

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF INSURANCE**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Purpose	4-144.001
Approval Procedures	4-144.002
Credit for Reinsurance Allowed a Domestic Ceding Insurer	4-144.005
Accounting Requirements; Life and Health Reinsurance Agreements	4-144.010

**PURPOSE AND EFFECT:** The proposed rule will be to amend the rule to incorporate the 2000 legislative changes to section 624.610, F.S.

**SUBJECT AREA TO BE ADDRESSED:** To incorporate the 2000 legislative changes in section 624.610, F.S.

**SPECIFIC AUTHORITY:** 624.308 FS.

**LAW IMPLEMENTED:** 624.307(1), 624.316, 624.317, 624.318, 624.321, 624.324, 624.34, 624.401, 624.404, 624.407, 624.413, 624.424, 624.501(20)(c), 624.5091, 624.610, 628.051, 628.801, 629.081 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., September 19, 2000.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Bob Norris, Financial Administrator, Insurer Services, Department of Insurance, phone (850)413-5054

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)922-3110, Ext. 4214.

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

**DEPARTMENT OF INSURANCE**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Purpose	4-157.001
Applicability and Scope	4-157.002
Definitions	4-157.003
Out-of-State Group Long-Term Care Insurance	4-157.004
Pre-existing Conditions	4-157.006
Conditions of Eligibility	4-157.007
Minimum Coverage	4-157.009

Requirements for Replacement	4-157.016
Prior Institutionalization	4-157.017
Right to Return Policy – Free Look	4-157.018
Long-Term Care Policies – Statements Required	4-157.019
Outline of Coverage	4-157.020
Nonforfeiture Protection Provision	4-157.023
Required Disclosure Provisions	4-157.024
Prohibition Against Post – Claims Underwriting	4-157.025
Discontinuance and Replacement	4-157.026
Appropriateness of Recommended Purchase	4-157.027
Requirements for Application Forms and Replacement Coverage	4-157.028
Prohibition Against Preexisting Conditions & Probationary Periods in Replacement Policies or Certificates	4-157.029
Reporting Requirements	4-157.030
Requirement to Deliver Shopper's Guide	4-157.031

**PURPOSE AND EFFECT:** To adopt NAIC standards applicable to Long Term Care and Certain Limited Benefit Insurance policies.

**SUBJECT TO BE ADDRESSED:** Adoption of NAIC standards regarding the content, rates, and sales of Long Term Care and Limited Benefit insurance policies.

**SPECIFIC AUTHORITY:** 624.308, 627.9407 FS.

**LAW IMPLEMENTED:** 624.307(1), 624.3161, 626.9541, 627.9403, 627.9405, 627.9406, 627.9407, 627.94072, 626.9641 FS.

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

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

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Frank Dino, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0329, (850)413-5014

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)413-4214.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

**LONG-TERM CARE & CERTAIN LIMITED BENEFIT INSURANCE**

4-157.001 Purpose.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 629.9402, 627.9407(1) FS. History–New 5-17-89, Formerly 4-81.001, Repealed \_\_\_\_\_.

## 4-157.002 Applicability and Scope.

(1) No change.

(2) The provisions of Chapter 4-157 shall apply to such long-term care policies issued or renewed on or after the effective date of Chapter 4-157; however, the provisions of Chapter 4-157 do not apply to any policy that is not subject to the provisions of sections 627.6401-627.9408, F.S., ~~as presently existing or as hereafter amended.~~

(3) Pursuant to s. 627.9403, F.S., the provisions of this rule shall also apply to limited benefit policies that limit coverage to care in a nursing home only or to one or more lower levels of care required or authorized to be provided that are issued on or after October 1, 1996.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9403, 627.9406, 627.9407(1) FS. History—New 5-17-89, Formerly 4-81.002, Amended.

## 4-157.003 Definitions.

As used in these rules and as used in long-term care policies, the following terms shall have meanings no more restrictive than the following:

(1) through (3) No change.

(4) “Nursing home” means a facility or distinctly separate part of a hospital or other institution which is licensed by the appropriate licensing agency to engage primarily in providing nursing care and related services to inpatients and provides 24-hour a day nursing service, and has a nurse on duty or on call at all times and maintains clinical records for all patients and as defined and licensed pursuant to the provisions of Chapter 400, Florida Statutes.

(5) through (7) No change.

(8) “Home Health Care” as defined in Chapter 400, Florida Statutes.

(9) “Assisted Living Facility” as defined in Chapter 400, Florida Statutes.

(10) “Adult Day Care Center” as defined in Chapter 400, Florida Statutes.

(11) “Nurse Registry” as defined in Chapter 400, Florida Statutes.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9407 FS. History—New 5-17-89, Formerly 4-81.003, Amended.

## 4-157.004 Out-of-State Group Long-Term Care Insurance.

(1) No group long-term care insurance coverage may be offered to a resident of this state under a group policy issued in another state to a group described in ~~section~~ 627.9405(1)(c) or (d), F.S. unless this state or such other state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in this state has made a determination that such requirements have been met. Evidence to this effect shall be filed by the insurer with the department pursuant to the procedures specified in ~~section~~ 627.410, F.S. Such evidence shall consist of:

(a) Filing of policy and certificate forms, including rates and rate development information, as though the policy/certificate were issued in this state, which demonstrate that the requirements of ~~sections~~ 627.9401-627.9408, Florida Statutes, and these rules have been met, except ~~section~~ 627.9405(2), F.S.; or

(2) In order for a state to be deemed to have statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida, that such state shall must require that long-term care policies meet at least all of the following requirements:

(a) A minimum period of coverage of at least 24 consecutive months for coverage in a nursing home for each covered person. In addition to coverage for care in a nursing home all long-term care policies shall provide coverage for at least one type of lower level of care for each covered person. In furtherance of this requirement, benefits for all lower levels of care, shall provide a level of benefits equivalent to 50 percent of the benefits provided for nursing home coverage. i.e., if the nursing home benefit amount is \$100 per day then the required lower level of care benefit amount shall be \$50 per day or if more than one lower level of care is provided than each lower level of care shall provide a benefit amount of \$50 per day;

(b) A 60% minimum lifetime loss ratio meeting the standards of 4-157.022 at levels at which benefits are reasonable in relation to premiums and calculated in a manner which provides for adequate reserving of the long-term care insurance risk;

(c) A 30-day “free look” period, or longer, within which individual ~~certificateholders~~ policyholders have the right to return the ~~certificate~~ policy after its delivery and to have the premium refunded for any reason;

(d) through (i) No change.

(j) A minimum 30-day grace period for nonpayment of premium with notice and protection requirements as provided by s. 627.94072, F.S.

(k) Pursuant to s. 627.94072, F.S., a mandatory offer to the potential insured ~~policyholder~~ or certificateholder, as applicable, of a nonforfeiture provision meeting the standards of 4-157.023; and

(l) A conversion or continuation privilege at least as favorable as 4-157.010.

(m) A prohibition or limitation on an elimination in excess of 180 days as required by 4-157.013.

(3) No change.

(4)(a) All changes to rates, together with an actuarial memorandum developing and justifying the rate change, shall be filed with the Department pursuant to the procedures specified in s. 627.410, F.S.

(b) For those policies which have been determined to be regulated by a state with substantially similar long term care insurance requirements, pursuant to paragraph (1)(b) above, form and rate changes shall be filed informationally prior to

~~use. To the extent that Section 627.9406, Florida Statutes, and this rule require that an out-of-state group policy form or rate be filed with the department for approval, such form or rate may not be amended or changed prior to approval by the Department pursuant to the procedures specified in Section 627.410, Florida Statutes.~~

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9403, 627.9406 FS. History–New 5-17-89, Formerly 4-81.004, Amended.

#### 4-157.006 Pre-existing Conditions.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9407(1),(4) FS. History–New 5-17-89, Formerly 4-81.006, Repealed.

#### 4-157.007 Conditions of Eligibility.

(1) No change.

(2) Subsection 627.9405(2), F.S., does not require the sponsoring policyholder to contribute premiums. However no insurer may establish rules for eligibility, including continued eligibility if the sponsoring policyholder contributes any portion of the premium. No group long-term care policy may be issued or issued for delivery in this state unless all members of the group, or all of any class or classes thereof, are declared eligible and acceptable to the insurer at the time of issuance of the policy, subject to any exception to this requirement expressly authorized by Section 627.9405, Florida Statutes, as presently existing or as hereafter amended.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9407(1), 627.9405(2) FS. History–New 5-17-89, Formerly 4-81.007, Amended.

#### 4-157.009 Minimum Coverage.

(1) through (2) No change.

(3) No long-term care policy may provide significantly more coverage for care in a nursing home than coverage for lower levels of care. In furtherance of this requirement, benefits for all lower levels of care, ~~in the aggregate,~~ shall provide a level of benefits equivalent to 50 percent of the benefits provided for nursing home coverage; i.e., if the nursing home benefit amount is \$100 per day then the required lower level of care benefit amount shall be \$50 per day or if more than one lower level of care is provided then each lower level of care shall provide a benefit amount of \$50 per day. For the purposes of applying this 50 percent equivalency requirement to a policy benefit period, the lower level of care shall be, in the aggregate, 50 percent of the benefit period provided for nursing home coverage. If a long-term care policy provides nursing home coverage for an unlimited duration, the nursing home benefit shall be considered to be payable for ten years and the lower level of care shall be payable for 5 years, in the aggregate. A long-term care policy may use an overall lifetime benefit maximum which may be exhausted by any combination of benefits

(4) For the purposes of this rule, “lower level(s) of care” means the following:

(a) No change.

(b) Assisted Living Facility. Adult congregate living facility;

(c) through (h) No change.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9407(1),(3) FS. History–New 5-17-89, Formerly 4-81.009, Amended.

#### 4-157.016 Requirements for Replacement.

Specific Authority 624.308(1), 626.9611, 627.9407 FS. Law Implemented 624.307(1), 626.9541, 626.9641, 627.9407(1) FS. History–New 5-17-89, Formerly 4-81.016, Repealed.

#### 4-157.017 Prior Institutionalization.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9407(5) FS. History–New 5-17-89, Formerly 4-81.017, Repealed.

#### 4-157.018 Right to Return Policy – Free Look.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9407(1),(7) FS. History–New 5-17-89, Formerly 4-81.018, Repealed.

#### 4-157.019 Long-Term Care Policies – Statements Required.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9407(1),(8) FS. History–New 5-17-89, Formerly 4-81.019, Repealed.

#### 4-157.020 Outline of Coverage.

An outline of coverage shall be delivered to an applicant for an individual long-term care insurance policy or certificateholder at the time of application ~~for an individual policy.~~ In the case of direct response solicitations, the insurer shall deliver the outline of coverage upon the applicant's request, but regardless of request, shall make such delivery no later than at the time of policy delivery. The content and format of the outline of coverage shall be ~~Such outline of coverage shall include:~~

(1) The outline of coverage shall be free-standing document, using no smaller than ten point type.

(2) The outline of coverage shall contain no material of an advertising nature.

(3) Text which is capitalized or underscored in the standard format outline of coverage may be emphasized by other means which provide prominence equivalent to such capitalization or underscoring.

(4) Use of the text and sequence of text of the standard format outline of coverage is mandatory, unless otherwise specifically indicated.

(5) Format for outline of coverage:

[COMPANY NAME]

[ADDRESS – CITY & STATE]

[TELEPHONE NUMBER]

LONG-TERM CARE INSURANCE

OUTLINE OF COVERAGE

[Policy Number or Group Master Policy and Certificate Number]

[Except for policies or certificates which are guaranteed issue, the following caution statement, or language substantially similar, must appear as follows in the outline of coverage.]

Caution: The issuance of this long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied]. If your answers are incorrect or untrue, the company has the right to deny benefits or rescind your policy. The best time to clear up any question is now, before a claim arises! If, for any reason, any of your answers are incorrect, contact the company at this address: [insert address]

(a) This policy is [an individual policy of insurance] [a group policy] which was issued in the [indicate jurisdiction in which group policy was issued].

(b) PURPOSE OF OUTLINE OF COVERAGE. This outline of coverage provides a very brief description of the important features of the policy. You should compare this outline of coverage to outlines of coverage for other policies available to you. This is not an insurance contract, but only a summary of coverage. Only the individual or group policy contains governing contractual provisions. This means that the policy or group policy sets forth in detail the rights and obligations of both you and the insurance company. Therefore, if you purchase this coverage, or any other coverage, it is important that you READ YOUR POLICY (OR CERTIFICATE) CAREFULLY!

(c) TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE RETURNED AND PREMIUM REFUNDED.

1. [Provide a brief description of the right to return – “free look” provision of the policy.]

2. [Include a statement that the policy either does or does not contain provisions providing for a refund or partial refund of premium upon the death of an insured or surrender of the policy or certificate. If the policy contains such provisions, include a description of them.]

(d) THIS IS NOT MEDICARE SUPPLEMENT COVERAGE. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the insurance company.

1. [For agents] Neither [insert company name] nor its agents represent Medicare, the federal government or any state government.

2. [For direct response] [insert company name] is not representing Medicare, the federal government or any state government.

(e) LONG-TERM CARE COVERAGE. Policies of this category are designed to provide coverage for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital, such as in a nursing home, in the community or in the home.

This policy provides coverage in the form of a fixed dollar indemnity benefit for covered long-term care expenses, subject to policy [limitations] [waiting period] and [coinsurance] requirements. [Modify this paragraph if the policy is not an indemnity policy.]

(f) BENEFITS PROVIDED BY THIS POLICY.

1. [Covered services, related deductible(s), waiting periods, elimination periods and benefit maximums.]

2. [Institutional benefits, by skill level.]

3. [Non-institutional benefits, by skill level.]

[Any benefit screens must be explained in this section. If these screens differ for different benefits, explanation of the screen should accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too must be specified. If activities of daily living (ADLs) are used to measure an insured's need for long-term care, then these qualifying criteria or screens must be explained.]

(g) LIMITATIONS AND EXCLUSIONS.

[Describe:

1. Preexisting conditions;

2. Non-eligible facilities/provider;

3. Non-eligible levels of care (e.g., unlicensed providers, care or treatment provided by family member, etc.);

4. Exclusions/exceptions;

5. Limitations.]

[This section should provide a brief specific description of any policy provisions which limit, exclude, restrict, reduce, delay, or in any other manner operate to qualify payment of the benefits described in (f) above.]

THIS POLICY MAY NOT COVER ALL THE EXPENSES ASSOCIATED WITH YOUR LONG-TERM CARE NEEDS.

(h) RELATIONSHIP OF COST OF CARE AND BENEFITS. Because the costs of long-term care services will likely increase over time, you should consider whether and how the benefits of this plan may be adjusted. [As applicable, indicated the following:

1. That the benefit level will not increase over time;

2. Any automatic benefit adjustment provisions;

3. Whether the insured will be guaranteed the option to buy additional benefits and the basis upon which benefits will be increased over time if not by a specified amount or percentage;

4. And finally, describe whether there will be any additional premium charge imposed, and how that is to be calculated.]

(i) ALZHEIMER'S DISEASE AND OTHER ORGANIC BRAIN DISORDERS.

[State that the policy provides coverage for insureds clinically diagnosed as having Alzheimer's disease or related degenerative and dementing illnesses. Specifically describe each benefit screen or other policy provision which provides preconditions to the availability of policy benefits for such an insured.]

(j) PREMIUM.

1. State the total annual premium for the policy;

2. If the premium varies with an applicant's choice among benefit options, indicate the portion of annual premium which corresponds to each benefit option.]

(k) ADDITIONAL FEATURES.

1. Indicate if medical underwriting is used;

2. Describe other important features and other mandatory offers.]

~~(1) The name and principal address of the insurer or service association;~~

~~(2) A statement of identification of the policy or contract;~~

~~(3) A policy form number;~~

~~(4) A description of the principal benefits and coverage provided in the policy;~~

~~(5) A statement of the principal exclusions, reductions, and limitations contained in the policy;~~

~~(6) If the policy is not expected to cover 100 percent of the cost of services for which coverage is provided, as statement clearly describing any such limitations;~~

~~(7) A statement of the renewal provisions, including any reservation in the policy of a right to change premiums;~~

~~(8) A statement that the outline of coverage is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions; and~~

~~(9) A statement that the policy has been approved as a long term care insurance policy meeting the requirements of Florida Law.~~

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9407(1),(9) FS. History--New 5-17-89, Formerly 4-81.020, Amended \_\_\_\_\_.

4-157.023 Nonforfeiture Protection Provision.

(1)(a) All insurers offering long term care insurance policies or certificates in this state shall offer a nonforfeiture protection provision at the time of issue as required by s. 627.94072, F.S.

(b) If the insurer offers an option other than the shortened benefit period option, the nonforfeiture protection option offered shall be determined such that the benefits provided are determined at time of issue to be at least actuarially equivalent to those provided by the shortened benefit period option.

(2) Other nonforfeiture protection provisions shall not be offered for sale in this state unless they meet the provisions of this rule.

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 624.307(1), 627.9407, 627.94072 FS. History--New \_\_\_\_\_.

4-157.024 Required Disclosure Provisions.

(1) Renewability. Individual long-term care insurance policies shall contain a renewability provision. Such provision shall be appropriately captioned and shall appear on the first page of the policy.

