a part hereof:

1. The Department hereby approves Shirley Miller's claim in the amount of \$10,000;

2. No payment from the Fund shall be made until two years from July 2, 1999, the date of entry of the first Final Order regarding Sovereign Equity Management, Inc.;

3. Upon expiration of such period, provided that no further claims are duly received or approved by final order by the Department alleging violations of the Sovereign Equity Management, Inc., and subject to further proration and limitation as may be required by section 517.141(3) and (4), Florida Statutes, the Department shall pay Shirley Miller the amount of up to \$10,000 from the Fund; and

4. Shirley Miller shall assign any right, title, and interest in the debt to the Department to the extent of and prior to any payment by the Department from the Fund.

NOTICE OF RIGHTS

Notice is hereby given that the Respondent may request a hearing on the Notice of Intent to enter a Final Order Approving Recovery from the Securities Guaranty Fund to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. Requests for such a hearing must comply with the provisions of Florida Administrative Code 28-106.201, and must be filed with:

Clerk
Office of the Comptroller
Department of Banking and Finance
Legal Section
101 East Gaines Street
The Fletcher Building, Room 526
Tallahassee, Florida 32399-0350

within twenty-one (21) days after Respondent receives a copy of this Notice of Intent to enter a Final Order Approving Recovery from the Securities Guaranty Fund and Notice of Rights, otherwise Respondent shall be deemed to have waived all rights to such hearing. Should Respondent request such a hearing, it is further advised that at such hearing it will have the right to offer testimony, either written or oral; to call and cross-examine witnesses; and to have subpoena and subpoenas duces tecum issued on its behalf.

_____/s/
 Thomas Cibula
 Assistant General Counsel
 Office of the Comptroller
 101 East Gaines Street
 The Fletcher Building, Suite 526
 Tallahassee, Florida 32399-0350
 (850)410-9896

IN RE:

Investors Associates, Inc. Administrative Proceeding
 William T. Schenden and Two B 2888-S-11/99
 Printing, Inc.
 Respondent.

_____/s/
 NOTICE OF INTENT TO ENTER A FINAL ORDER
 APPROVING RECOVERY FROM THE SECURITIES
 GUARANTY FUND AND NOTICE OF RIGHTS

The State of Florida Department of Banking and Finance, Division of Securities and Investor Protection (the "Department"), being authorized and directed to administer and to accept and pay claims against the Securities Guaranty Fund (the "Fund"), codified in Sections 517.131 and 517.141, Florida Statutes, does hereby give Notice of its intention to enter a Final Order approving the applications of William T. Schenden ("Schenden") and Two B Printing, Inc. ("Two B") (hereinafter jointly referred to as "Claimants") for payment from the Fund for violations of the Florida Securities and Investor Protection Act by Respondent Investors Associates, Inc.

The Securities Guaranty Fund is disbursed as provided in Section 517.141, Florida Statutes, to a person who is adjudged by a court of competent jurisdiction to have suffered monetary damages as a result of a dealer, investment advisor, or associated person having violated Sections 517.07 or 517.301, Florida Statutes.

STATEMENT OF FACTS

1. Under the provisions of the Florida Securities and Investor Protection Act (the "Act"), the Department is charged with the responsibility and duty of administering the fund, which includes the duty to approve or deny applications for payment from the Fund, as set forth in Section 517.141(3)(a), Florida Statutes.

2. At all times material hereto, Investors Associates, Inc. ("Associates") was registered pursuant to Chapter 517, Florida Statutes (CRD No. 958).

3. On October 27, 1999, the Department received a letter from David A. Weintraub ("Weintraub"), attorney for the Claimant. Weintraub's letter provided notice to the Department that the Claimants were making a claim against the Securities Guaranty Fund for acts committed by Associates. With the letter, Weintraub also included a copy of the award in NASD

Arbitration No. 98-01617 in which Schenden was awarded \$8,500 and Two B was awarded \$3,000 as compensatory damages.