(2) Riders and Endorsements. Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual long-term care insurance policy, all riders or endorsements added to an individual long-term care insurance policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage are required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy, rider or endorsement.

(3) Payment of Benefits. A long-term care insurance policy which provides for the payment of benefits based on standards described as "mutual and customary," "reasonable and customary" or words of similar import shall include a definition of such terms and the formula or criteria used by the insurer in determining the amount to be paid and an explanation of such terms in its accompanying outline of coverage.

(4) Limitations. If a long-term care insurance policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled as "Preexisting Condition Limitations."

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 624.307(1), 627.9407 FS. History--New \_\_\_\_\_.

4-157.025 Prohibition Against Post - Claims Underwriting.

(1) All applications for long-term care insurance policies or certificates except those which are guaranteed issue shall contain clear and unambiguous questions designed to ascertain the health condition of the applicant.

(2)(a) If an application for long-term care insurance contains a question which asks whether the applicant has had medication prescribed by a physician, it must also ask the applicant to list the medication that has been prescribed.

(b) If any information disclosed in such application were known by the insurer, or should have been known at the time of application, to be directly related to a medical condition for which coverage would otherwise be denied, then the policy or certificate shall not be rescinded for that condition.

(3) Except for policies or certificates which are guaranteed issue:

(a) The following language shall be set out conspicuously and in close conjunction with the applicant's signature block on an application for a long-term care insurance policy or certificate: "Caution: If your answers on this application are incorrect or untrue, [company] has the right to deny benefits or rescind your policy."

(b) The following language, or language substantially similar to the following, shall be set out conspicuously on the long-term care insurance policy or certificate at the time of delivery: "Caution: The issuance of this long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of our [application] [enrollment form] [is enclosed] [was retained by you when you applied]. If your answers are incorrect or untrue, the company has the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises! If, for any reason, any of your answers are incorrect, contact the company at this address: [insert address]"

(c) Prior to issuance of a long-term care policy or certificate to an applicant age eighty (80) or older, the insurer shall obtain one of the following:

1. A report of a physical examination;
2. An assessment of functional capacity;
3. An attending physician's statement; or
4. Copies of medical records.

(4) A copy of the completed application or enrollment form (whichever is applicable) shall be delivered to the insured no later than at the time of delivery of the policy or certificate unless it was retained by the applicant at the time of application.

(5) Every insurer or other entity selling or issuing long-term care insurance benefits shall maintain a record of all policy or certificate rescissions, both state and countrywide, except those which the insured voluntarily effectuated and shall annually furnish this information to the Department in the format prescribed by the National Association of Insurance Commissioners in Appendix A, which is hereby adopted and incorporated by reference.

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 624.307(1), 627.9407 FS. History--New

#### 4-157.026 Discontinuance and Replacement.

If a group long-term care policy is replaced by another group long-term care policy issued to the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the previous group policy on its date of termination. Coverage provided or offered to individuals by the insurer and premiums charged to persons under the new group policy:

(1) Shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced; and

(2) Shall not vary or otherwise depend on the individual's health or disability status, claim experience or use of long-term care services;

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 627.307(1), 627.9407 FS. History--New

#### 4-157.027 Appropriateness of Recommended Purchase.

In recommending the purchase or replacement of any long-term care insurance policy or certificate any agent shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 624.307(1), 627.9407 FS. History--New

#### 4-157.028 Requirements for Application Forms and Replacement Coverage.

(1) Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another long-term care insurance policy or certificate in force or whether a long-term care policy or certificate is intended to replace any other accident and sickness or long-term care policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent, except where the coverage is sold without an agent, containing such questions may be used.

(a) Do you have another long-term care insurance policy or certificate in force (including health care service contract, health maintenance organization contract)?

(b) Did you have another long-term care insurance policy or certificate in force during the last twelve (12) months?

1. If so, with which company?

2. If that policy lapsed, when did it lapse?

(c) Are you covered by Medicaid?

(d) Do you intend to replace any of your medical or health insurance coverage with this policy [certificate]?

(2) Agents shall list any other health insurance policies they have sold to the applicant.

(a) List policies sold which are still in force.

(b) List policies sold in the past five (5) years which are no longer in force.

(3) Solicitations Other than Direct Response. Upon determining that a sale will involve replacement, an insurer, other than an insurer using direct response solicitation methods, or its agent; shall furnish the applicant, prior to issuance or delivery to the individual long-term care insurance policy, a notice regarding replacement of accident and sickness or long-term care coverage. One copy of such notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer. The required notice shall be provided in the following manner.

NOTICE TO APPLICANT REGARDING REPLACEMENT OF INDIVIDUAL ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE

[Insurance company's name and address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with an individual long-term care insurance policy to be issued by [company name] Insurance Company. Your new policy provides thirty (30) days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.

STATEMENT TO APPLICANT BY AGENT [BROKER OR OTHER REPRESENTATIVE];

(Use additional sheets, as necessary.)

I have reviewed your current medical or health insurance coverage. I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention.

(a) Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.

(b) State law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. The insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

(c) If you are replacing existing long-term care insurance coverage, you may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(d) If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all question on the application concerning your medical health history. Failure to include all material medical information on the application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded.

\_\_\_\_\_  
(Signature of Agent, Broker or Other Representative)

[Typed Name and Address of Agent or Broker]

The above "Notice to Applicant" was delivered to me on:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Applicant's Signature)

(4) Direct Response Solicitations. Insurers using direct response solicitation methods shall deliver a notice regarding replacement of accident and sickness or long-term care coverage to the applicant upon issuance of the policy. The required notice shall be provided in the following manner:

NOTICE TO APPLICANT REGARDING REPLACEMENT OF ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE

[Insurance company's name and address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with the long-term care insurance policy delivered herewith issued by [company name] Insurance Company.

Your new policy provides thirty (30) days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.

(a) Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or

delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.

(b) State law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. Your insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

(c) If you are replacing existing long-term care insurance coverage, you may wish to secure the advice of your present insurer or its agent regarding the propose replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(d) [To be included only if the application is attached to the policy] If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application could cause an otherwise valid claim to be denied. Carefully check the application and write to [company name and address] within thirty (30) days if any information is not correct and complete, or if any past medical history has been left out of the application.

\_\_\_\_\_ (Company Name)

(5) Where replacement is intended, the replacing insurer shall notify, in writing, the existing insurer of the propose replacement. The existing policy shall be identified by the insurer, name of the insured and policy shall be identified by the insurer, name of the insured and policy number or address including zip code. Such notice shall be made within five (5) working days from the date the application is received by the insurer or the date the policy is issued, whichever is sooner.

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 624.307(1), 627.9407 FS. History—New \_\_\_\_\_.

#### 4-157.029 Prohibition Against Preexisting Conditions & Probationary Periods in Replacement Policies or Certificates.

If a long-term care insurance policy or certificate replaces another long-term care policy or certificate, the replacing insurer shall waive any time periods applicable to preexisting conditions and probationary periods in the new long-term care policy for similar benefits to the extent that similar exclusions have been satisfied under the original policy.

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 624.307(1), 627.9407 FS. History—New \_\_\_\_\_.

#### 4-157.030 Reporting Requirements.

(1) Every insurer shall maintain records for each agent of the agent's amount of replacement sales as a percent of the agent's total annual sales and the amount of lapses of long-term care insurance policies sold by the agent as a percent of the agent's total annual sales.

(2) Every insurer shall report annually by June 30 the ten percent (10%) of its agents with the greatest percentages of lapses and replacements as measured by (1) above.

(3) Reported replacement and lapse rates do not alone constitute a violation of insurance laws or necessarily imply wrongdoing. The reports are for the purpose of reviewing more closely agent activities regarding the sale of long-term care insurance.

(4) Every insurer shall report annually by June 30 the number of lapsed policies as a percent of its total annual sales and as a percent of its total number of policies in force as of the end of the preceding calendar year.

(5) Every insurer shall report annually by June 30 the number of replacement policies sold as a percent of its total number of policies in force as of the preceding calendar year.

(6) Every insurer shall report annually by June 30 for qualified long-term care insurance contracts the number of claims denied for each class of business, expressed as a percentage of claims denied, other than claims denied for failure to meet the waiting period or because of any applicable preexisting condition.

(7) For purposes of this section, "policy" shall mean only long-term care insurance and "report" means on a statewide basis.

(8) Reports shall be filed with the Bureau of Life & Health Solvency and Market Conduct, Division of Insurer Services.

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 624.307(1), 624.3161, 627.9407 FS. History—New \_\_\_\_\_.

#### 4-157.031 Requirement to Deliver Shopper's Guide.

(1) A long term care insurance shopper's guide in the format developed by the National Association of Insurance Commissioners, or a guide developed or approved by the Department, shall be provided to all prospective applicants for a long-term care insurance policy or certificate.

(a) In the case of agent solicitations, an agent must deliver the shopper's guide prior to the presentation of an application or enrollment form.

(b) In the case of direct response solicitations, the shopper's guide must be presented in conjunction with any application or enrollment form.

(2) Life insurance policies or riders containing accelerated long-term care benefits are not required to furnish the above-referenced guide, but shall furnish the policy summary required under s. 626.99.F.S.



(3) At the time of policy delivery, a policy summary shall be delivered for an individual life insurance policy which provides long-term care benefits within the policy or by rider. In the case of direct response solicitations, the insurer shall deliver the policy summary upon the applicant's request, but regardless of request shall make such delivery no later than at the time of policy delivery. In addition to complying with all applicable requirements, the summary shall also include:

(a) An explanation of how the long-term care benefit interacts with other components of the policy, including deductions for death benefits;

(b) An illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits if any, for each covered person;

(c) Any exclusions, reductions and limitations on benefits of long-term care; and

(d) If applicable to the policy type, the summary shall also include:

1. A disclosure of the effects of exercising other rights under the policy;

2. A disclosure of guarantees related to long-term care costs of insurance charges, and

3. Current and projected maximum lifetime benefits.

(4) Any time a long-term care benefit, funded through a life insurance vehicle by the acceleration of the death benefit, is in benefit payment status, a monthly report shall be provided to the policyholder. Such report shall include:

(a) Any long-term care benefits paid out during the month;

(b) An explanation of any changes in the policy, e.g. death benefits or cash values, due to long-term care benefits being paid out; and

(c) The amount of long-term care benefits existing or remaining.

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 624.307(1), 627.9407 FS. History--New

**PUBLIC SERVICE COMMISSION**

UNDOCKETED

RULE TITLE: Meter Accuracy at Installation

RULE NO.: 25-7.063

PURPOSE AND EFFECT: The purpose of the change is to improve meter accuracy at installation and to eliminate the requirement to conduct random tests of accuracy of new meters and only require testing if the meter shipment arrives with apparent damage.

SUBJECT AREA TO BE ADDRESSED: Gas meter accuracy and testing requirements.

SPECIFIC AUTHORITY: 366.05(1) FS.

LAW IMPLEMENTED: 366.05(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:

TIME AND DATE: 9:30 a.m., October 4, 2000

PLACE: Room 309, Gunter Building, 2540 Shumard Oak Blvd., Tallahassee, Florida

Submit workshop request within 14 days to: Christiana T. Moore, Division of Appeals, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Edward Mills, Division of Safety and Electric Reliability, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6650

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Qualified Representatives

RULE NO.: 33-102.202

PURPOSE AND EFFECT: The purpose of the proposed rule is to ensure that inmate participation in administrative proceedings is in accordance with the intent of the administrative procedures act, and to ensure proper utilization of department resources in providing for such participation. The effect of the proposed rule is to restrict inmates from acting as qualified representatives in administrative proceedings.

SUBJECT AREA TO BE ADDRESSED: Administrative proceedings.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 120.81, 944.09 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-102.202 Qualified Representatives.

Inmates shall not act as qualified representatives in administrative proceedings.

Specific Authority 944.09 FS. Law Implemented 120.81, 944.09 FS. History—New

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Cost Management and Control**

RULE TITLES:	RULE NOS.:
Submission of Ambulatory Patient Data	59B-9.011
Definitions	59B-9.013
Reporting Instructions	59B-9.015
Certification and Audit Procedures	59B-9.017
Ambulatory Patient Data Format – Data Elements and Codes	59B-9.018
Ambulatory Patient Data Tape/Diskette Format – Record Layout	59B-9.019
Data Standards	59B-9.020
Manual Submission of Data	59B-9.021

PURPOSE AND EFFECT: The proposed rule amendments require that providers report separately for each separate location. Multi-facility tapes will no longer be accepted. The proposed rule amendments clarify that patient visits in which the patient is transferred to inpatient care shall not be reported as an ambulatory visit unless the patient is transferred to another facility.

The proposed rule amendments eliminate report requirements for small ambulatory centers with fewer than 300 patient visits per quarter, and the manual report option is eliminated for ambulatory centers having fewer than 300 patient visits per quarter.

The proposed rule amendments limit desk and field audits of data to 24 months from the initial submission of data, and require that ambulatory centers correct any errors and certify the data, or verify the correctness of the data previously submitted and certified within 60 days of receipt of notice of audit findings.

The proposed rule amendments will add the categories, Children's Medical Services and Healthy Kids to the data field, principal payer, and change the definition of the payer categories, Medicaid and Medicaid HMO to include MediKids and MediKids HMO starting with ambulatory visits occurring on or after January 1, 2001. The proposed rule amendments will add an unknown category to data field, patient sex. The proposed rule amendments change the data element, patient status, from an optional to a required data element and add two hospice categories starting with ambulatory visits occurring on or after January 1, 2001. The proposed rule amendments define other race and unknown race categories. The proposed rule amendments change the name of the data elements, referring or ordering physician ID # and referring or ordering physician

UPIN # to attending physician ID # and attending physician UPIN #. The proposed rule amendments change the zip code designation for homeless patients from 22222 to HHHHH and change the designation for foreign patients from 00009 to FFFFF.

The proposed rule amendments eliminate the edit standard for unknown social security number and unknown or invalid zip codes. Out-of-state and unknown attending physicians are not permitted.

Other proposed rule amendments will add data elements and expand data fields starting in 2002.

SUBJECT AREA TO BE ADDRESSED: The agency is developing amendments to rule 59B-9.011 that will require providers to submit a separate report for each separate location. The agency is proposing amendments to rule 59B-9.017 that will limit a desk or field audit of a patient data report to 24 months from initial submission of the report. The agency is developing amendments to rules 59B-9.013, 59B-9.015 and rules 59B-9.018 through rules 59B-9.020 that will change definitions, change the data element, patient status, from an optional to a required data element, add data element categories, modify definitions of data elements and data elements categories, and modify data standards. Rule 59B-9.021 is repealed.

The agency is developing amendments to rules 59B-9.011 through rules 59B-9.021 that will add data elements and expand data fields starting in 2002.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.062, 408.063, 408.15(11) FS.

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

TIME AND DATE: 1:30 p.m., September 26, 2000

PLACE: Florida Hospital Celebration Health, Education Center, 400 Celebration Place, Orlando, Florida 34747

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jerry Mayer, Director, Information Technology, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59B-9.011 Submission of Ambulatory Patient Data.

(1) through (2) No change.

(3) Each facility ~~and provider~~ in (1)(a) above shall submit a separate report for each location per 59A-3.203, F.A.C. Each facility in (1)(b) above shall submit a separate report for each location per 59A-5.003, F.A.C. Each facility or provider in (1)(c), (1)(d) or (1)(e) above shall submit a separate report for each separate location separately, as set forth in Rules 59B-9.018 and 59B-9.019, F.A.C., except that a group practice or entity may submit one report. Multi-facility tapes may be

~~submitted provided all records are identifiable to an entity and there is a listing attached that identifies entities, their AHCA number and a contact person.~~

(4) No change.

(5) Any ambulatory center which has a total of ~~300~~ 200 or more patient visits per Rule 59B-9.014, F.A.C., for the reporting period is required to report data as set forth in Rules 59B-9.018 and 59B-9.019, F.A.C.

(6) through (7) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.07, ~~408.08~~ FS. History--New 9-6-93, Formerly 59B-7.011, Amended 6-29-95, 12-28-98, \_\_\_\_\_.

59B-9.013 Definitions.

(1) through (3) No change.

(4) "Inpatient" means a patient who has an admission order given by a licensed physician or other individual who has been granted admitting privileges by the hospital. Inpatient shall include obstetric patients who experience a length of stay of twenty-four hours or less. Observation patients are excluded unless they are admitted. "Premises" means those buildings, beds and equipment located at the address of the licensed facility and all other buildings, beds, and equipment for the provision of hospital or ambulatory surgical care located in such reasonable proximity to the address of the licensed facility as to appear to the public to be under the dominion and control of the licensee.

(5) through (6) No change.

(7) "Attending Referring or Ordering Physician" means a licensed physician who would be expected to certify and re-certify the medical necessity of the services rendered or who has is the primary responsibility care-giver for the patient's medical care and treatment or who certifies as to the medical necessity of the services rendered. The attending physician may be the referring physician.

(8) "Operating or Performing Physician" means a licensed physician who has primary responsibility for the surgery or who scheduled the surgery physically performs the out-patient procedure or who supervises the other medical professionals performing such procedures.

(9) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 395.002 FS. History--New 9-6-93, Formerly 59B-7.013, Amended 6-29-95, 12-28-98, \_\_\_\_\_.

59B-9.015 Reporting Instructions.

(1) through (2) No change.