4. On May 15, 2000, the Department received a letter from Weintraub. With the letter Weintraub provided:

a. a copy of the statement of claim filed in NASD Arbitration No. 98-01617

b. a copy of the Final Judgment dated April 11, 2000, confirming the NASD arbitration award from the County Court in and for Broward County, Florida, Case No. COWE-99-08610 awarding compensatory damages of \$8,500 and prejudgment interest of \$742.40 to Schenden and awarding compensatory damages of \$3,000 and prejudgment interest of \$262.40 to Two B resulting from Associates' violations of Section 517.301, Florida Statutes; and

c. a copy of a writ of execution from the Clerk of the Court from the County Court in and Broward County; and

d. an affidavit from Weintraub in which he states that he has searched for the assets of Associates and has been unable to locate any real or personal property liable to be levied upon in satisfaction of the judgement.

CONCLUSIONS OF LAW

5. The requirements for perfecting a claim to the Fund are found in Sections 517.131 and 517.141, Florida Statutes.

6. Based upon the foregoing Statement of Facts, the Department concludes that the Claimants have satisfied the requirements in Section 517.131, Florida Statutes, in that:

a. Schenden has been adjudged by the County Court in and for Broward County, Florida, to have suffered monetary damages in the amount of \$8,500 with prejudgment interest in the amount of \$742.40 resulting from Associates violations of Section 517.301, Florida Statutes;

b. Two B has been adjudged by the County Court in and for Broward County, Florida, to have suffered monetary damages in the amount of \$3,000 with prejudgment interest in the amount of \$262.40 resulting from Associates violations of Section 517.301, Florida Statutes;

c. The Claimants have attempted to collect from the judgement debtor, but they have not recovered any amount from the Respondent, or any other source in satisfaction of these damages;

d. At all times material hereto, Respondent was licensed under Chapter 517, Florida Statutes; and

e. The act for which Claimant seeks recovery occurred after January 1, 1979.

7. Compensatory damages include prejudgment interest according to Gallo v. Department of Banking and Finance, 25 Fla. L. Weekly D302, (Fla. 5 DCA 2000).

8. Each Claimant is limited to recovering the amount equal to the unsatisfied portion of his judgment or \$10,000, whichever is less, as set forth in Section 517.141(1), Florida Statutes.

9. The total claims may not exceed \$100,000, and all claims will be prorated based upon the ratio that the person's claim bears to the total claims filed, as set forth in Section 517.141(2), Florida Statutes.

10. Section 517.141(3), Florida Statutes, provides that no payment from the Fund shall be made until 2 years after the first claim has been determined by the Department to be eligible for payment from the Fund. This subsection further provides that any additional claims or potential claims filed with or approved by the Department during the two year period shall also be considered by the Department and provision made for further prorations concerning such additional claims, if any, two years hence.

11. It is the conclusion of the Department that no payment shall be made in connection with the Claimant's claim until two years from the date of the first Final Order regarding Associates.

PROPOSED FINAL ORDER

Upon due consideration of the factual statement set forth above and the law applicable thereto, NOTICE is hereby given that the Department intends to and will issue a Final Order substantially as follows, subject only to the Notice of Rights attached hereto and made a part hereof:

- 1. The Department hereby approves William T. Schenden's claim in the amount of \$9,242.40;
- 2. The Department hereby approves Two B Printing, Inc.'s claim in the amount of \$3,262.40;
- 3. No payment from the Fund shall be made until two years from the date of entry of this first Final Order regarding Investors Associates, Inc.;
- 4. Upon expiration of such period, provided that no further claims are duly received or approved by final order by the Department alleging violations of the Act by Investors Associates, Inc., and subject to further proration and limitation as may be required by section 517.141(3) and (4), Florida Statutes, the Department shall pay William T. Schenden and Two B Printing the amount of up to \$9,242.40 and \$3,262.40 respectively from the Fund; and
- 5. William T. Schenden and Two B Printing shall assign any right, title, and interest in the debt to the Department to the extent of and prior to any payment by the Department from the Fund.