(3) Ambulatory centers shall report one record for each patient per visit, excluding records of any patient visit in which the patient was transferred to inpatient care and admitted unless the patient was transferred to another facility. If more than one visit for the same patient occurs on the same date, report one record which includes all required data for all visits of that patient to the ambulatory center occurring on that date.

If more than one visit occurs on different dates by the same patient, report one record for each date of visit, unless the dates of visits are directly associated to the service. See 59B-9.013(5), F.A.C.

(4) through (6) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History--New 9-6-93, Formerly 59B-7.015, Amended 6-29-95, 12-28-98, 1-4-00, \_\_\_\_\_.

59B-9.017 Certification and Audit Procedures.

(1) through (3) No change.

(4) The agency shall conduct a desk audit or a field audit of an ambulatory data report no later than twenty-four (24) months following the initial submission of data. The agency will notify each ambulatory center of any possible errors discovered by audit and request that the ambulatory center either correct the data or verify that the data is complete and correct. The notice shall indicate that the ambulatory center must return corrected data if there are errors and certify the data within sixty (60) days of receipt of the notice, or the ambulatory center Chief Executive Officer must verify by signature that the previously submitted and certified data is complete and correct within sixty (60) days of receipt of the notice. The notice shall clearly indicate that the ambulatory center may be subject to penalties pursuant to Rule 59B-9.022.

Specific Authority 408.15(8) FS. Law Implemented ~~408.006(5)~~, 408.061, ~~408.08(1)~~, 408.08(5), 408.15(11) FS. History--New 9-6-93, Formerly 59B-7.017, Amended 6-29-95, \_\_\_\_\_.

59B-9.018 Ambulatory Patient Data ~~Tape/Diskette~~ Format – Data Elements and Codes.

(1) No change.

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

(d) Patient Racial Background A one + digit code as follows:

1 – American Indian/Eskimo/Aleut

2 – Asian or Pacific Islander

3 – Black

4 – White

5 – White Hispanic

6 – Black Hispanic

7 – Other (Use if patient is not described by above categories)

8 – No Response (Use if patient refuses to disclose)

(e) No change.

(f) Patient Sex A one + digit code as follows:

1 – Male

2 – Female

3 – Unknown (Use if unknown due to medical condition.)

(g) Patient Zip Code A five character ~~5-digit~~ zip code of the patient's permanent address: XXXXX

(h) No change.

(i) Principal Payer Code A one + character field as follows:

- A – Medicare
- B – Medicare HMO
- C – Medicaid and MediKids
- D – Medicaid HMO and MediKids HMO
- E – Commercial Insurance
- F – Commercial HMO
- G – Commercial PPO
- H – Workers' Compensation
- I – CHAMPUS ~~Champus~~
- J – VA
- K – Other State/Local Govt
- L – Self Pay (No third party coverage)
- M – Other
- N – Charity
- O – Children's Medical Services (Required for ambulatory visits occurring on or after January 1, 2001.)

P – Healthy Kids (Required for ambulatory visits occurring on or after January 1, 2001.)

(j) through (ggg) No change.

(hhh) ~~Attending Referring or Ordering~~ Physician ID # Enter the Florida license number of the referring/ordering physician, beginning with "FL". An eleven character alpha-numeric field (e.g. FLME1234567). ~~If out of state physician, fill with the physician's state two letter abbreviation and 9's (e.g. NY999999999 for a physician from New York). For non-U.S. physicians (a physician licensed and practicing in another country and not licensed in the U.S.), fill with "XX" and 9's (e.g. XX999999999).~~

(iii) ~~Attending Referring or Ordering~~ Physician UPIN # (Optional) Enter the UPIN number of the attending referring/ordering physician. A six character alpha-numeric field.

(jjj) through (zzz) No change.

(aaaa) Patient Status (~~Optional~~) Required for ambulatory visits occurring on or after January 1, 2001. A two digit code indicating patient disposition as follows:

- 01 Home
- 02 To a short-term general hospital
- 03 To a skilled nursing facility
- 04 To an intermediate care facility
- 05 To another institution
- 06 Home under care of home health care organization
- 07 Left this facility against medical advice (AMA)
- 08 Home on IV medications
- 20 Expired
- 50 Hospice – home
- 51 Hospice – medical facility

(bbbb) through (cccc) No change.

(3) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 9-6-93, Formerly 59B-7.018, Amended 6-29-95, 12-28-98,\_\_\_\_\_.

59B-9.019 Ambulatory Patient Data Tape/Diskette Format – Record Layout.

“Type” means (A)lpha or (N)umeric or combination field. “Justification” is either (R)ight or (L)eft. The data elements for each ambulatory patient data record must have a logical record length of 400 characters with the following record layout:

(1) No change.

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

(g) PATIENT ZIP CODE A/N N L R 5 40-44

(h) through (ggg) No change.

(hhh) ATTENDING PHYSICIAN REFERRING OR ORDERING PHYS. ID # A/N L 11 214-224

(iii) ATTENDING PHYSICIAN REFERRING OR ORDERING PHYS. UPIN # A/N L 6 225-230

(jjj) through (3) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 9-6-93, Formerly 59B-7.019, Amended 6-29-95, 12-28-98,\_\_\_\_\_.

59B-9.020 Data Standards.

(1) through (2) No change.

(3) The Social Security Number (SSN) is a 9 digit required field required for all patients who having have had SSNs assigned. ~~(E.g., those not having SSNs may include newborns up to 2 years of age or very old patients who may not have ever had one assigned.)~~ Social Security Number 000000000 is acceptable for newborns and infants up to 2 years of age who do have not have ~~had~~ a social security number assigned. For patients not from the U.S., use 555555555. For those patients where all efforts ~~have been made~~ to obtain the social security number have been unsuccessful or where one is unavailable, and but the patient is two (2) years of age or older over the age of 2 and a resident of the U.S. use 77777777. ~~Unknown SSN (77777777) must not exceed 5 percent of the total records per report period.~~

(4) Race is a single digit entry showing: 1 – American Indian/Eskimo/Aleut, 2 – Asian/Pacific Islander, 3 – Black, 4 – White, 5 – White Hispanic, 6 – Black Hispanic, 7 – Other (Use if patient is not described by above categories), 8 – No Response (Use if patient refuses to disclose). It is a required field for all patients who self-report race as requested by the center.

(5) No change.

(6) Sex designation is required. Must be 1-Male, or 2-Female, or 3-Unknown.

(7) A valid patient zip code is required and must be 5 characters ~~digits~~. Use FFFFF 00009 for foreign zip codes. Use HHHHH 22222 for at large (homeless) zip codes. ~~If the zip~~

code is missing or in the wrong format the record is an error. Unknown (00000) or invalid zip codes must equal 1.0% or less of records per report period. No blank fields are permitted.

(8) No change.

(9) Principal Payer is required and must be an alpha character A through P Ñ.

(10) through (15) No change.

(16) The ~~Attending Referring or Ordering~~ Physician ID is a required entry showing the identification number of the ~~attending referring or ordering~~ physician. An eleven character alpha-numeric field using the State of Florida physician license number, preceded by the prefix FL. Florida physicians shall have four alphas preceding seven digits (e.g. FLME1234567). ~~For out of state physicians, fill with the physician's home state two letter abbreviation and 9's (e.g. NY999999999 for a physician from New York) and fill in the unique physician's identification number (UPIN) number in the next field. For non-U.S. physicians (a physician licensed and practicing in another country and not licensed in the U.S.), fill with "XX" and 9's (e.g. XX999999999). For those patients where all efforts have been made to obtain the referring or ordering physician's ID or where one is unavailable, but the physician is practicing in the U.S. use ZZ999999999. Unknown physician ID (ZZ999999999) must not exceed 5 percent of the total records per report period.~~

(17) The ~~Attending Referring or Ordering~~ Physician UPIN Number is an optional entry showing the identification number of the ~~attending referring or ordering~~ physician.

(18) through (34) No change.

(35) Patient Status is a required ~~an optional~~ entry from 01-08, 20, or 50-51 ~~blank fill~~.

(36) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.020, Amended 6-29-95, 12-28-98, \_\_\_\_\_.

59B-9.021 Manual Submission of Data.

~~Facilities having more than 199 reportable visits and fewer than 300 reportable visits in a quarter shall submit ambulatory patient data using either form AHCA-2000-MIS-13, or according to the requirements in Rule 59B-9.015.~~

~~(1) Form AHCA-2000-MIS-13, may be obtained from the Agency for Health Care Administration, Ambulatory Patient Data Section, 2727 Mahan Drive, Fort Knox Building #3, Tallahassee, Florida 32308-5403.~~

~~(2) Form AHCA-2000-MIS-13 is titled "Ambulatory Patient Detail Reporting Form". The effective date of the form is July 1, 1995. Form AHCA-2000-MIS-13 is incorporated by reference.~~

Specific Authority 408.15(8) FS. Law Implemented 408.061 FS. History—New 9-6-93, Formerly 59B-7.021, Amended 6-29-95, 1-4-00, Repealed \_\_\_\_\_.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Cost Containment Board

RULE TITLES:	RULE NOS.:
Definitions	59E-7.011
Reporting and Audit Procedures	59E-7.012
Data Elements and Formatting Requirements	59E-7.014
General Provisions	59E-7.016

PURPOSE AND EFFECT: The proposed rule amendments limit desk and field audits of data to 24 months from the initial submission of data, and require that hospitals correct any errors and certify the data, or verify the correctness of the data previously submitted and certified within 60 days of receipt of notice of audit findings.

The proposed rule amendments change the age standards for the data fields, social security number and infant linkage identifier from age one to age two starting January 1, 2001. The proposed rule amendments add the categories, Children's Medical Services and Healthy Kids to the data field, principal payer, and change the definition of the payer categories, Medicaid and Medicaid HMO to include MediKids and MediKids HMO starting with discharges occurring on or after January 1, 2001. The proposed rule amendments add two hospice categories, hospice-home and hospice-medical facility, to the data field, inpatient discharge status starting with discharges occurring on or after January 1, 2001. The proposed rule amendments change the definitions of other race and unknown race categories.

The proposed rule amendments change the zip code designation for homeless patients from 22222 to HHHHH and change the designation for foreign patients from 00009 to FFFFF.

The proposed rule amendments eliminate the edit standard for unknown social security number.

The proposed rule amendments eliminate the requirement that hospitals install and use data processing edits supplied by the agency.

Other proposed rule amendments will add data elements and expand data fields starting in 2002.

SUBJECT AREA TO BE ADDRESSED: The agency is proposing amendments to rule 59E-7.012 that will limit a desk or field audit of a patient data report to 24 months from initial submission of the report. The agency is proposing amendments to rules 59E-7.011 and 59E-7.014 that will add data element categories, modify definitions of data elements and data elements categories, and modify data standards. The agency is proposing an amendment to rule 59E-7.016 that eliminates the requirement that each hospital install and use data processing edits supplied by the agency.

The agency is developing amendments to rules 59E-7.011 through rules 59E-7.016 that will add data elements and expand data fields starting in 2002.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.15(11) FS.

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

TIME AND DATE: 10:00 a.m., September 26, 2000

PLACE: Florida Hospital Celebration Health, Education Center, 400 Celebration Place, Orlando, Florida 34747

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jerry Mayer, Director, Information Technology, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59E-7.011 Definitions.

As used in Rules 59E-7.011 through 59E-7.016, F.A.C.:

(1) through (3) No change.

(4) "Inpatient" means a patient who has an admission order given by a licensed physician or other individual who has been granted admitting privileges by the hospital. Inpatient This shall include obstetric patients who experience a length of stay of twenty-four hours or less. Observation Short stay and observation patients are excluded unless they are admitted.

(5) "~~Groups 1 through 7 — General, Short-term Acute Care~~" means any establishment that offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatments, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; diagnostic radiology services; clinical laboratory; and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent (s. 395.002(12)(a) & (b), F.S.).

(6) "~~Group 8 — Teaching Hospital~~" means any hospital formally affiliated with an accredited medical school that exhibits activity in the area of medical education as reflected by at least seven different resident physician specialties and the presence of 100 or more resident physicians.

(7) "~~Group 9 — Family Practice Teaching Hospital~~" means a freestanding, community-based hospital licensed under this chapter that offers a 3-year family practice residency program accredited through the Residency Review Committee of the Accreditation Council of Graduate Medical Education or the Postdoctoral training of the American Osteopathic Association.

(8) "~~Group 12 — Specialty Rehabilitation Hospital~~" means a hospital in grouping 12 of the Agency's hospital peer grouping and a hospital certified by Medicare as a long-term care hospital.

(9) "~~Group 13 — Long-term Psychiatric~~" means a facility which provides acute or subacute psychiatric care with an average length of stay (ALOS) exceeding 60 days.

(10) "~~Group 14 — Specialty Hospital~~" means any facility which meets the provisions of 59E-7.011(5), and which regularly makes available either the range of services offered by a general hospital, but restricted to a defined age or gender group of the population; or a restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical or psychiatric illnesses or disorders (s. 395.002(14)(a),(b), F.S.).

(11) "~~Groups 15 through 17 — Short-term Psychiatric Hospital~~" means a facility which provides acute or subacute psychiatric care with an average length of stay (ALOS) not exceeding 60 days.

(5)(12) "Newborn" means a newborn baby born within the facility or the initial admission of an infant to any acute facility within 24 hours of birth.

(13) "~~Premises~~" means those buildings, beds and equipment located at the address of the licensed facility and all other buildings, beds, and equipment for the provision of hospital care located in such reasonable proximity to the address of the licensed facility as to appear to the public to be under the dominion and control of the license.

(6)(14) "UPIN" means Unique Physician Identifier Number.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History—New 12-15-96, Amended.

59E-7.012 Reporting and Audit Procedures.

(1) All acute care hospitals and all short term psychiatric hospitals (hereinafter referred to as "hospital/hospitals"), in operation for all or any of the reporting periods described in Rule 59E-7.012(2) below, shall submit hospital inpatient discharge data in a format consistent with requirements of Rules 59E-7.011 through 59E-7.016 to the Agency following the provisions of this Rule, commencing with discharges for the 1st quarter 1997 (01/01/97 — 03/31/97).

(2) For purposes of submission of hospital inpatient discharge data, hospital shall be any hospital licensed under Chapter 395, Florida Statutes except state-operated hospitals, long-term psychiatric hospitals with an average length of stay exceeding 60 days and comprehensive rehabilitation hospitals as defined in 59A-3.201, F.A.C. in the following groups as set out in the Florida Hospital Uniform Reporting System Manual: Groups 1 through 9, 12 through 17, and any new hospital assigned to these groups as defined in 59E-7.012. Additionally, long-term psychiatric hospitals, Group 13 in the Florida Hospital Uniform Reporting Manual, are required to submit aggregated data following the format and context as presented in the Psychiatric Reporting Format AHCA PSY III dated 9/12/88 and herein incorporated by reference.

(3) Each hospital premises shall submit a separate report for each location per 59A-3.203, F.A.C. report separately, as set forth in Rules 59E-7.012 and 59E-7.014, F.A.C.

(4) through (7) No change.

(8)(a) No change

(b)1. through 2. No change.

3. The data in the text file shall contain the same data elements and codes, the same record layout and meet the same data standards required for tapes or diskettes mailed to the agency as described ~~comply with the formatting requirements specified in Rules 59E-7.014 and 59E-7.016.~~

(c) through (d) No change.

(9) through (11) No change.

(12) The agency shall conduct a desk audit or a field audit of a report no later than twenty-four (24) months following the initial submission of data. The agency will notify each hospital of any possible errors discovered by audit and request that the hospital either correct the data or verify that the data is complete and correct. The notice shall indicate that the hospital must return corrected data if there are errors and certify the data within sixty (60) days of receipt of the notice, or the hospital Chief Executive Officer must verify by signature that the previously submitted and certified data is complete and correct within sixty (60) days of receipt of the notice. The notice shall clearly indicate that the hospital may be subject to penalties pursuant to Rule 59E-7.013.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.08(1), 408.08(2), 408.15(11) FS. History--New 12-15-96, Amended 1-4-2000,\_\_\_\_\_.

59E-7.014 Data Elements and Formatting Requirements.

(1)(a) No change.

(b)1. through 6. No change.

7. Inpatient Social Security Number. The social security number (SSN) of the inpatient receiving treatment/services during this hospital stay. A nine digit numeric field to facilitate retrieval of individual case records, to be used to track inpatient readmissions, and for epidemiological or demographic research use. A SSN is required for each inpatient record if the patient is two years of age or indicating an inpatient of the age of 1 year and older ~~and older~~ except in cases of very old persons never issued a SSN, foreign visitors (including illegal aliens), and migrant workers (non-citizens). One SSN; one inpatient. DO NOT share SSNs in this field. (See also provisions in 59E-7.014(3)(b)7.)

8. Inpatient Race. A one digit code as follows:

1 – American Indian/Eskimo/Aleut

2 – Asian or Pacific Islander

3 – Black

4 – White

5 – Hispanic – White

6 – Hispanic – Black

7 – Other (Use if patient is not described by above categories if none of the above)

8 – No Response (Use if patient refuses to disclose ~~Valid only if data is not available)~~

9. No change.

10. Inpatient Sex. A one digit code as follows:

1 – Male

2 – Female

3 – Unknown (Use if unknown due to medical condition.)

11. through 15. No change.