NOTICE OF RIGHTS

Notice is hereby given that the Respondent may request a hearing on the Notice of Intent to enter a Final Order Approving Recovery from the Securities Guaranty Fund to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. Requests for such a hearing must comply with the provisions of Florida Administrative Code 28-106.201, and must be filed with:

Clerk
Office of the Comptroller
Department of Banking and Finance

Legal Section
101 East Gaines Street
The Fletcher Building, Room 526
Tallahassee, Florida 32399-0350

within twenty-one (21) days after Respondent receives a copy of this Notice of Intent to enter a Final Order Approving Recovery from the Securities Guaranty Fund and Notice of Rights, otherwise Respondent shall be deemed to have waived all rights to such hearing. Should Respondent request such a hearing, it is further advised that at such hearing it will have the right to offer testimony, either written or oral; to call and cross-examine witnesses; and to have subpoena and subpoenas duces tecum issued on his behalf.

/s/

Thomas Cibula
Assistant General Counsel
Office of the Comptroller
101 East Gaines Street
The Fletcher Building, Suite 526
Tallahassee, Florida 32399-0350
(850)410-9896

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., July 7, 2000):

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Coast to Coast Credit Union, 8916 Sabal Industrial Blvd., Tampa, Florida 33619-1326
Expansion Includes: Employees of Bowman's Lawn Service.
Received: May 24, 2000
Name and Address of Applicant: PowerNet Credit Union, 5621 Harney Rd., Tampa, Florida 33610
Expansion Includes: Members and indentured apprentices of the International Brotherhood of Electrical Workers Local 222.
Received: May 31, 2000

DEPARTMENT OF COMMUNITY AFFAIRS**NOTICE OF FLORIDA COASTAL
MANAGEMENT PROGRAM****ROUTINE PROGRAM CHANGE REQUEST**

A routine request to update the Approved Florida Coastal Program (AFCP) has been submitted to the federal Office of Ocean and Coastal Resource Management (OCRM), of the National Oceanic and Atmospheric Administration (NOAA). The Department of Community Affairs (DCA) has determined that the proposed program changes are a routine program change as defined by 15 CFR 923.84 under the Federal Coastal Zone Management Act (16 U.S.C. §§ 1451 et seq.). These proposed changes seek to update all statutes which are part of the list of statutes that make up the AFCP. These include: Chapter 161, Florida Statutes (F.S.), Beach and Shore Preservation; Chapter 163, Part II, F.S., County and Municipal Planning and Land Development Regulation; Chapter 186, F.S., State and Regional Planning; Chapter 252, F.S., Emergency Management; Chapter 253, F.S., State Lands; Chapter 258, F.S., State Parks and Preserves; Chapter 259, F.S., Land Acquisitions for Conservation or Recreation; Chapter 260, F.S., Recreational Trails System; Chapter 267, F.S., Historical Resources; Chapter 288, F.S., Commercial Development and Capital Improvements; Chapter 334, F.S., Transportation Administration; Chapter 339, F.S., Transportation Finance and Planning; Chapter 370, F.S., Saltwater Fisheries; Chapter 372, F.S., Wildlife; Chapter 373, F.S., Water Resources; Chapter 375, F.S., Outdoor Recreation and Conservation; Chapter 376, F.S., Pollutant Discharge Prevention and Removal; Chapter 377, F.S., Energy Resources; Chapter 380, F.S., Land and Water Management; Chapter 381, Sections 381.001, 381.0011, 381.0012, 381.006, 381.0061, 381.0065, 381.0066, and 381.0067, F.S., Public Health; General Provisions; Chapter 388, F.S., Mosquito Control; Chapter 403, F.S., Environmental Control; and Chapter 582, F.S., Soil and Water Conservation.

This routine program change will incorporate all statutory changes to the referenced statutes enacted by the Florida Legislature in 1998. Any changes that may have been adopted during the 1999 and 2000 legislative sessions will be incorporated at a later date. Staff have evaluated these changes pursuant to 15 CFR 923.80(c) and concluded that the changes are not amendments to the AFCP. These changes will not result in any substantial change to the enforceable policies or authorities of the AFCP related to uses subject to management, special management areas, boundaries, authorities and organization, or coordination, public involvement and national interest.