16. Inpatient Discharge Status. A two digit code as follows:

01 – Discharged Home

02 – Discharged to a short-term general hospital

03 – Discharged to a skilled nursing facility

04 – Discharged to an intermediate care facility

05 – Discharged to another type of institution

06 – Discharged to home under care of home health care organization

07 – Left this hospital against medical advice (AMA)

08 – Discharged home on IV medications

20 – Expired

50 – Discharged to hospice – home (Required for discharges occurring on or after January 1, 2001.)

51 – Discharged to hospice – medical facility (Required for discharges occurring on or after January 1, 2001.)

17. Principal Payer Code. A one character alpha field as follows:

A – Medicare

B – Medicare HMO

C – Medicaid and MediKids

D – Medicaid HMO and MediKids HMO

E – Commercial Insurance

F – Commercial HMO

G – Commercial PPO

H – Workers' Compensation

I – CHAMPUS ~~Champus~~

J – VA

K – Other State/Local Government

L – Self Pay/Under-insured (no third party coverage or less than 30% estimated insurance coverage)

M – Other

N – Charity

O – Children's Medical Services (Required for discharges occurring on or after January 1, 2001.)

P – Healthy Kids (Required for discharges occurring on or after January 1, 2001.)

18. through 67. No change.

68. Infant ~~First Year~~ Linkage Identifier. A required field for patients less than two (2) years of age newborn birth and infant identification with the baby's mother up to the first year of life. A nine digit numeric field. Use the mother's (preferred) or father's (acceptable) SSN. CAUTION: If the patient not reporting a birth or infant is two (2) years over one (1) year of age or older, this field is zero filled. To be used only for

research purposes to link infants with their respective mother. (Linkage identifiers are required for infants less than two years of age starting January 1, 2001.)

- 69. No change.
- (c) No change.
- (2)(a) No change.
- (b)1. through 10. No change.

11. INPATIENT ZIP CODE A/N N L R 5 55-59

12. through 67. No change.

68. INFANT ~~FIRST YEAR~~ LINKAGE IDENTIFIER N R 9 410-418.

- 69. No change.
- (c) No change.
- (3)(a) No change.
- (b)1. through 6. No change.

7. The Social Security Number (SSN) is a nine (9) digit required field for all inpatients having social security numbers. ~~Since all United States citizens one (1) year of age and older are required to have SSNs for tax exemption purposes, SSNs should be submitted for all inpatients two (2) years one (1) year of age or older. Patients~~ Inpatients not having SSNs should be in one of the following groups: newborns and infants (~~i.e., less than 2 years 1 year of age~~), very old inpatients never issued a SSN, foreign visitors (including aliens), and migrant workers (i.e., non-citizens). An entry of SSN 000-00-0000 is acceptable for patients less than two (2) years newborns up to one (1) year of age who do not have an SSN. For patients not from the U.S., use 555-55-5555, if a SSN one is not assigned. For those patients where ~~all efforts have been made~~ to obtain the SSN have been unsuccessful or where one is unavailable, and but the patient is two (2) years or older over the age of one (1) year and a resident of the U.S., use 777-77-7777. ~~Unknown SSN (777-77-7777) must not exceed five (5) percent of the total records per report period. DO NOT share SSNs in this field; one SSN – one inpatient. The use of "Other" for SSNs will trigger an edit of data, and will result in a partially rejected record if the total meets or exceeds 5% of discharges.~~

8. Inpatient Race is a single digit entry showing: 1 P American Indian/Eskimo/Aleut, 2 – Asian or Pacific Islander, 3 – Black, 4 – White, 5 – Hispanic-White, 6 – Hispanic-Black, 7 – Other (Use if patient is not described by above categories to be used only if none is known), 8 – No Response (Use if patient refuses to disclose if the inpatient refuses the information). For use by AHCA as demographic and epidemiological information, and health planning. Not an optional field.

9. through 10. No change.

11. A valid ~~Inpatient~~ Zip Code is required; must be five digits. Use ~~FFFFF Zip Code 00009~~ for patients inpatients of foreign origin. Use ~~HHHHH the Zip Code 22222~~ for homeless patients, or those having no permanent Zip Code. Use Zip Code 00000 for unknown zip codes. ~~The Zip Code field will be~~

~~edited and if the total of Zip Code 00000 to 22222 equals or exceeds 1% of total discharges for either of these entries, the hospital file will be error flagged for rejection if not corrected or validated. Spaces are not acceptable.~~

12. through 15. No change.

16. Inpatient Discharge Status is a required field; must be two digits using the codes 01 – 08, ~~or 20, or 50 – 51~~ (59E-7.014(1)(b)16.).

17. Principal Payer Code is a required field; must be a single alpha character (UPPERCASE), A – ~~P M~~. Describes the primary source of expected reimbursement to the hospital for services.

18. through 67. No change.

68. Infant Newborn Linkage Identifier is a required field; of nine numeric digits. Enter the mother's Social Security Number or if the mother's Social Security Number is not available, enter the father's Social Security Number in the Infant Linkage Identifier field for patients less than two (2) years of age any birth which occurs in the hospital. Use the mother's SSN only in this field, and if the patient is a newborn Type of Admission 4 (birth) or an infant up to one (1) year of life. Use 999-99-9999 in the Infant Linkage Identifier field for unknown or unreportable mother's and father's SSN (i.e., adoptions). If the patient is not a newborn (Type of Admission 4) or age is two (2) years of age or older greater than one (1) year, the field is zero filled.

- 69. No change.
- (c) No change.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History–New 12-15-96, Amended.

59E-7.016 General Provisions.

(1) through (2) No change.

~~(3) Hospitals are required to enter the full set of the AHCA programming edits on their data processing systems to be used as an integral part of the processing cycle prior to submitting their quarterly data to the AHCA. Edits will be provided to hospitals or vendors/corporate offices in hard copy printouts for installation into data processing systems. If hospitals utilize an outside service for data processing or have their data prepared by a corporate office, they are responsible for notifying their service of the requirement to install the edits, and to provide the service office with a copy of the AHCA edits. Failure to install and utilize the edits will result in the initiation of legal action.~~

~~(3)(4)~~ No change.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History–New 12-15-96, Amended.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE:  
Hearing Services

RULE NO.:  
59G-4.110



**PURPOSE AND EFFECT:** The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hearing Services Coverage and Limitations Handbook, July 2000. The effect will be to incorporate by reference in the rule the current Florida Medicaid Hearing Services Coverage and Limitations Handbook.

**SUBJECT AREA TO BE ADDRESSED:** Hearing Services.

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.906, 409.908 FS.

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

**TIME AND DATE:** 9:00 a.m. – 12:00 p.m., September 13, 2000

**PLACE:** Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Conference Room E, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Helen Sancho, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7322

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

59G-4.110 Hearing Services.

(1) No change.

(2) All physicians, audiologists and hearing aid specialists enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, July 2000 ~~January 2000~~ which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00,

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

**RULE TITLE:** Continuing Education **RULE NO.:** 61G19-9

**PURPOSE AND EFFECT:** The Board proposes to review the rules in this chapter to determine if amendments are necessary.

**SUBJECT AREA TO BE ADDRESSED:** Continuing education for biennial renewal; Continuing education course sponsors; Registration of course sponsors; Approval of courses; Approval of proctored telecourses; Qualifications of course instructors; Course syllabus; Records required to be

maintained by course sponsors; Audit of certificates of completion; Advertising of continuing education courses; Continuing education courses required by disciplinary action; Continuing education course sponsor fees.

**SPECIFIC AUTHORITY:** 455.2124, 468.606, 468.627 FS.

**LAW IMPLEMENTED:** 455.214, 468.627 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 ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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 NOT AVAILABLE.**

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Herbal Therapies	64B1-4.004
Oriental Massage	64B1-4.005
Qi Gong	64B1-4.006
Electroacupuncture	64B1-4.007
Adjunctive Therapies	64B1-4.008
Dietary Guidelines	64B1-4.009
Traditional Chinese Medical Concepts, Modern Oriental Medical Techniques	64B1-4.010
Acupuncture Diagnostic Techniques, Western Diagnostic Terminology	64B1-4.011
Acupoint Injection Therapies	64B1-4.012

**PURPOSE AND EFFECT:** The proposed rules will define and explain the various therapies and techniques which are part of and may be practiced by a licensed acupuncturist.

**SUBJECT AREA TO BE ADDRESSED:** Herbal Therapies; Oriental Massage; Qi Gong; Electroacupuncture; Adjunctive Therapies; Dietary Guidelines; Traditional Chinese Medical Concepts, Modern Oriental Medical Techniques; Acupuncture Diagnostic Techniques, Western Diagnostic Terminology; Acupoint Injection Therapies.

**SPECIFIC AUTHORITY:** 457.104 FS., Section 62, Chapter 2000-318, Laws of Florida.

**LAW IMPLEMENTED:** Section 62, Chapter 2000-318, Laws of Florida.

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

**TIME AND DATE:** 9:00 a.m. or soon thereafter, September 13, 2000

**PLACE:** The Hilton Miami Airport, 5101 Blue Lagoon Drive, Miami, Florida 33126

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 64B1-4.004-.011 IS NOT AVAILABLE.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B1-4.012 Acupoint Injection Therapies.

Adjunctive therapies shall include Acupoint Injection Therapy which means the injection of herbs, homeopathies, and other nutritional supplements into acupuncture points by means of hypodermic needles. Acupoint Injection Therapy shall not include intravenous therapy.

Specific Authority 457.104 FS., Section 62, Chapter 2000-318, Laws of Florida, Law Implemented Section 62, Chapter 2000-318, Laws of Florida, History--New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE: RULE NO.:

Licensure and Certification 64B2-12.003  
Reexamination Fees

PURPOSE AND EFFECT: The purpose is to update the rule text by increasing the reexamination fee for the licensure examination.

SUBJECT AREA TO BE ADDRESSED: Reexamination fee.  
SPECIFIC AUTHORITY: 455.574(2), 460.405, 460.406(1) FS.

LAW IMPLEMENTED: 455.474(2), 460.406 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-12.003 Licensure and Certification Reexamination Fees.

The reexamination fee for the licensure examination shall be five hundred dollars (\$500.00) ~~four hundred fifty dollars (\$450.00)~~. The reexamination fee for the Acupuncture Certification Examination shall be seventy five dollars (\$75.00).

Specific Authority 455.574(2), 460.405, 460.406(1) FS. Law Implemented 455.574(2), 460.406 FS. History--New 1-10-80, Formerly 21D-12.03, Amended 2-24-86, 5-10-87, 4-19-89, 10-9-90, 10-15-92, Formerly 21D-12.003, 61F2-12.003, 59N-12.003, Amended 1-18-98, \_\_\_\_\_.

**Section II  
Proposed Rules**

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE TITLE: RULE NO.:

Preneed Funeral Contract Consumer 3F-10.001  
Protection Trust Fund

PURPOSE AND EFFECT: This rule is being amended to delete the option of a remittance credit when a cancelled contract is rewritten, as this option is no longer available.

SUMMARY: This rule sets forth the criteria for how, when, and the amounts of remittances by a certificateholder to the Preneed Funeral Contract Consumer Protection Trust Fund, pursuant to the provisions of section 497.413, F.S.

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: 497.103, 497.413 FS.

LAW IMPLEMENTED: 497.413 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: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-10.001 Preneed Funeral Contract Consumer Protection Trust Fund.

The amounts required to be remitted by a Certificateholder to the Preneed Funeral Contract Consumer Protection Trust Fund, pursuant to the provisions of Section 497.413, Florida Statutes, shall be determined in accordance with the following criteria:

- (1) through (5) No change.
- (6) If a contract is cancelled after thirty days of execution, the Certificateholder shall not be entitled to credit the remittance for that contract against future remittances ~~unless such contract is immediately rewritten.~~

(7) All remittances shall be sent with the Preneed Funeral Contract Consumer Protection Trust Fund Remittance Form. This form, DBF-TFR-1, effective May 23, 1994, is incorporated herein by reference, and shall be available from the Department of Banking and Finance, Division of Finance, The Fletcher Building, 101 East Gaines Street, ~~Suite 550~~, Tallahassee, Florida 32399-0350. Checks should be made payable to the Department of Banking and Finance. Remittances should be submitted to the board office within 60 days following a calendar quarter.

(8) through (9) No change.

Specific Authority 497.103, 497.413 FS. Law Implemented 497.413 FS. History—New 5-23-94, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Funeral and Cemetery Services  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2000

**DEPARTMENT OF INSURANCE**

RULE TITLE: Notification of Insured's Rights; Personal Injury Protection Benefits  
RULE NO.: 4-176.013

PURPOSE AND EFFECT: The rule is amended to update the form property and casualty insurers must send to insureds notifying them of the benefits available in a Personal Injury Protection Policy.

SUMMARY: The rule adopts changes to the form required by section 627.7401, F.S., and clarifies other provisions of the form.

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

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

SPECIFIC AUTHORITY: 624.308(1), 627.7401(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.7401 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Greg Jenkins, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, Telephone (850)413-3820  
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)413-4214

THE FULL TEXT OF THE PROPOSED RULE IS:

4-176.013 Notification of Insured's Rights; Personal Injury Protection Benefits.  
Each insurer issuing a policy in this state providing personal injury protection benefits shall mail or deliver form DI4-1149 ~~(1/1/2000) (10/1/94)~~ Notification of Personal Injury Protection Benefits" which is hereby incorporated herein by reference, to an insured within 21 days after receiving from the insured notice of an automobile accident or claim involving personal injury to an insured who is covered under the policy. Form DI4-1149 is available from the Bureau of Property and Casualty Forms and Rates, 200 E. Gaines St., Tallahassee, FL 32399-0330~~26~~

Specific Authority 624.308(1), 627.7401(1) FS. Law Implemented 624.307(1), 627.7401 FS. History—New 10-1-94, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Jenkins, Bureau of Property & Casualty, Forms & Rates  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Beth Vecchioli, Chief, Bureau of Property & Casualty Forms & Rates  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLE: Design-Build Threshold  
RULE NO.: 40C-1.710

PURPOSE AND EFFECT: The purpose and effect is to repeal the rule and thereby delete the not to exceed threshold amount for utilizing the design-build selection process.

SUMMARY: This rule repeal effectively deletes the self-imposed not to exceed threshold amount which limits the District's use of the design-build selection process. This amendment will allow the District to utilize the design-build selection process for projects regardless of the project cost. There is no statutory requirement to have a specific threshold dollar amount.

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 with 21 days of this notice.

SPECIFIC AUTHORITY: 287.055, 373.044, 373.313 FS.

LAW IMPLEMENTED: 287.055 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Meeting which begins at 9:00 a.m., October 11, 2000

PLACE: St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-1.710 Design-Build Threshold.

Specific Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055 FS. History--New 7-25-90, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: John W. Williams, Deputy General Counsel, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4154

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

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

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

Anyone requiring a special accommodation to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman at (904)329-4101 or (904)329-4450 (TDD).

DEPARTMENT OF MANAGEMENT SERVICES

Florida Commission on Human Relations

RULE TITLE:

Executive Director's Investigatory Determination; Notice

RULE NO.:

60Y-5.004

PURPOSE AND EFFECT: The proposed rule amendment harmonizes the rule requirements with the statutory requirements.

SUMMARY: The proposed rule amendment will update the current rule by removing all references to Redeterminations.

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

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

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

LAW IMPLEMENTED: 760.11 FS.

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

TIME AND DATE: 10:00 a.m., September 15, 2000

PLACE: Florida Commission on Human Relations, Suite 240, Building F, 325 John Knox Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dana Baird, General Counsel, Florida Commission on Human Relations, Suite 240, Building F, 325 John Knox Road, Tallahassee, Florida 32303-4149, (850)488-7082, Extension 1035, BairdD@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-5.004 Executive Director's Investigatory Determination; Notice.

(1) through (4) No change.

(5) A Notice of Determination of No Reasonable Cause, No Jurisdiction or Untimeliness shall advise the complainant of the right to file a Petition for Relief, pursuant to Rule 60Y-5.008, within 35 30 days of service of the notice. A form, Petition for Relief, hereby incorporated by reference, in blank, shall be provided to the complainant at the time of service of the notice.

~~(6) A Notice of Determination shall further advise the parties of the right to request redetermination, pursuant to Rule 60Y-5.007, within 20 days of service of the notice. If the complainant requests redetermination, the 30 day period for filing a Petition for Relief shall be tolled until service of a Notice of Redetermination.~~

(6)(7) After service of a Notice of Determination, the parties named in the determination may inspect the records and documents, in the custody of the Commission, which pertain to the determination. The Executive Director may direct that a particular record, document or portion thereof be withheld from inspection by a party only when necessary for the protection of a witness or third party, or for the preservation of a trade secret.

Specific Authority ~~760.06(12), 760.11(14)~~ ~~760.06(13)~~ FS. Law Implemented ~~760.11~~ ~~760.06~~, ~~760.10~~ FS. History—New 11-2-78, Amended 6-16-83, 8-12-85, Formerly 22T-9.04, 22T-9.004, Amended \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Barbers’**

RULE TITLES:	RULE NOS.:
Barber License	61G3-16.001
Examination for Barber Licensure	61G3-16.0010
Reexamination	61G3-16.002
Examination Review Procedure	61G3-16.003
Foreign Language Examination	61G3-16.0041
Manner of Application	61G3-16.008
Supervised Practice Exception	61G3-16.010

PURPOSE AND EFFECT: The Board proposes to update the existing rules.