This notice has been sent to affected parties, including affected local governments, state agencies, and regional offices of relevant federal agencies as required by 15 CFR 923.84(2)(b).

A list of persons and organizations notified is available for inspection or can be provided at cost upon request from the AFCP.

Pursuant to 15 CFR 923.84, comments on whether the changes constitute routine program change of the AFCP may be submitted to Sonya Taylor, NOAA/OCRM, 1305 East-West Highway, Silver Spring, MD 20910 within 21 days of the date of publication of this notice.

For a copy of this complete Routine Program Change package, or for more information, please contact: Ms. Jasmin Raffington, Department of Community Affairs, Florida Coastal Management Program, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)922-5438.

This package may also be viewed on the DCA website at: www.dca.state.fl.us/ffcm from there click on "Federal Consistency," then "Routine Program Change."

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR
VEHICLES****Notice of Publication for a New Point****Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, Confederate Motorcycles, Inc., intends to allow the establishment of Keenan and Keenan, Inc., as a dealership for the sale of Confederate Motorcycles, at South Military Trail #9, Boynton Beach (Palm Beach County), Florida 33436, on or after May 23, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Keenan and Keenan, Inc., are: dealer operator: Robert M. Keenan, Jr. and Margaret B. Keenan, 12550 S. Military Trail, #9, Boynton Beach, FL 33436; principal investor(s): Robert M. Keenan, Jr. and Margaret B. Keenan, 12550 S. Military Trail, #9, Boynton Beach, FL 33436.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Lisa S. McCain, Corporate Secretary, Confederate Motorcycles, Inc., 100 Confederate-Akorn Drive, Abita Springs, LA 70420.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Indian Motorcycle Corporation, intends to allow the establishment of Big Bike of Orlando d/b/a Indian Motorcycle Orlando, as a dealership for the sale of Indian Motorcycles, 5813 East Colonial Drive, Orlando (Orange County), Florida 32807, on or after May 5, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Big Bike of Orlando d/b/a Indian Motorcycle Orlando are: dealer operator; Bruce Scott, Indian Motorcycle Orlando, 5815 East Colonial Drive, Orlando, FL 32807 principal investor(s): Big Bike of Orlando, Inc., Bruce Scott, 9543 Sunbeam Road, Jacksonville, FL 32257-1101.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Paul Sheldon, Director of Training and Business Development, Indian Motorcycle Corporation, 200 East Tenth Street, Gilroy, CA 95020.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Panzer Motorcycle Works USA, Inc., intends to allow the establishment of Pompano Pat's, as a dealership for the sale of Panzer Motorcycles, 242 S. Dixie Hwy., Pompano (Broward County), Florida 33060, on or after April 20, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Pompano Pat's are: dealer operator: Patrick Cullen, 1170 N. E. 42nd Ct., Pompano Beach, FL 33064; principal investor(s): Patrick Cullen, 1170 N. E. 42nd Ct., Pompano Beach, FL 33064.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Christina M. Anastasia, President, Panzer Motorcycle Works, USA, Inc., P. O. Box 425, Canon City, CO 81215.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Daewoo Motor America, Inc., intends to allow the establishment of Tom Bush Motors, Inc., as a dealership for the sale of Daewoo motor vehicles, 6932 Blanding Blvd. Orange Park (Duval County), Florida 32244-4421, on or after May 19, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Tom Bush Motors, Inc. are: dealer operator: Tom Bush, 6932 Blanding Blvd., Orange Park, Florida 32244-4421; principal investor(s): Bush Industries

Corp. (Holding Company), Ownership of Bush Industries Corp., Tom M. Bush, Jr. and John P. Bush, 6932 Blanding Blvd., Orange Park, Florida 32244-4421.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Donald Betz, General Manager, Dealer Development, Daewoo Motor America, Inc., 1055 W. Victoria St., Compton, CA 90220.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Daewoo Motor America, Inc., intends to allow the establishment of Plaza Isuzu, Inc., as a dealership for the sale of Daewoo motor vehicles, 8907, 8925 and 8893 U.S. Highway 441, Leesburg (Lake County), Florida 34789, on or after May 5, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Plaza Isuzu, Inc. are: dealer operator: Louis Nolette, 8907 U.S. Highway 441, Leesburg, FL 34789; principal investor(s): Joseph H. Nolette, 8907 U.S. Highway 441, Leesburg, FL 34789.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Donald Betz, General Manager, Dealer Development, Daewoo Motor America, Inc., 1055 W. Victoria St., Compton, CA 90220.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Daewoo Motor America, Inc., intends to allow the establishment of Beaver Motors, Inc., as a dealership for the sale of Daewoo motor vehicles, 2891 E. Tamiami Trail South, Naples (Collier County), Florida 34112, on or after May 19, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Beaver Motors, Inc. are: dealer operator: Michael Beaver, 2891 E. Tamiami Trail, South, Naples, FL 34112; principal investor(s): Matt Calavan and Michael Beaver, 2891 E. Tamiami Trail, South, Naples, FL 34112.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Donald Betz, General Manager, Dealer Development, Daewoo Motor America, Inc., 1055 W. Victoria St., Compton, CA 90220.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

**NOTICE OF BATCHED APPLICATION RECEIPT
AND**

NOTICE OF TENTATIVE PUBLIC HEARINGS

The Agency for Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched nursing home review cycle with an application due date of May 31, 2000.

County: Escambia Service District: 1
CON#: 9349 Application Receipt Date: May 30, 2000

Facility/Project: Baptist Manor

Applicant: Baptist Manor, Inc.

Project Description: The addition of 10 community nursing home beds

County: Escambia Service District: 1
CON#: 9350 Application Receipt Date: May 31, 2000

Facility/Project: Haven of Our Lady of Peace

Applicant: Haven of Our Lady of Peace, Inc.

Project Description: The addition of up to 10 community nursing home beds

County: Nassau Service District: 4
CON#: 9351 Application Receipt Date: May 30, 2000

Facility/Project: Sawgrass Care Center, Inc.

Applicant: Sawgrass Care Center, Inc.

Project Description: The addition of 20 community nursing home beds to CON #'s 7734 and 8985

County: Highlands Service District: 6
CON#: 9352 Application Receipt Date: May 31, 2000

Facility/Project: Tandem Health Care, Inc.

Applicant: Tandem Health Care, Inc.

Project Description: The addition of eight community nursing home beds to CON #9275

County: Lee Service District: 8
CON#: 9353 Application Receipt Date: May 31, 2000

Facility/Project: Life Care Health Resources, Inc.

Applicant: Life Care Health Resources, Inc.

Project Description: The addition of up to 72 community nursing home beds to CON #9277

County: Okeechobee Service District: 9
CON#: 9354 Application Receipt Date: May 26, 2000

Facility/Project: Okeechobee Health Care Facility

Applicant: Lifestyles & Healthcare, Ltd.

Project Description: The addition of up to 17 community nursing home beds

Also, IF REQUESTED, tentative public hearings have been scheduled as follows:

PROPOSALS: District 1
DATE AND TIME: Wednesday, July 12, 2000,
1:30 p.m. central time

PLACE: West Florida Regional Planning Council
Conference Room, 3435 North
12th Avenue
Pensacola, Florida 32573

PROPOSALS: District 4
DATE/TIME: Thursday, July 20, 2000,
10:00 a.m. – 12:00 p.m.

PLACE: Health Planning Council of N. E.
Florida, Inc.
900 University Blvd., North, Suite 202
Jacksonville, Florida 32211

PROPOSALS: District 6
DATE/TIME: Thursday, July 20, 2000,
9:00 a.m. – 12:00 p.m.

PLACE: Baker Building Conference Room
888 Executive Center Drive, North
St. Petersburg, Florida 33702

PROPOSALS: District 8
DATE/TIME: Friday, July 21, 2000, 10:00 a.m.