SUMMARY: These rules are being amended to update language within.

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: 476.064(4), 476.114(2),(3), 476.134, 455.217, 455.217(2),(3) 455.217(1)(b), 476.144(5), 476.184(2),(10) FS.

LAW IMPLEMENTED: 476.114(2),(3), 467.124, 476.134, 455.217(2),(3),(6), 455.217(1)(b), 476.144(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 RULES IS: Julie Baker, Executive Director, Barbers’ Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G3-16.001 ~~Barber License Examination for Licensure.~~

(1) ~~Individuals desiring to be licensed as a barber by examination in the State of Florida shall meet all required qualifications as set forth in section 476.114, F.S. The Board will prepare its examination to include the following listed subjects:~~

- ~~(a) Florida Law~~
- ~~(b) Sanitation and Sterilization~~
- ~~(c) Hair Cutting~~
- ~~(d) Hair Styling~~
- ~~(e) Shampooing~~
- ~~(f) Hair Structure and Chemistry~~
- ~~(g) Shaving, Mustache and Beard Trim~~
- ~~(h) Permanent Waving~~
- ~~(i) Hair Pieces~~
- ~~(j) Coloring and Bleaching~~
- ~~(k) Hair Relaxing~~
- ~~(l) Scalp Treatment~~
- ~~(m) Facials~~

(2) Individuals seeking to take the licensing examination on the basis of successful completion of the required education training specified in section 476.114(2)(c)2., F.S., shall provide satisfactory proof of their successful completion of such training, which shall consist of the school or program that administers the course certifying that the applicant has successfully completed the barber course, and that the barber course complies with the minimum requirements set forth below in subsection (3)(b). A school of barbering shall certify on a student’s examination application that said student has performed the minimum number of services specified below:

- ~~(a) 300 Hair Cuts~~
- ~~(b) 50 Shampoos~~
- ~~(c) 25 Shaves or Mustache and Beard Trims~~
- ~~(d) 50 Permanent Waves~~
- ~~(e) 25 Colorings or Bleachings~~
- ~~(f) 10 Hair Relaxings~~
- ~~(g) 30 Scalp Treatments~~
- ~~(h) 15 Facials~~
- ~~(i) 200 Hair Stylings~~

(3) All barber courses which are taught for the purpose of qualifying an individual for a license to practice barbering shall consist of a minimum of 1200 hours of training and instruction in the subjects set forth in subsection (3)(b), and the completion of the minimum number of barber services within those hours set forth in subsection (3)(c) Minimal Competency by Performance of Service.

(a) If an applicant for licensure by examination meets all required qualifications except the required minimum hours of training, he or she shall be entitled to take the licensure examination to practice barbering if the applicant has received a minimum of 1,000 hours of training and has been certified by the school or program in which he or she is currently enrolled to have achieved the minimum competency standards of performance as prescribed below in subsection (3)(b) and (c), for the hours completed Each barbering student is required to attain minimal competency by the performance of services as described in subsection (2) above in the 1200 hours unless the prescribed minimum competency by the performance of services can be achieved and certified by the school in the time frame from 1000 to 1200 hours prescribed.

1. If the applicant fails to achieve a passing grade on either or both portions of the licensure examination, he or she shall be entitled to re-examination only upon completion of the full requirements of 1200 hours of training and instruction provided for in section 476.114(2)(c)2., F.S.

(b) All barber courses which are taught for the purpose of qualifying an individual for a license to practice barbering shall provide training and instruction in the following subjects and areas:

1. Florida Law
2. Sanitation and Sterilization
3. Hair Cutting
4. Hair Styling
5. Shampooing
6. Hair Structure and Chemistry
7. Shaving, Mustache and Beard Trim
8. Permanent Waving
9. Hair Pieces
10. Coloring and Bleaching
11. Hair Relaxing
12. Scalp Treatment
13. Facials

(c) A school of barbering shall certify on a student's examination application that said student has performed the minimum number of services specified below:

1. 300 Hair Cuts
2. 50 Shampoos
3. 25 Shaves or Mustache and Beard Trims
4. 50 Permanent Waves
5. 25 Colorings or Bleachings
6. 10 hair Relaxings
7. 30 Scalp Treatments
8. 15 Facials
9. 200 Hair Stylings

(4) An applicant who has completed all requirements for examination and paid the fee specified in Rule 61G3-20.002 will be admitted to the examination for licensure.

(5) There shall be two parts to the examination, a written portion and a practical portion.

(6) The written portion of the examination for licensure shall consist of questions on: hygiene and ethics; implements; non-surgical hair replacement and hair additions; skin (composition, layers, functions, care; etc.); hair (structure, protein, characteristics, types, services); cosmetic chemistry (atoms, molecules, emulsions, Ph); scalp and facial treatments; coloring and bleaching; permanent waving; hair straightening; state barber laws and rules.

(7) The practical portion of the examination for licensure shall have a maximum time limit of 1 3/4 hours. Effective October 1, 1988, candidates will be required to perform a taper haircut to satisfy the practical portion of the examination. The areas to be tested and relative weights are as follows:

CATEGORIES	POSSIBLE POINTS
Haircut	45
Permanent Wave	10
Shampoo	10
Sanitation	25
Technique: Razor, Shears, Clippers	10

The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas of comment should be drawn from the following criteria:

(a) Haircut:

1. Top is even and without holes, gaps or steps
2. Top (horseshoe) blends with sides and back
3. Front outline is even and clean shaven
4. Haircut is proportional and sides are equal in length
5. Sides and back are without holes, gaps or steps
6. Sides blend with the back
7. Sideburns and outlines are even
8. Sideburns, outline and neckline are clean shaven
9. Neckline is properly tapered

(b) Permanent Wave:

1. Blocking of the permanent wave is clean, uniform, and matches rod diameter and length
2. Hair is wound uniformly across the rods with the proper amount of tension
3. Rods are parallel to subsection parting, not more than one half off base and are not over directed
4. Hair is evenly spread in end paper(s) and does not extend beyond edge of paper

(c) Shampoo: After the shampoo, the model's hair and scalp were clean and free of shampoo

(d) Sanitation:

1. The candidate used the proper linen setup for a shampoo
2. The candidate properly stored clean and dirty linen during the shampoo
3. The candidate washed hands before beginning haircut
4. The candidate used the proper linen setup for haircut

- 5. During the haircut, the candidate replaced tools in sanitizer after each use
- 6. The candidate properly stored clean and dirty linen during the haircut
- 7. The candidate washed hands before beginning the permanent wave
- 8. The candidate used the proper linen/cotton wrap setup for the permanent wave
- 9. The candidate kept tools sanitized during the permanent wave
- 10. The candidate properly stored clean and dirty linen during the permanent wave

(e) Technique:

- 1. The candidate held and used all tools in a safe manner during the haircut
- 2. The model's skin was not cut/pinched by clippers or other tools during the haircut
- 3. Candidate used freehand technique when doing the haircut

(8) Failure of the examinee to complete the services required in a particular category tested in the practical portion of the examination, e.g., haircut, shall result in the examinee losing the possible points assigned to that area.

(9) The score necessary to achieve a passing grade shall be no less than seventy-five (75) percent out of one hundred (100) percent (based on the average of the examiners' scores) on the practical examination and seventy five (75) percent out of one hundred (100) percent on the written examination. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.

Specific Authority 476.064(4), 476.114(2), 476.134, 455.217(1)(b) FS. Law Implemented 476.114(2), 476.134, 455.217(1)(b) FS. History—New 7-16-80, Amended 7-6-81, 8-31-82, 5-29-85, Formerly 21C-16.01, Amended 9-3-86, 5-30-88, 12-31-89, 1-26-93, 3-15-93, Formerly 21C-16.001, Amended 9-15-94,\_\_\_\_\_.

61G3-16.0010 Examination for Barber Licensure.

(1) The examination for licensure to practice barbering shall consist of two parts, a written examination and a practical examination. Applicants for a license to practice barbering must achieve a passing grade on both portions of the examination to be eligible for a license to practice barbering. An applicant who has completed all requirements for examination and paid the fee specified in Rule 61G3-20.002, F.A.C., will be admitted to the examination for licensure.

(2) The following subjects will be tested on the written examination and will be weighted approximately as designated:

<u>Category</u>	<u>Weight</u>
1. <u>Ethics and Hygiene</u>	<u>8%</u>
2. <u>State Barber Laws and Rules</u>	<u>7%</u>

3. <u>Skin and Scalp (composition, diseases, function, care)</u>	<u>7%</u>
4. <u>Hair (structure, protein, characteristics, types, services, hairpieces)</u>	<u>16%</u>
5. <u>Cosmetics Chemistry (emulsions, pH, types)</u>	<u>11%</u>
6. <u>Scalp and Facial Treatments (including light therapy)</u>	<u>11%</u>
7. <u>Haircoloring and Lightening</u>	<u>12%</u>
8. <u>Permanent Waving, Hair Relaxing, and Soft Curl Permanents</u>	<u>20%</u>
9. <u>Shaving, Mustache and Beard Trim</u>	<u>4%</u>
10. <u>Implements, Tools and Equipment (including use characteristics)</u>	<u>4%</u>

(3) The practical portion of the examination for licensure shall have a maximum time limit of 1 3/4 hours. Candidates will be required to perform a taper haircut to satisfy the practical portion of the examination. The areas to be tested and relative weights are as follows:

<u>Category</u>	<u>Possible Points</u>
<u>Haircut</u>	<u>45</u>
<u>Permanent Wave</u>	<u>10</u>
<u>Shampoo</u>	<u>10</u>
<u>Sanitation</u>	<u>25</u>
<u>Technique: Razor, Shears, Clippers</u>	<u>10</u>

The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas of comment should be drawn from the following criteria:

(a) Haircut:

- 1. Top is even and without holes, gaps or steps
- 2. Top (horseshoe) blends with sides and back
- 3. Front outline is even and clean shaven
- 4. Haircut is proportional and sides are equal in length
- 5. Sides and back are without holes, gaps or steps
- 6. Sides blend with the back
- 7. Sideburns and outlines are even
- 8. Sideburns, outline and neckline are clean shaven
- 9. Neckline is properly tapered

(b) Permanent Wave:

- 1. Blocking of the permanent wave is clean, uniform, and matches rod diameter and length
- 2. Hair is wound uniformly across the rods with the proper amount of tension
- 3. Rods are parallel to subsection parting, not more than one-half off base and are not over-directed
- 4. Hair is evenly spread in end paper(s) and does not extend beyond edge of paper

(c) Shampoo: After the shampoo, the model's hair and scalp were clean and free of shampoo.

(d) Sanitation:

- 1. The candidate used the proper linen setup for a shampoo.

2. The candidate properly stored clean and dirty linen during the shampoo

3. The candidate washed hands before beginning haircut

4. The candidate used the proper linen setup for haircut

5. During the haircut, the candidate replaced tools in sanitizer after each use

6. The candidate properly stored clean and dirty linen during the haircut

7. The candidate washed hands before beginning the permanent wave

8. The candidate used the proper linen/cotton wrap setup for the permanent wave

9. The candidate kept tools sanitized during the permanent wave

10. The candidate properly stored clean and dirty linen during the permanent wave

(e) Technique:

1. The candidate held and used all tools in a safe manner during the haircut

2. The model's skin was not cut/pinched by clippers or other tools during the haircut

3. Candidate used freehand technique when doing the haircut

(8) Failure of the examinee to complete the services required in a particular category tested in the practical portion of the examination shall result in the examinee losing the possible points assigned to that area.

(9) The score necessary to achieve a passing grade shall be no less than seventy-five (75) percent out of one hundred (100) percent (based on the average of the examiners' scores) on the practical examination and seventy five (75) percent out of one hundred (100) percent on the written examination. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.

Specific Authority 476.064(4), 476.114(2), 476.134, 455.217(1)(b) FS. Law Implemented 476.114(2), 476.134, 455.217(1)(b) FS. History--New \_\_\_\_\_.

61G3-16.002 Reexamination.

(1) An applicant who fails the state examination for licensure in whole or in part shall be required to pay the reexamination fee as set forth in Rule 61G3-20.002, F.A.C. 61G3-20.0027.

(2) An applicant shall be required to retake only the portion of the examination on which he or she failed to achieve a passing grade. However, an applicant must pass both portions of the examination within a one year period from the date of the first attempt at either part in order to qualify for licensure.

(3) An applicant who fails the practical portion of the examination in whole or in part may apply to the Department to retake the practical portion of the examination at least within 30 days prior to the next administration date, provided that the

~~applicant filed his application 30 days prior to the initial examination and that he pays the reexamination fee as set forth in Rule 61G3-20.002, F.A.C. 61G3-20.007.~~

~~(4) An applicant who fails the written portion of the examination may apply to the Department to retake the written portion of the examination by providing an application and paying the reexamination fee as set forth in Rule 61G3-20.002, F.A.C. An applicant who, after three attempts, has failed to pass the examination or any portion thereof shall return to an approved school of barbering for a minimum of 200 hours of remedial instruction prior to taking any portion of the examination.~~

~~Specific Authority 455.217(2), 476.064(4), 476.114(3) FS. Law Implemented 455.217(2), 476.114(3) FS. History--New 7-16-80, Amended 4-6-82, 4-21-83, Formerly 21C-16.02, Amended 11-12-87, Formerly 21C-16.002, Amended \_\_\_\_\_.~~

61G3-16.003 Examination Review Procedure.

~~(1) An applicant is entitled to review his or her examination questions, answers, papers, grades and grading key used in the state examination for licensure under such terms and conditions as may be prescribed by the Department of Business and Professional Regulation in accordance with Rule 61-11.017, F.A.C.~~

~~(2) If, following the review of his examination, an applicant believes that an error was made in the grading of his examination, or in the evaluation of his answers, he may request that the Department review his examination. Requests for review must be in writing, state with specificity the reasons why review is requested and pay the required fee set forth in Rule 61G3-20.0075, F.A.C. and be received by the Department within thirty (30) days after the applicant received notice that he failed the examination.~~

~~(3) Upon receipt of a request for review the Department shall review the applicant's examination. If the Department finds that an error was made the Department may adjust the grade received by the applicant to reflect the correction. The applicant shall be notified as to the decision.~~

~~Specific Authority 455.217(3) FS. Law Implemented 455.217(3) FS. History--New 7-16-80, Formerly 21C-16.03, Amended 12-23-90, Formerly 21C-16.003, Amended \_\_\_\_\_.~~

61G3-16.0041 Foreign Language Examination.

An applicant may be permitted to take the ~~written~~ Florida Barbers' examination in the applicant's native language provided the applicant pays the full cost for the Department's development, preparation, administration, grading and evaluation of any examination in a language other than English or Spanish.

~~Specific Authority 476.064(4) FS. Law Implemented 455.217(6) FS. History--New 1-26-93, Formerly 21C-16.0041, Amended \_\_\_\_\_.~~



## 61G3-16.008 Manner of Application.

Every person desiring to be examined for either full or restricted licensure as a barber shall apply to the Department in writing upon forms prepared and furnished by the Department and pay an examination fee as required by Rule 61G3-20.002, F.A.C.

(1) The applicant must present with the application two (2) 2" x 2" photographs taken within the past twelve (12) months and evidence of completion of barber training defined in Chapter 476, Florida Statutes. ~~Completed application must be received in the Board's office no later than thirty (30) days prior to the date of the next available examination.~~

(2) Completed applications Applications received later than thirty (30) days prior to the next available practical exam shall automatically be scheduled for the following available practical examination.

~~(3) The Department shall notify the applicant fourteen (14) days prior to the practical examination if the applicant is eligible to take the practical examination. A professional testing service shall notify applicants of their eligibility for a written examination within five (5) working days after receipt of Board notification of the applicant's eligibility.~~

~~(3)(4)~~ Applicants for an unrestricted license who have completed one thousand (1,000) actual school hours or more but less than one thousand two hundred (1,200) actual school hours are required to have the school or program attended certify on that portion of the application so designated that said applicant has completed the stated number of hours, the required services as established by Rule 61G3-16.001 and is competent to sit for the licensure examination.

Specific Authority 476.114(2), 476.064(4), 455.217 FS. Law Implemented 476.114(2), 476.124 FS. History—New 11-12-87, Formerly 21C-16.008, Amended 8-11-98,\_\_\_\_\_.

## 61G3-16.010 Supervised Practice Exception.

(1) Following the completion of the first licensing examination by an applicant for licensure as a barber by examination with the results that the applicant has failed to achieve a passing grade on either or both portions of the licensure examination, the applicant, and pending the results of that examination, an applicant for licensure as a barber by examination shall be eligible to practice as a barber and perform barbering services subject to the following conditions:

(a) If the applicant failed the written portion of the examination, the applicant must apply within thirty (30) days of the date on the failing grade notice to retake the written portion of the examination. The applicant must submit a complete application for reexamination and shall have paid the reexamination fees as prescribed by Rule 61G3-20.002, F.A.C. All barbering services to be performed by the applicant under this exception shall be performed under the supervision of a licensed barber. "Under the supervision of a licensed barber"

~~shall mean that an individual who then holds a current, active Florida license as a barber shall be physically present at all times when the applicant is performing barbering services.~~

(b) If the applicant failed the practical portion of the examination, the applicant must apply to retake the next available practical examination immediately following the practical examination which the applicant failed. The applicant must submit a complete application for reexamination and shall have paid the reexamination fees as prescribed by Rule 61G3-20.002, F.A.C. All barbering services performed by the applicant under this exception shall be performed in a licensed barbershop barber shop. For all times during which the applicant is practicing in the barbershop barber shop, the license for the barbershop barber shop shall be in a current and active status.