PLACE: Health Planning Council of S. W.
Florida, Inc.
9250 College Parkway, Suite 3
Ft. Myers, Florida 33919

PROPOSALS: District 9
DATE/TIME: Wednesday, July 19, 2000, 9:00 a.m.

PLACE: Treasure Coast Health Council
Conference Room
4152 West Blue Herron Blvd., Suite 229
Riviera Beach, Florida 33404

Public hearing requests must be in writing and be received by the Agency for Health Care Administration, 2727 Mahan Drive, Room 331, Tallahassee, Florida 32308 by 5:00 p.m., June 29, 2000. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file. Pursuant to 59C-1.010(6), FAC., written comments must be received by 5:00 p.m., July 5, 2000.

AHCA Purchase Order Number S5900H00396.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

The State of Florida, Department of Business and Professional Regulation, Pilotage Rate Review Board announces the following rate change for the Ports of Panama City and Port St. Joe.

As of July 10, 2000, unless a petition as set forth is filed, the rate of pilotage at the Ports of Panama City and Port St. Joe are:

- 1. DRAFT: \$23/dft/ft with a 16 foot minimum draft.
- 2. PILOTAGE UNIT CHARGE:

Calculation for Pilotage Unit Charge: Length Over all times the vessels Beam divided by 100, equals Pilotage Units, which is Multiplied by the "Unit Rate" to derive at the Pilot Unit Charge.

Expressed: ((LOA X BEAM / 100 = PU X UR = PUC))

- Unit Rate: \$2.20
- Minimum Units: 175

3. SHIFTING:

Long shift: Pilot units plus Draft
(PPC to SCC, berth to anchorage)
Short shift: Pilot units
(shift within berth area)
Dead Ship: Double all short or long shift charges

(no power and/or steering)

4. ANCHORING OR HEAVING ANCHOR:

\$100.00

5. DETENTION:

\$50.00 per half hour
No charge for less than half hour

6. CANCELLATION:

After pilot is dispatched \$100.00

7. PILOT CARRIED TO SEA:

\$300.00 per day plus all expenses and first class transportation back to pilots home port.

8. SPECIAL SERVICES: Any other charges, special maneuvers and/or circumstances, by prior arrangement/agreement between pilot(s) and vessels agent and/or vessels master.

Then one year thereafter, the rates of pilotage at the Ports of Panama City and Port St. Joe shall be CHANGED to the following:

- 1. DRAFT: \$25/dft/ft with a 16 foot minimum draft.
- 2. PILOTAGE UNIT CHARGE:

Calculation for Pilotage Unit Charge: Length Over all times the vessels Beam divided by 100, equals Pilotage Units, which is Multiplied by the "Unit Rate" to derive at the Pilot Unit Charge.

Expressed: ((LOA X BEAM / 100 = PU X UR = PUC))

- Unit Rate: \$2.30
- Minimum Units: 175

3. SHIFTING:

Long shift: Pilot units plus Draft
(PPC to SCC, berth to anchorage)
Short shift: Pilot units
(shift within berth area)
Dead Ship: Double all short or long shift charges

(no power and/or steering)

4. ANCHORING OR HEAVING ANCHOR:

\$100.00

5. DETENTION:

\$50.00 per half hour. No charge less than half hour

6. CANCELLATION:

After pilot is dispatched \$100.00

7. PILOT CARRIED TO SEA:

\$300.00 per day plus all expenses and first class transportation back to pilot's home port.

8. SPECIAL SERVICES: Any other charges, special maneuvers and/or circumstances, by prior arrangement/agreement between pilot(s) and vessels agent and/or vessels master.

You are hereby notified that you may seek review of the above by filing a request for hearing with the Board at 1940 North Monroe Street, Tallahassee, Florida 32399-0787 within twenty-one (21) days of receipt of this notice. You may request a formal hearing pursuant to Sections 120.569 and 120.57(1), Florida Statutes, if there are material facts in dispute; otherwise, you will receive an informal proceeding, the petition must contain the information required by Rules 61E13-2.011 and 2.012, Florida Administrative Code, including specification of the facts which are in dispute. If you request a hearing, you have the right to be represented by an attorney or other qualified representative, to take testimony, to call or cross-examine witnesses, to have subpoenas and subpoenas duces tecum issued, and to present written evidence or argument.