(c) All barbering services to be performed by the applicant under this exception shall be performed under the supervision of a licensed barber. "Under the supervision of a licensed barber" shall mean that an individual who then holds a current, active Florida license as a barber shall be physically present at all times when the applicant is performing barbering services.

(d) All barbering services performed by the applicant under this exception shall be performed in a licensed barber shop. For all times during which the applicant is practicing in the barber shop, the license for the barber shop shall be in a current and active status.

~~(2) Upon receipt of the results of the first licensure examination taken by the applicant which indicate that the applicant has failed to achieve a passing grade on either or both portions of the licensure examination, the applicant shall immediately cease to practice as a barber or performing barbering services under this exception unless and until the applicant applies to retake at the next available licensure examination immediately following the licensure examination which the applicant failed those portions of the licensure examination which the applicant failed. Once the applicant shall have submitted a complete application for reexamination and shall have paid all applicable reexamination fees, the applicant shall be eligible to resume practicing as a barber subject to the same conditions as stated above.~~

~~(2)(3)~~ Upon receipt of the results of either or both portions of the second licensure examination taken by the applicant which indicate that the applicant has failed to achieve a passing grade on either or both portions of the licensure examination, the applicant shall immediately cease to practice as a barber or performing barbering services under this exception; and shall not be eligible to resume practicing as a barber or perform barbering services until after the applicant shall have taken and passed both portions of the licensure examination and been issued a license to practice as a barber by the Department.

~~(3)(4)~~ The holder of the license for the barbershop barber shop in which the applicant practices as a barber or performs barbering services under this exception shall retain and display

in a conspicuous place at the ~~barbershop~~ barber shop location a copy of the completed application for licensure by examination submitted to the Department by the applicant, and a copy of the completed application for reexamination submitted to the Department by the applicant if such reexamination is required under this exception by the applicant's failure to pass either or both portions of the first licensure examination taken by the applicant.

Specific Authority ~~476.064(4), 476.184(2),(10), 476.144(7), 476.124, 455.217 FS.; Chapter 98-323, Laws of Florida. Law Implemented 476.184(2),(10), 476.144(7), 455.217 FS.; Chapter 98-323, Laws of Florida. History-New 12-9-98, Amended~~.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Barbers'**

RULE TITLE: Barbershop Requirements  
PURPOSE AND EFFECT: The rule will set forth the requirements for licenses and certificate of authorization holders.

RULE NO.: 61G3-19.011

SUMMARY: The rule amendment is for the purpose of updating barbershop requirements.

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: 476.064(4) FS.

LAW IMPLEMENTED: 476.184 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: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G3-19.011 Barbershop Requirements.
- (1) through (17) No change.

(18) A barbershop may be located at a place of residence. Barbershop facilities must be separated from the living quarters by a permanent wall constructions. A separate entrance shall be provided to allow entry to the barbershop other than from the living quarters. Toilet and lavatory facilities shall comply with subsection ~~(14)(6)~~ above, shall have an entrance from the barbershop other than the living quarters, and shall not be the same toilet and lavatory facilities as are used by the occupants of the residence.

(19) through (22) No change.

Specific Authority 476.064(4) FS. Law Implemented 476.184 FS. History-New 4-27-86, Amended 9-24-86, 12-28-86, 5-10-88, 7-15-91, Formerly 21C-19.011, Amended 1-12-94, 10-4-94, 5-21-95, 2-14-96, 5-1-96, 3-21-00,

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Barbers'**

RULE TITLES: Collection and Payment of Fees  
Application Fees for Licensure Through

RULE NOS.: 61G3-20.001

Examination or Endorsement and Reexamination Fees  
Examination Review Fee

61G3-20.002  
61G3-20.0075

PURPOSE AND EFFECT: The Board proposes to update the existing rules.

SUMMARY: The rules provide guidelines and application materials for the fees rules.

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

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

SPECIFIC AUTHORITY: 476.064(4), 476.192, 476.213(2), 455.217(2) FS.

LAW IMPLEMENTED: 455.213(2), 476.192, 476.114(3), 476.192, 455.217 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: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G3-20.001 Collection and Payment of Fees.

All fees shall be made payable to the Department of Business and Professional Regulation. When an examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, fees shall be paid to the testing service.

Specific Authority 476.064(4), 455.2171 FS. Law Implemented 455.213(2), 455.2171 FS. History--New 7-16-80, Formerly 21C-20.01, 21C-20.001, Amended.

61G3-20.002 Application Fees for Licensure Through Examination or Endorsement and Reexamination Fees.

(1) The application fee for licensure by means of ~~examination or endorsement or examination and reexamination~~ for barbers shall be as follows ~~one hundred fifty dollars (\$150.00)~~:

<u>Method of Licensure:</u>	<u>Application Fee:</u>
<u>(a) Endorsement</u>	<u>The application fee for licensure by endorsement shall be one hundred and fifty dollars (\$150.00). All fees shall be payable to the Department.</u>

<u>(b) Examination and Reexamination.</u>	
<u>1. Practical Portion</u>	<u>The application fee for both the examination and reexamination for the practical portion shall be seventy-five dollars (\$75.00). All fees shall be payable to the Department.</u>

<u>2. Written portion</u>	<u>The application fee for both the examination and reexamination for the written portion shall be seventy-five dollars (\$75.00). Fifty-five dollars and fifty cents (\$55.50) of both the examination and reexamination application fee for the written portion of the examination shall be paid to the Department and nineteen dollars and fifty cents (\$19.50) shall be paid to the professional testing service.</u>
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(2) The application fee for licensure by means of examination and reexamination for restricted barbers shall be as follows:

<u>Method of Licensure:</u>	<u>Application Fee:</u>
<u>(a) Examination and Reexamination.</u>	
<u>1. Practical Portion</u>	<u>The application fee for both the examination and reexamination for the practical portion shall be seventy-five dollars (\$75.00). All fees shall be payable to the Department.</u>
<u>2. Written Portion</u>	<u>The application fee for both the examination and reexamination for the written portion shall be seventy-five dollars (\$75.00). Sixty-eight dollars and fifty-cents (\$68.50) of both the examination and the reexamination application fee for the written portion of the examination shall be paid to the Department and six dollars and fifty (\$6.50) shall be paid to the professional testing service.</u>

(3) Applicants for licensure as a barber or restricted barber shall pay both the original licensure fee set forth in 61G3-20.014 and the applicable part of the examination or reexamination application fee specified in subsections (1) and (2) above.

(a) All fees payable to the Department shall be paid at the time the applicant submits his or her application for licensure by endorsement, examination or reexamination.

(b) All parts of the examination or reexamination application fee payable to a professional testing service shall be paid to that service upon notification that the applicant's application for licensure by examination or reexamination has been approved.

(c) In the event that a professional testing service is not used for examination or reexamination, all fees shall be paid to the Department.

Specific Authority 476.064(4), 476.192, 455.2171 FS. Law Implemented 476.192, 455.2171 FS. History--New 7-16-80, Amended 6-30-83, 10-17-85, Formerly 21C-20.02, Amended 12-15-87, 5-11-88, Formerly 21C-20.002, Amended 9-21-94, \_\_\_\_\_.

61G3-20.0075 Examination Review Fee.

The fee for an written examination review shall be thirty dollars (\$30.00) payable to a professional testing service when the written examination is conducted by the professional testing service pursuant to Section 455.2171, Florida Statutes. The fee for obtaining copies of practical grade sheets shall be ten dollars (\$10.00) payable to the Department. In the event that a professional testing service is not used for examination or reexamination, all fees shall be paid to the Department.

Specific Authority 455.217(2), 455.2171 FS. Law Implemented 455.217, 455.2171 FS. History--New 7-4-90, Formerly 21C-20.0075, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Barbers'**

RULE TITLE: Reexamination Fee  
RULE NO.: 61G3-20.007

PURPOSE AND EFFECT: The rule is being repealed.  
SUMMARY: The rule is being repealed, which is obsolete.  
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: 476.064(4), 476.114(3) FS.  
LAW IMPLEMENTED: 476.192 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: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-20.007 Reexamination Fee.

~~The reexamination fee shall be one hundred fifty dollars (\$150.00).~~

Specific Authority 476.064(4), 476.114(3) FS. Law Implemented 476.114(3), 476.192 FS. History—New 7-16-80, Amended 6-30-83, Formerly 21C-20.07, Amended 12-15-87, 5-11-88, Formerly 21C-20.007, Amended 9-21-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Barbers'

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Barbers'

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: List of Approved Forms; Incorporation  
RULE NO.: 61G4-12.006

PURPOSE AND EFFECT: The proposed rule amendments are intended to address various changes in the forms and to incorporate new forms into the rule.

SUMMARY: The proposed rule amendments make changes to various forms utilized by the Board and incorporate new forms into the rule.

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: 489.108 FS.  
LAW IMPLEMENTED: 120.52(15), 489.108, 489.115, 489.118, 489.119, 489.1195 FS.

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

TIME AND DATE: 10:00 a.m., September 20, 2000  
PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cathleen E. O'Dowd, Interim Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-12.006 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are hereby adopted and incorporated by reference, and can be obtained from the Board at the following address:

Florida Construction Industry Licensing Board  
7960 Arlington Expressway  
Suite 300  
Jacksonville, Florida 32211-7467

- (1) Registrations:
  - (a) Application for Contractors Registration, DBPR/CILB/031-(Rev. 07/00 02/98),
  - (b) Registration Change of Status, DBPR/CILB/017-(Rev. 07/00 02/98),
- (2) Certifications: Certification Change of Status DBPR/CILB/025-(Rev. 07/00 02/98),
- (3) Examinations:

- (a) Applicant Information Booklet – Construction Examinations DBPR/CILB/007-(Rev. 7/00),
- (b) ~~(a)~~ Application for Certification Examination, DBPR/CILB/001-(Rev. 7/00 ~~11-95~~),
- (c) ~~(b)~~ Application for Retake Certification Examination, DBPR/CILB/002 ~~1~~-(Rev. 7/00 ~~11-95~~),
- (4) Continuing Education:
  - (a) Sponsor/Course Approval Application, DBPR/CILB/057/2/98,
  - (b) ~~F~~CILB Continuing Education for Contractors Attendance Roster, DBPR/CILB/055-(Rev. 1-95),
  - (c) Instructors' Qualifications Form, DBPR/CILB/058/1-94,
  - (d) CILB Disciplinary Hearings Attendance Sheet, DBPR/CILB/056/1-94,
- (5) Licensing:
  - (a) Application for Qualified Business Organization (QB) License Number, DBPR/CILB/029/~~-(Rev. 02/00) 12-95~~,
  - (b) Qualified Business Organization (QB) Change of Status ~~or Qualifier~~ Application, DBPR/CILB/030/~~-(Rev. 02/00) 12-95~~,
  - (c) Financially Responsible Officer (FRO) Application, DBPR/CILB/021/~~-(Rev. 07/00) 12-95~~,
  - (d) Application to Qualify An Additional Business Organization Questionnaire – Qualifying Additional Business Organization, DBPR/CILB/020-(Rev. 07/00 ~~2-98~~),
  - (e) Limited Non-Renewable Registration Requirements and Application, DBPR/CILB/033-(Rev. 07/00).
- (6) Construction Industries Recovery Fund:
  - Construction Industries Recovery Fund Claim Form, DBPR/CILB/022-(Rev. 06/99 ~~5-95~~).
- (7) Application for Certification of Registered Contractors ~~Form~~, DBPR/CILB/032/~~-(Rev. 07/00) 01/00, which is hereby incorporated by reference and will be effective February 24, 2000.~~

Specific Authority 489.108 FS. Law Implemented 120.52(15), 489.108, 489.115, 489.118, 489.119, 489.1195 FS. History–New 1-6-80, Formerly 21E-12.06, Amended 1-1-89, Formerly 21E-12.006, Amended 1-4-94, 2-24-94, 11-23-95, 2-6-96, 7-22-96, 11-25-97, 8-2-98, 2-24-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Construction Industry Licensing Board  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLE: Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions 61G8-17.005

RULE NO.:

PURPOSE AND EFFECT: The Board recommends text be stricken from this rule due to lack of statutory provisions.

SUMMARY: The language in this rule is being amended to comply with section 455.02(2), Florida Statutes, and previous comments made by the Joint Administrative Procedures Committee.

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: 455.02(2), 470.005 FS.

LAW IMPLEMENTED: 455.02(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G8-17.005 follows. See Florida Administrative Code for present text.)

61G8-17.005 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

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(2), 470.005 FS. Law Implemented 455.02(2) FS. History–New 4-10-84, Formerly 21J-17.05, 21J-17.005, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Funeral Directors and Embalmers  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE TITLE: Delinquent License Status  
 RULE NO.: 61G10-13.008  
 PURPOSE AND EFFECT: The Board proposes to promulgate a new rule entitled "Delinquent License Status."

SUMMARY: The rule provides guidelines for delinquent licenses to conform to the requirements of chapter 455, F.S.

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, 481.325, 455.271(6), 455.271(7), 455.2177 FS.

LAW IMPLEMENTED: 481.315, 481.325, 455.271(6), 455.271(7), 455.2177 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:

61G10-13.008 Delinquent License Status.

(1) The failure of a licensee to elect active or inactive status before the license expires shall cause the license to become delinquent.

(2) The delinquent status license must apply for active or inactive status during the biennium in which the license becomes delinquent. Failure to timely apply for active or inactive status before the expiration of the biennium during which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(3) The delinquent status licensee who applies for active or inactive status shall submit a complete application on a form provided by the Department and:

(a) Pay the active status fee prescribed by Rule 61G10-12.002(1), F.A.C. or the inactive status fee prescribed by Rule 61G10-12.002(7), F.A.C., the delinquent status fee

prescribed by Rule 61G10-12.002(10), F.A.C., and if applicable, the processing fee prescribed by Rule 61G10-12.002(11), F.A.C.; and

(b) Demonstrate compliance with the continuing education requirements prescribed by Rule 61G-10-13.003, F.A.C., and Section 455.2177, F.S., and the rules promulgated thereunder.

(4) Pursuant to Section 481.325(1)(i), F.S., it is unlawful to practice landscape architecture with a delinquent license.

Specific Authority 481.306, 481.315, 481.325, 455.271(6), 455.271(7), 455.2177 FS. Law Implemented 481.315, 481.325, 455.271(6), 455.271(7), 455.2177 FS. History--New

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: June 22, 2000

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Approved Schools and Colleges  
 RULE NO.: 61G17-1.010

PURPOSE AND EFFECT: The Board proposes to clarify sections 472.013(2)(a) and (b), and 472.013(4), Florida Statutes regarding licensure examination directives.

SUMMARY: This proposed rule amendment sets forth and elucidates certain requirements of applicants who wish to sit for the licensure examination.

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: 120.53(1), 472.013(4) FS.

LAW IMPLEMENTED: 472.013(4) 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., September 21, 2000

PLACE: Sheraton Suites, 4400 W. Cypress Street, Tampa, Florida, (813)873-8675

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G17-3.0021 follows. See Florida Administrative Code for present text.)

61G17-1.010 Approved Schools and Colleges.

(1) For purposes of Sections 472.013(2)(a), F.S., programs or courses of study in surveying and mapping accredited by the Accreditation Board for Engineering and Technology (ABET), or substantially equivalent to those accredited by ABET, are deemed approved by the Board.

(2) For purposes of Sections 472.013(2)(b), F.S., colleges and universities accredited by a regional association of colleges and universities recognized by the Dunited States Department of Education are deemed approved by the Board.

Specific Authority ~~472.013(4)~~ ~~429.53(1)~~ FS. Law Implemented 472.013(4) FS. History—New 1-3-80, Formerly 21HH-1.10, 21HH-1.010, Amended 5-31-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19,2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Education RULE NO.: 61G17-3.0021

PURPOSE AND EFFECT: The Board proposes to amend this rule to improve clarity of the educational requirements, schools, and courses of study in accordance with section 472.013(4), Florida Statutes.

SUMMARY: The intention of this proposed rule amendment is to remove inconsistencies, and to clarify the language of approved schools and courses.

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: 472.013 FS.

LAW IMPLEMENTED: 472.005, 472.013 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., September 21, 2000

PLACE: Sheraton Suites, 4400 W. Cypress Street, Tampa, Florida, (813)873-8675

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G17-3.0021 follows. See Florida Administrative Code for present text.)

61G17-3.0021 Education.

(1) To determine whether an applicant for licensure has met the educational requirements of Section 472.013(2)(a), F.S., the applicant must demonstrate that he/she has:

(a) Graduated from a college or university approved by the Board pursuant to Rule 61G17-1.010,F.A.C.:

(b) Completed a course of study which included at least thirty-two (32) semester hours or forty-eight (48) quarter hours in courses labeled by the program or university as courses in surveying and mapping.