Unless a proper WRITTEN request for a hearing is received on or before the above-stated deadline or if a request for hearing is made, but the request is subsequently withdrawn, the Pilotage Rate Review Board will act in accordance with the provisions of Rule 61E13-2.011, Florida Administrative Code, and this order shall become final on July 10, 2000.

DEPARTMENT OF ENVIRONMENTAL PROTECTION**NOTICE OF INTENT TO
GRANT WATER QUALITY EXEMPTION**

The Department of Environmental Protection gives notice of its intent to grant a water quality exemption, under rule 62-520.500 of the Florida Administrative Code, for the drinking water standards for color, odor, total dissolved solids, chloride, and sodium for the Cedar Key Water and Sewer District's reclaimed water land application facility located at 8th and G Streets, Cedar Key, Florida. The exemptions are granted for the duration of the DEP permit number FL0031216, which expires on August 31, 2002. The applicant must petition for future exemptions in conjunction with any future operation permit for that facility.

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

Petitions filed by any persons other than those entitled to written notice under Section 120.6093 of the Florida Statutes must be filed within 21 days of publication of the notice or receipt of the written notice, whichever occurs first. Under Section 120.60(30), however, any person who asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The petitioner must mail a copy of the petition to the applicant Mr. James McCain, Superintendent, Cedar Key Water Reclaiming Facility, 510 Third Street, Cedar Key, Florida 32625, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department case or identification number and the county in which the subject matter or activity is located;

(b) A statement of when and how each petitioner received notice of the Department action;

(c) A statement of how each petitioner's substantial interests are affected by the Department action;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;

(f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and

(g) Demand for relief (sought by the petitioner, stating precisely the action that the petitioner wants the Department to take).

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petitions have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

The petition is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Watershed Management, 2600 Blair Stone Road, Room 232, Tallahassee, Florida 32399-2400.

NOTICE OF AVAILABILITY
FLORIDA FINDING OF NO SIGNIFICANT IMPACT
TREATMENT AND REUSE FACILITIES

The Florida Department of Environmental Protection has determined that the Clay County's proposed Wastewater Treatment Facilities project will not have a significant adverse affect on the environment. The potential amount of the loan is estimated at \$5,794,551. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing to: Troy Mullis, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

NOTICE OF AVAILABILITY
FLORIDA FINDING OF NO SIGNIFICANT IMPACT
COLLECTION, TRANSMISSION,
TREATMENT AND REUSE FACILITIES

The Florida Department of Environmental Protection has determined that the proposed City of Webster's Wastewater Treatment Facilities will not have a significant adverse affect on the environment. The total project cost is \$3,600,000. The potential amount of the grants is estimated at \$1,586,832 and the potential amount of the loan is estimated at \$2,013,168. The project is expected to qualify for a Financially Disadvantaged Small Community Grant as well as a Rural Hardship Community Grant and State Revolving Loan funding composed of federal and state matching funds.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing to: Troy Mullis, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

DEPARTMENT OF HEALTH

On May 30, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Julio Humberto Gonzalez-Collar, P.A., license number PAT 9100803. This Emergency Restriction Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 30, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Bradley Joseph Broyles, M.D., license number ME 0071307. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN May 30, 2000
 and June 2, 2000**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE

Division of Banking

3C-100.948	5/31/00	6/20/00	26/11	26/18
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DEPARTMENT OF INSURANCE

Division of Insurer Services

4J-3.001	5/31/00	6/20/00	26/14
4J-3.002	5/31/00	6/20/00	26/14
4J-3.003	5/31/00	6/20/00	26/14
4J-3.004	5/31/00	6/20/00	26/14
4J-3.005	5/31/00	6/20/00	26/14
4J-3.006	5/31/00	6/20/00	26/14
4J-3.007	5/31/00	6/20/00	26/14