(2) To determine whether an applicant for licensure has met the educational requirements of Section 472.013(2)(b), F.S., the applicant must demonstrate that he/she has:

(a) Graduated from a college or university approved by the Board pursuant to Rule 61G17-1.010,F.A.C.; and

(b) Completed a specific four (4) year course of study which included at least thirty-two (32) semester hours of study, or its academic equivalent, which included twenty-five (25) semester hours or thirty-seven (37) quarter hours in courses labeled by the college or university as courses in surveying and mapping or in any combination of courses in civil engineering, forestry, mathematics, photogrammetry, land law, and the physical sciences.

Specific Authority 472.013(4) FS. Law Implemented 472.005, 472.013 FS. History—New 9-7-93, Amended 5-30-95, 10-1-97,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Disciplinary Guidelines  
 RULE NO.: 61G19-5.002

PURPOSE AND EFFECT: The Board proposes to amend this rule in order to notify interested parties of the range of penalties for multiple infractions.

SUMMARY: This rule is being amended pursuant to section 455.627(2), Florida Statutes, to set forth the penalties for specific violations.

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: 455.227, 455.2273, 468.606 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 468.607, 468.621, 468.629 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-5.002 Disciplinary Guidelines.

(1) Purpose. Pursuant to Section 455.2273, F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 468, Part XII, 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 given in Rule 61G19-5.003. The ranges of penalties provided below include ~~are based upon a single count violation of each provision listed; multiple counts of the violated provisions or a combination of the violation may result in a higher penalty than that for a single, isolated violation. Each range includes~~ the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations 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 proceedings pursuant to Section 120.569 and 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION

(a) Violating or failing to comply with any provision of this part, Chapter 455 or a valid rule or lawful order of the board or department, or subpoena of the department. (468.621(1)(a), F.S., 455.227(1)(b) and (q), F.S.)

RECOMMENDED RANGE OF PENALTY

(a)(1) Unless otherwise specified in this rule, in the case of an applicant, the usual action of the Board shall be from ~~denial to~~ licensure with an administrative fine and probation to denial; in the case of a licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,500.

(a)(2) After the first offense, a minimum of one year's probation to revocation or denial of licensure, and a fine of up to \$5,000 depending on the underlying offense and the magnitude of the violation.

(b) No change.

(c) Knowingly assisting any person to unlawfully practice building code administration, inspecting, or plans examination contrary to the provisions of this part or the building code adopted by the enforcement authority governing that person. (468.621(1)(c), 455.227(1)(j), F.S.)

(c)(1) In the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to suspension and a fine of up to \$1,500.

(c)(2) After the first offense, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$5,000.

(d) Having been convicted of a felony. (468.621(1)(d), F.S.)

(d)(1) In the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial.

In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$1,500.

(d)(2) For a second offense in the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and suspension of at least 30 days followed by probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension followed by probation with conditions to revocation and a fine of up to \$4,000.

(d)(3) After the second offense, the usual action of the Board shall be revocation and a fine of up to \$5,000.

(e) Guilt or nolo plea entered to a crime directly related to building code administration or inspection. (468.621(1)(e), 455.227(1)(c), F.S.)

(e)(1) In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$1,500.

(e)(2) After the first offense, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000.

(f) Knowingly making or filing a false report or failing to file a report as required. (468.621(1)(f), 455.227(1)(l), F.S.)

(f)(1) In the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and 30-day suspension followed by probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a period of suspension to be followed by probation and a fine of up to \$1,500.



(g) Committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property (468.621(1)(g), F.S.)

1. Negligence

~~(f)(2) After the first offense, in the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be revocation and a fine of up to \$5,000.~~

1.a. In the case of an applicant, the usual action of the Board shall be from denial to licensure with probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to suspension and a fine of up to \$1,500.

1.b. For a second offense in the case of an applicant, the usual action of the Board shall be from probation to denial and an administrative fine. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension followed by probation and a fine of up to \$4,000.

1.c. After the second offense, the usual action of the Board shall be revocation and a fine of up to \$5,000.

2. Gross or repeated negligence, or gross misconduct.

2.a. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$1,500.

2.b. After the first offense, the usual action of the Board shall be revocation and a fine of up to \$5,000.

3. Willful misconduct

3.a. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty of revocation and fine of up to \$1,500.

3.b. After the first offense, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000.

(h) Making misleading, deceptive or fraudulent representations. (455.227(1)(a) and (m), F.S.)

1. Misleading or deceptive

1.a. In the case of an applicant, the usual action of the Board shall be denial or licensure with an administrative fine and probation or denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,500.

1.b. After the first offense, in the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual penalty shall be suspension to revocation and a fine of up to \$5,000.

2. Fraudulent

2.a. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$1,500.

2.b. After the first offense, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000.

(i) Present as his or her own the certificate of another. (468.629(1)(c), 468.621(1)(a), F.S.)

In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000 \$1,500.

(j) Give false or forged evidence for the purpose of obtaining a certificate.

In the case of an applicant, the usual action of the Board shall be denial. In

(468.629(1)(d), 468.621(1)(a), F.S.)

(k) Use or attempt to use a certificate that has been suspended or revoked. (468.629(1)(e), 468.621(1)(a), F.S.)

(l) Threaten, coerce, trick, persuade, or otherwise influence or to attempt to do so, any certificate holder to violate Ch. 468, Part XIII. (468.629(1)(f), 468.621(1)(a), F.S.)

(m) Offer compensation to a certificate holder to induce violation of law or local building code. (468.629(1)(g), 468.621(1)(a), F.S.)

(n) Practicing as a building code administrator or inspector without a valid active certificate. (468.607, 468.621(1)(a), F.S.)

(o) Having the authority to practice revoked or acted against, including the denial of licensure. (455.227(1)(f), F.S.)

(p) Failing to report to the department any person who the licensee knows is in violation of Chapter 468, Part XII, Chapter 455, or the rules of the Board or Department. (455.227(1)(l), F.S.)

(q) Failing to perform any statutory or legal obligations. (455.227(1)(k), F.S.)

(r) Practicing or offering to practice beyond the scope of law or

case of the licensee, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000 \$1,500. In the case of an applicant, the usual action of the Board shall be denial. In the case of the licensee the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000 \$1,500. ~~(1)(1) In the case of an applicant, the usual action of the Board shall be denial. In the case of the licensee, the usual action of the Board shall be to impose a penalty of suspension followed by probation to revocation and a fine of up to \$1,500.~~ ~~(1)(2) After the first offense, the usual penalty shall be revocation and a fine of up to \$5,000.~~

In the case of an applicant, the usual action of the Board shall be denial. In the case of the licensee, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000 \$1,500. (n)(1) In the case of an applicant, the usual action of the Board shall be licensure with an administrative fine and probation or denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,500.

(n)(2) After the first offense, in the case of an applicant, the usual action of the Board shall be denial. For a licensee, the penalty shall be revocation and a fine of up to \$5,000.

(o)(1) Imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida or suspension or licensure with an administrative fine and probation or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ranging from \$250 to \$1,500.

(o)(2) After the first offense, from imposition of discipline comparable to that which would have been imposed if a second or higher substantive violation had occurred in Florida to revocation or for an applicant from probation to denial of license and an administrative fine from \$1,000 to \$5,000.

(p)(1) In the case of an applicant, the usual action of the Board shall be denial or licensure with probation and an administrative fine. In the case of a licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,500.

(p)(2) After the first offense, in the case of an applicant the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension followed by probation to revocation and a fine of up to \$5,000.

(q)(1) Unless otherwise specified in this rule, in the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial to licensure with probation; in the case of a licensee, the usual action of the board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,500.

(q)(2) After the first offense unless otherwise specified in this rule, the usual action of the Board shall be denial in the case of an applicant; in the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to revocation and a fine of up to \$5,000.

(r)(1) In the case of an applicant, the usual action of the Board shall be licensure

competence.  
(455.227(1)(o), F.S.)

~~with probation and an administrative fine or denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to suspension of license and a fine of up to \$1,500.~~

~~(r)(2) After the first offense, in the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension of license followed by probation to revocation and a fine of up to \$5,000.~~

(s) Knowingly delegating professional responsibilities to an unqualified person.  
(455.227(1)(p), F.S.)

~~(s)(1) In the case of an applicant, the usual action of the Board shall be licensure with probation and an administrative fine or denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$1,500.~~

~~(s)(2) After the first offense, in the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action shall be to impose a penalty from suspension of license followed by probation to revocation and a fine of up to \$5,000.~~

(t) Improperly interfering with an investigation, inspection, or disciplinary proceeding.  
(455.227(1)(r), F.S.)

~~The usual action of the Board shall be denial or revocation of license with ability to reapply upon payment of an administrative fine of up to \$5,000 \$1,000 to denial or revocation of license without ability to reapply.~~

(3) through (5) No change.

Specific Authority 455.227, 455.2273, 468.606 FS. Law Implemented 455.227, 455.2273, 468.607, 468.621, 468.629 FS. History--New 5-23-94, Amended 8-14-96, 8-3-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Building Code Administrators and Inspectors Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: RECORDS REQUIRED TO BE MAINTAINED

Records Required to be Maintained by Course Sponsors 61G19-9.007

PURPOSE AND EFFECT: The Board is amending this rule to comply with new Department rules regarding Continuing Education.

SUMMARY: Specific language is being stricken from this rule as it is redundant of new rules set by the Department.

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: 468.606 FS.

LAW IMPLEMENTED: 468.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.007 Records Required to be Maintained by Course Sponsors.

(1) Course sponsor shall maintain the following records with respect to each course:

(a) No change.

(b) The name, address, and qualifications of each instructor who teaches any portion of the course ~~and whether each instructor has been approved by the Board;~~

(c) through (e) No change.

~~(f) Certificates of completion for each person completing a course containing the name and the license number of the person who completed the course.~~

~~(2) Course sponsors shall maintain the required records for each course at least three (3) years following the date the course is completed.~~

~~(2)(3) Upon request by the board, each course sponsor shall provide the board with copies of any required records.~~

Specific Authority 468.606 FS. Law Implemented 468.627 FS. History--New 5-23-94, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Building Code Administrators and Inspectors Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: SEXUAL MISCONDUCT IN THE PRACTICE OF PSYCHOLOGY

Sexual Misconduct in the Practice of Psychology 64B19-16.003

PURPOSE AND EFFECT: The Board has determined to amend this rule due to a recent decision by the 1st District Court of Appeals (Caddy v. State).

SUMMARY: Specific rule text referring to duration in perpetuity has been stricken from this rule, and language has been added to elucidate the existence of sexual misconduct and prohibit psychologist-client intimacies for two (2) years after the provision of services.

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: 490.0111 FS.

LAW IMPLEMENTED: 490.009(2)(k), 490.0111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-16.003 Sexual Misconduct in the Practice of Psychology.

(1) through (4) No change.

(5) A psychologist-client relationship exists whenever a psychologist has rendered, or purports to have rendered, psychological services including, but not limited to, psychotherapy, counseling, assessment or treatment to a person. A formal contractual relationship, the scheduling of professional appointments, or payment of a fee for services are not necessary conditions for the existence of a psychologist-client relationship, though each of these may be evidence that such a relationship exists.

(a) For purposes of determining the existence of sexual misconduct, psychologists do not engage in sexual intimacies with a former patient or client for at least two years after cessation or termination of psychological services as defined herein, the psychologist-client relationship is deemed to continue in perpetuity.

(b) Because sexual intimacies with a former patient or client are so frequently harmful to the patient or client, and because such intimacies undermine public confidence in the psychology profession and thereby deter the public's use of needed services, psychologists do not engage in sexual intimacies with former patients and clients even after a two-year interval except in rare instances to be determined on a case-by-case basis. The psychologist who engages in such activity after the two years following cessation or termination of psychological services bears the burden of demonstrating

that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since the services terminated, (2) the nature and duration of the psychological services, (3) the circumstances of termination, (4) the patient or client's personal history, (5) the patient or client's current mental status, (6) the likelihood of adverse impact on the patient or client and others, and (7) any statements or actions made by the psychologist during the provision of psychological services suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the patient or client.

Specific Authority 490.0111 FS. Law Implemented 490.009(2)(k), 490.0111 FS. History--New 6-23-82, Formerly 21U-15.04, Amended 12-21-86, Formerly 21U-15.004, 61F13-15.004, Formerly 59AA-16.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE TITLE: Disciplinary Guidelines  
 RULE NO.: 64B20-7.001

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

SUMMARY: The Board has determined that amendments are necessary in order to update the rule text with regard to the penalty ranges for certain violations, and to add additional violations and the penalty.

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: 468.1135(4) FS.

LAW IMPLEMENTED: 455.624, 455.567, 455.707, 468.1295, 468.1296 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

## 64B20-7.001 Disciplinary Guidelines.

(1) When the Board finds an applicant or licensee whom it regulates under Chapter 468, Part I, Florida Statutes, has committed any of the acts set forth in Section 468.1295 or 455.624, Florida Statutes, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

(a) No change.

(b) Having a license revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of another state, territory or country. The usual action of the Board shall be to impose a penalty equivalent to the penalty imposed if the action had taken place within this state plus costs.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of speech-language pathology or audiology. The usual action of the Board shall be to impose a fine of \$1,000 plus costs ~~\$500~~ up to denial or revocation of licensure. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges. However, the Board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding his plea.

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. The usual action of the Board shall be to impose a fine of \$1,000 plus costs ~~\$250~~, up to a 90 day suspension. Such report or record shall include only those reports or records which are signed in one's capacity as a licensed speech-language pathologist or audiologist.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content. The usual action of the Board shall be to impose a fine of \$1,000 ~~\$250~~, up to a fine of \$5,000 plus costs ~~\$500~~.

(f) Proof that the licensee is guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of speech-language pathology or audiology. The usual action of the Board shall be to impose a fine of \$1,000 plus costs ~~\$250~~, up to revocation.

(g) Violating a lawful order of the Board or Agency previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or Agency. The usual action of the Board shall be to impose a fine of \$5,000 – \$10,000 plus costs ~~\$1,000~~, up to revocation.

(h) Practicing with a revoked, suspended, or inactive license. The usual action of the Board shall be to impose a fine of \$10,000 plus costs ~~\$1,000~~, up to revocation.

(i) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other

representation, however disseminated or published, which is misleading, deceiving, or untruthful. The usual action of the Board shall be to impose a reprimand up to a \$10,000 fine plus costs ~~\$500 fine~~.

(j) Showing or demonstrating or, in the event of sale, delivery of a product unusable or impractical for the purpose represented or implied by such action. The usual action of the Board shall be to impose a reprimand, up to a \$1,000 fine plus costs ~~\$500 fine~~.

(k) Failure to maintain and have available for inspection by the Agency certification for the testing and calibration of any audiometric testing equipment designated by the Board covering the current year as well as the 3 years prior. The usual action of the Board shall be to impose a fine of \$500 ~~\$250~~, up to a fine of \$1,000 plus costs ~~\$500~~.

(l) Aiding, assisting, procuring, or advising any licensed person to practice speech-language pathology or audiology contrary to this part or to a rule of the Agency or the Board shall result in a penalty. The usual action of the Board shall be to impose a fine of \$1,000 plus costs ~~\$500~~, up to a six month suspension.

(m) Violation or repeated violation of this part of Chapter 468 or of Part II of Chapter 455, or any rules adopted pursuant thereto. The usual action of the Board shall be to impose a fine of \$1,000 up to \$10,000 plus costs, up to revocation.

(n) Misrepresentation of professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or use of any other term or title which might connote the availability of professional services when such use is not accurate shall result in a penalty. The usual action of the Board shall be to impose a reprimand, up to a \$1,000 fine plus costs ~~\$500 fine~~.

(o) Representation, advertisement, or implication that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee. The usual action of the Board shall be to impose a fine of \$500 ~~\$250~~, up to a fine of \$1,000 plus costs ~~\$500~~.

(p) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable. The usual action of the Board shall be to impose a reprimand, up to a fine of \$1,000 plus costs ~~\$500~~.

(q) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect. The usual action of the Board shall be to impose a reprimand, up to a fine of \$1,000 plus costs ~~\$500~~.

(r) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid. The usual action of the Board shall be to impose a reprimand, up to a fine of \$1,000 plus costs \$500.

(s) Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made," or in any other sense specially fabricated for an individual person, when such is not the case. The usual action of the Board shall be to impose a reprimand, up to a fine of \$1,000 plus costs \$500.

(t) Canvassing from house to house or by telephone either in person or by an agent for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing. The usual action of the Board shall be to impose a reprimand, up to a fine of \$1,000 plus costs \$500.

(u) Failure to submit to the Board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of audiometric testing equipment on the form approved by the Board. The usual action of the Board shall be to impose a fine of \$500 \$250, up to a fine of \$1,000 and costs \$500.

(v) Failing to provide all information as described in Section 468.1245(1). The usual action of the Board shall be to impose a reprimand, up to a fine of \$1,000 plus costs \$500.

(w) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party. The usual action of the Board shall be to impose a fine of \$1,000 - \$10,000 plus costs \$500, up to a 6 months' suspension.

(x) Sexual misconduct. The usual action of the Board shall be licensure denial for applicants and revocation for licensees.

(y) Impairment under 455.707, Florida Statutes. The usual action shall be referral to the Department's impaired practitioner program, up to suspension until the licensee can demonstrate ability to practice with reasonable skill and safety.

(2) When the Board finds any person guilty of any of the acts set forth in subsection (1), it may issue an order imposing one or more of the following penalties:

(a) through (b) No change.