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

5B-52.001	5/31/00	6/20/00	26/13
5B-52.007	5/31/00	6/20/00	26/13
5B-52.008	5/31/00	6/20/00	26/13
5B-52.009	5/31/00	6/20/00	26/13
5B-52.010	5/31/00	6/20/00	26/13
5B-52.011	5/31/00	6/20/00	26/13
5B-52.012	5/31/00	6/20/00	26/13
5B-54.001	5/31/00	6/20/00	26/13
5B-54.006	5/31/00	6/20/00	26/13
5B-54.010	5/31/00	6/20/00	26/13
5B-54.011	5/31/00	6/20/00	26/13
5B-54.014	5/31/00	6/20/00	26/13

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5B-54.015	5/31/00	6/20/00	26/13
5B-54.016	5/31/00	6/20/00	26/13
5B-54.017	5/31/00	6/20/00	26/13
5B-54.018	5/31/00	6/20/00	26/13
5B-54.019	5/31/00	6/20/00	26/13
5B-54.020	5/31/00	6/20/00	26/13
5B-57.003	5/31/00	6/20/00	26/13
5B-57.004	5/31/00	6/20/00	26/13

Division of Aquaculture

5L-1.003	5/30/00	6/19/00	26/15
5L-1.007	5/30/00	6/19/00	26/15

DEPARTMENT OF EDUCATION

University of Florida

6C1-1.0062	6/1/00	6/21/00	Newspaper
6C1-1.011	6/1/00	6/21/00	Newspaper
6C1-1.016	6/1/00	6/21/00	Newspaper
6C1-3.0372	6/1/00	6/21/00	Newspaper
6C1-4.004	6/1/00	6/21/00	Newspaper
6C1-4.007	6/1/00	6/21/00	Newspaper
6C1-4.013	6/1/00	6/21/00	Newspaper
6C1-4.016	6/1/00	6/21/00	Newspaper
6C1-4.026	6/1/00	6/21/00	Newspaper
6C1-7.003	6/1/00	6/21/00	Newspaper
6C1-7.042	6/1/00	6/21/00	Newspaper
6C1-7.051	6/1/00	6/21/00	Newspaper

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

9B-61.008	6/2/00	6/22/00	26/10
9B-61.009	6/2/00	6/22/00	26/10

STATE BOARD OF ADMINISTRATION

19-8.010	5/30/00	6/19/00	26/12	26/18
19-8.011	5/30/00	6/19/00	26/12	
19-8.029	5/30/00	6/19/00	26/12	26/18

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CITRUS

20-3.001	5/30/00	6/19/00	26/10	
20-3.002	5/30/00	6/19/00	26/10	26/18

PUBLIC SERVICE COMMISSION

25-22.032	6/2/00	6/22/00	26/18	
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AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid Program Office

59G-4.058	6/1/00	6/21/00	26/10	
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DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

60L-20.001	5/30/00	6/19/00	26/8	
60L-20.002	5/30/00	6/19/00	26/8	26/14
60L-20.003	5/30/00	6/19/00	26/8	
60L-20.004	5/30/00	6/19/00	26/8	
60L-20.005	5/30/00	6/19/00	26/8	
60L-20.006	5/30/00	6/19/00	26/8	
60L-20.007	5/30/00	6/19/00	26/8	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

61G3-20.012	6/1/00	6/21/00	26/15	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Florida Building Code Administrators and Inspector

61G19-2.006	6/1/00	6/21/00	26/15	
61G19-2.007	6/1/00	6/21/00	26/15	

DEPARTMENT OF HEALTH

Board of Acupuncture

64B1-4.001	6/1/00	6/21/00	26/9	26/17
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Board of Chiropractic

64B2-17.006	6/1/00	6/21/00	26/13	26/18
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Board of Medicine

64B8-30.008	5/31/00	6/20/00	26/16	
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Board of Nursing

64B9-7.001	5/31/00	6/20/00	26/15	
64B9-7.002	5/31/00	6/20/00	26/15	

Board of Osteopathic Medicine

64B15-6.0038	5/30/00	6/19/00	26/16	
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