(c) Imposition of an administrative fine not to exceed \$10,000 \$1,000 for each count or separate offense and costs of investigation and prosecution.

(d) through (f) No change.

(3) No change.

Specific Authority 468.1135(4) FS. Law Implemented 455.624, 455.567, 455.707, 468.1295, 468.1296 FS. History--New 2-7-91, Amended 11-9-92, Formerly 21LL-7.001, 61F14-7.001, 59BB-7.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Speech-Language Pathology and Audiology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2000

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

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

#### DEPARTMENT OF INSURANCE

##### Division of State Fire Marshal

RULE NO.: 4A-51.005                      RULE TITLE: Definitions

#### 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)l., Florida Statutes, published in Vol. 26, No. 17, April 28, 2000, of the Florida Administrative Weekly:

4A-51.005(32) The new language proposed has been deleted and will be changed to read ["Special Inspectors" means an inspector who holds a Florida Certificate of Competency and who is regularly employed by an insurance company authorized to insure against loss from explosion of boiler and pressure vessels in this state.]

The remainder of the rule reads as previously published.

#### DEPARTMENT OF COMMUNITY AFFAIRS

##### Division of Housing and Community Development

RULE NO.: 9B-3.047                      RULE TITLE: State Building Codes Adopted

#### NOTICE OF CORRECTION

The Florida Building Commission hereby gives notice of a correction to the Notice of Change published in Vol. 26, No. 30, July 28, 2000, issue of the Florida Administrative Weekly.

The section title of Section 412.10.4 as it appears on page 3495 of the Florida Administrative Weekly is revised as follows:

412.10.4, (Automatic fire sprinklers Flood plain management)

#### DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-91                      RULE CHAPTER TITLE: Administration of Combined Design and Construction Contracts (Design-Build)

RULE NO.: 14-91.005                      RULE TITLE: Public Announcement Procedures

NOTICE OF CHANGE

SUMMARY OF CHANGES: In response to a review by the Joint Administrative Procedures Committee, the following change is being made:

Rule 14-91.005 is revised to clarify the use of other forms of communications. The rule is changed to read as follows:

14-91.005 Public Announcement Procedures.

Except in emergency situations where a proper declaration of emergency has been executed, the Department shall publish an announcement on the Internet web site at <http://www.dot.state.fl.us>, in the ~~Florida Administrative Weekly~~, setting forth a general description of the project requiring design-build services and defining the process for interested ~~(Firms to submit a letter of interest. For major bridge projects (or other design-build projects under Section 337.025, Florida Statutes), this announcement shall be sent to all prequalified contractors as well.~~ The announcement will state where the letters of interest are to be sent. Additionally, the Department may utilize other forms of communication, such as newspapers or magazines, mailouts, or television or radio, to announce the Project when:

- (1) There is a likelihood of limited interest in the project;
- or
- (2) There is specific expertise necessary for the design or construction of the project; or
- (3) There is a need for a wider variety of bidders because of the nature, size, or scope of the project.

Specific Authority 334.044(2), 337.11(7)(b) FS. Law Implemented 337.11(7), 337.025 FS. History--New 3-13-88, Amended 2-20-96, 9-3-96.

Notice was published in Florida Administrative Weekly, Vol. 26, No. 28, July 14, 2000.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.201  
RULE TITLE: Inmate Property

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 22, June 2, 2000, issue of the Florida Administrative Weekly:

- 33-602.201 Inmate Property.
- (1) through (6)(g) No change.

(h) Except in emergency situations such as transfers immediately following a disturbance or institutional evacuation, ~~Whenever~~ an inmate is transferred from one institution to another, the inmate's personal property and personal property file shall be transferred with him. The sending institution shall have the responsibility of ensuring that the inmate being transferred has only that property which belongs to him and that such property is authorized. The inmate and the officer inspecting the property shall sign and

date Form DC6-227, Receipt for Personal Property, at the time of transfer. Any property that is left behind or missing shall be noted on the form.

(i) If an inmate is transferred without his personal property, the property shall be forwarded to the inmate by the sending institution within five working days, or as soon thereafter as possible if conditions resulting from the emergency preclude forwarding within five days. The property, along with an itemized list, shall be placed in a sealed container for transporting. A staff member at the receiving institution shall, in the presence of the inmate to whom the property belongs, check the property against the property list to ensure that all property is accounted for. The inmate shall sign Form DC6-227, Receipt for Personal Property, when the property is given to the inmate. Any discrepancies shall be noted on the form. If the inmate refuses to sign Form DC6-227, Receipt for Personal Property, a notation to that effect shall be placed on the form and a second employee shall witness and sign the form.

(7) through (16) No change.

APPENDIX ONE  
PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all Department institutions and facilities except community correctional centers. Except for items specified below as "exemptions", property received ~~on or after January 1, 1996~~ must be in compliance with this list. ~~Inmates in possession of property previously approved for receipt prior to January 1, 1996, but which is not in compliance with the property list, shall be allowed to retain this property until January 1, 1998, but upon that date the property must be disposed of unless the item is specifically exempted as set forth below. Effective January 1, 1998 all inmates must be in compliance with this list except for items specifically exempted below.~~ Inmates in possession of previously approved property which meets the description of property on the list shall be allowed to retain the property.

Remainder of Appendix One - No change.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-20.5011	Prelicensure Education Requirements
61-20.510	Prelicensure Education Provider Approval

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 26, No. 31, August 4, 2000, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-8.006  
 RULE TITLE: Laboratory Testing  
 NOTICE OF PUBLIC HEARING

The Board of Acupuncture hereby gives notice of a public hearing on the above-referenced rule to be held on September 13, 2000, Hilton Miami Airport, 5101 Blue Lagoon Drive, Miami, Florida 33126, 9:00 a.m. or soon thereafter as possible. 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: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-14.004  
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances  
 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. 23, June 9, 2000 issue of the Florida Administrative Weekly. The Board received a request for hearing on this rule and comments were provided by the staff of the Joint Administrative Procedures Committee. An additional public hearing was noticed and the Board met on August 10, 2000, in Miami, Florida, and voted to change subsections (1),(2)(r),(3)(b), and (4) to read as follows:

(1) The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating Chapters 455 and 468, Part II, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapters 455 and 468. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapters 455 and 468, Part II, or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the

guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, reprimand, or probation which may be included in the final penalty at the Board's discretion.

(2)(r) Inability to practice with skill and safety due to mental or physical impairment.  
 (468.1755(1)(1), F.S.)

First Offense:	probation	suspension until the licensee can demonstrate to the Board that he/she is able to practice with reasonable skill and safety and \$500 fine
Second Offense:	probation and \$1000 fine	suspension until the licensee can demonstrate to the Board that he/she is able to practice with reasonable skill and safety and \$1000 fine
Third Offense:	suspension until licensee can demonstrate to the Board that he/she is able to practice with reasonable skill and safety and \$1000 fine	revocation and \$1000 fine

(3)(b) Circumstances which shall be considered for purposes of mitigation or aggravation of penalty shall include the following:

1. The danger to the public.
2. The number of repetitions of offenses.
3. Previous disciplinary action against the licensee in this or any other jurisdiction.
4. The length of time the licensee has practiced.
5. The actual damage, physical or otherwise, caused by the violation.
6. The deterrent effect of the penalty imposed.
7. The effect of the penalty upon the licensee's livelihood.
8. Any efforts at rehabilitation.
9. Attempts by the licensee to correct or stop violations, or refusal by the licensee to correct or stop violations.
10. Any other mitigating or aggravating circumstances.

(4) The Board shall impose one or more of the following penalties, listed in increasing order of severity:

- (a) Fine not to exceed \$1000 for each separate count or offense.

(b) Reprimand.

(c) Probation, with terms including but not limited to: reports from the licensee, and his employer, supervision of practice by the Board or another licensee, continuing education courses, personal appearances before the Board, and counseling or treatment.

(d) Suspension.

(e) Revocation.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

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

**NOTICE OF ADDITIONAL PUBLIC HEARING**

The Board of Respiratory Care hereby gives notice of an additional public hearing on the above-referenced rule to be held on October 13, 2000 at 9:00 a.m., at The Clarion Hotel, 2108 Dixie Clipper Road, Jacksonville, Florida 32218, (904)741-1997. The rule was originally published in Vol. 26, No. 6, of the Florida Administrative Weekly.

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

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

RULE CHAPTER NO: 64E-22  
RULE CHAPTER TITLE: Rural Hospital Capital Improvement Grant Application Procedures

**NOTICE OF CORRECTION**

This Rule was published as Chapter 64E-19 but was adopted as Chapter 64E-22 due to a numbering error. This rule was filed for adoption on August 7, 2000.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mike Walsh, Health Services and Facilities Consultant, Florida Office of Rural Health; Division of Emergency Medical Services and

Community Health Resources, Department of Health, 4052 Bald Cypress Way, Bin #C-15, Tallahassee, Florida 32399-1735, (850)245-4340, Ext. 2705  
P.O. X05593

**Section IV  
Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 308, WIN \$1,000,000  
RULE NO.: 53ER00-36

SUMMARY OF THE RULE: Instant Game Number 308, "WIN \$1,000,000" will be sold by Florida Lottery retailers 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:

53ER00-36 Instant Game Number 308, WIN \$1,000,000.

(1) Name of Game. Instant Game Number 308, "WIN \$1,000,000."

(2) Price. WIN \$1,000,000 tickets sell for \$2.00 per ticket.

(3) WIN \$1,000,000 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 WIN \$1,000,000 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 WIN \$1,000,000 Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The play and prize symbols and captions in Game 1 are as follows:

INSERT SYMBOLS

(5) The "WINNING NUMBER" play symbols and play symbol captions in Game 2 are as follows:

INSERT SYMBOLS



(6) The "YOUR NUMBERS" play symbols and play symbol captions in Game 2 are as follows:

INSERT SYMBOLS

\$10 + \$10 + \$10 +	\$50	2,520	1 in 4,000.00
\$10 + \$10	\$50	2,100	1 in 4,800.00
\$20 x 2 + \$10	\$100	840	1 in 12,000.00
\$10 + \$10 + \$10 +	\$100	840	1 in 12,000.00
\$10 + \$10 + \$10 + \$40	\$100	840	1 in 12,000.00
\$10 + \$10 + \$40 + \$40	\$100	840	1 in 12,000.00
\$100	\$500	84	1 in 120,000.00
\$100 x 5	\$500	84	1 in 120,000.00
\$500	Top Prize	2	1 in 5,040,000.00

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

INSERT SYMBOLS

(12) The over-all odds of winning any prize in Instant Game Number 308 are 1 in 3.71.

(13) For reorders of Instant Game Number 308, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(14) By purchasing a WIN \$1,000,000 Lottery ticket, the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(15) The winner of a \$1,000,000 prize in Instant Game Number 308 may choose one (1) of two (2) payment options for receiving his or her prize. Payment options are "Cash Option" and "Annual Payment." At the time a \$1,000,000 prize is claimed, the terminal will produce two claim tickets. The winner has sixty (60) days from the date the claim tickets are produced to choose between the payment options. Otherwise, the Annual Payment option will be applied. Once the \$1,000,000 prize winner signs the Winner Claim Form and Winner Claim Form Addendum A, and exercises the winner's chosen option, the election of that option shall be final. Winner Claim Form DOL-173-2, Revised 07/93, Spanish Winner Claim Form DOL-173-S, Revised 05/95, and Winner Claim Form Addendum A, Revised 08/00 are incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, Capitol Complex, Tallahassee, Florida 32399-4027.

(16) Cash Option prizes will be paid in a single cash payment equal to the amount of cash required to purchase U.S. Government Securities that would fund the \$1,000,000 prize payable over a twenty (20) year period. This figure will be determined during the week following the date on which the \$1,000,000 prize was claimed, by obtaining quotes from at least three investment sources. The quote costing the least to fund the twenty (20) year annual payment stream, had the annual payment option been selected, will be the amount of the Cash Option prize.

(17) Annual Payment prizes will be paid in twenty (20) equal, annual installments of \$50,000 per year, for a total of \$1,000,000.

(18) Federal income taxes will be applied and withheld from the prize amount at the time(s) payment is made pursuant to applicable Internal Revenue Code and Regulations.

(19) Any interest or earnings accruing on a \$1,000,000 prize prior to the prize payment or purchase of securities, under either the Cash Option or the Annual Payment Option, shall accrue to the State of Florida and not to the winner.

(8) The legends are as follows:

INSERT SYMBOLS

(9) Determination of Prize Winners. There are two games in WIN \$1,000,000.

(a) In game 1, the holder of a ticket having three like amounts exposed in the play area shall be entitled to a prize of the amount shown, or if three "TICKET" symbols and captions are exposed in the play area, shall be entitled to a prize of a \$2 instant ticket or any combination of instant and on-line tickets that totals \$2.

(b) In game 2, the holder of a ticket having a number exposed in the "YOUR NUMBERS" play area that matches the number in the "WINNING NUMBER" play area shall be entitled to a prize of the amount shown for that number, or if "TICKET" is shown as the prize for that number, shall be entitled to a prize of a \$2 instant ticket or any combination of instant and on-line tickets that total \$2.

(10) Prize amounts which may appear in the prize area in games 1 and 2 are: \$1.00, \$2.00, \$4.00, \$5.00, \$8.00, \$10.00, \$20.00, \$40.00, \$100, and \$1 MIL.

(11) Number and Size of Prizes. The value, number of prizes, and odds of winning in Instant Game Number 308 are as follows:

GAME 1 - MATCH 3 OF 6		NUMBER OF PRIZES	
GAME 2 - KEY NUMBER		IN 84 POOLS OF	
MATCH COMBINED		120,000 TICKETS	
WITH PRIZE(S) OF:	WIN	PER POOL	ODDS
TICKET	\$2	1,344,000	1 in 7.50
\$1 + \$1	\$2	403,200	1 in 25.00
\$1 + \$2 + \$2	\$5	201,600	1 in 50.00
\$1 + \$1 + \$1 + \$1 + \$1	\$5	201,600	1 in 50.00
\$5	\$5	134,400	1 in 75.00
\$4 + \$2 + \$2	\$8	67,200	1 in 150.00
\$1 + \$1 + \$1 + \$1 +			
\$1 + \$1 + \$1 + \$1	\$8	134,400	1 in 75.00
\$1 x 4 + \$2 x 4	\$12	67,200	1 in 150.00
\$2 x 6	\$12	67,200	1 in 150.00
\$5 + \$5 + \$5 + \$5	\$20	33,600	1 in 300.00
\$20	\$20	33,600	1 in 300.00
\$10 x 4	\$40	8,400	1 in 1,200.00
\$2 + \$2 + \$8 + \$8 +			
\$10 + \$10	\$40	8,400	1 in 1,200.00
\$2 x 5 + \$10 x 3	\$40	8,232	1 in 1,224.49

Specific Authority 24.105(10)(a),(b),(c),(e), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c),(e) FS. History—New 8-14-00.

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

EFFECTIVE DATE: August 14, 2000

## DEPARTMENT OF HEALTH

### Board of Medicine

RULE TITLE: RULE NO.:

Moratorium on Level III Office Surgery 64B8ER00-1

SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Board of Medicine has statutory authority to set standards of practice in various medical settings. During recent years, the practice of physicians performing surgery in their offices rather than in hospitals or ambulatory surgery centers has expanded both in numbers of surgeries and the complexity and duration of the surgical services being provided. As the Board of Medicine and the public have become increasingly aware of the risks and adverse results of some office surgeries, through anecdotal evidence, such as individual disciplinary cases, the Board decided to evaluate the situation and to adopt standard of practice rules necessary to limit the likelihood of adverse incidents arising from surgeries in physicians offices. To this end the Board of Medicine adopted rules relating to office surgery in 1994. The Board of Medicine and its committees have held hearings over the past two years, and have developed additional standard of practice rules and rule amendments to try to increase patient safety. Some of the rule proposals which the Board developed have been adopted and other are pending and unable to be adopted because of legal challenges.

On a collateral track, the Board successfully sought legislative authority to require physicians to report adverse incidents that occur in physician offices. The rules implementing that legislation, Section 458.351, Florida Statutes, only took effect in March of this year, and office incident reporting began. The Board did not receive information on these reports until its July 2000 meeting. Information provided at that time was incomplete. The Board requested more comprehensive information, and directed the Board Chair to review the reports and provide the information at its August meeting.

At the August 4, 2000 meeting, the Board received information it had requested on adverse incident reports submitted in the five months since the requirement became effective. Information provided by the Agency for Health Care Administration ("AHCA") raised substantial concern regarding ongoing office-based Level III office surgery. Since March, 20 adverse incidents have been reported to AHCA, all of which resulted in transfer of the patient to a hospital. Five (25%) of those patients died. Fifteen of the 20 adverse incidents (75%) related to surgical procedures, and 9 of the 15

surgically related adverse incidents (45%) related to plastic or cosmetic surgery, which are elective procedures. The 9 plastic/cosmetic surgery patients included 4 of the 5 patient deaths. Based on his evaluation of the reports, the Chair advised that the deaths were anesthesia related. The Chair also informed the Board that the rate of deaths was higher than that occurring in ambulatory surgical center, for which there were 5 reported deaths in 1999.

The Board's rules on office surgery divides surgery into three levels. Level III office surgery is defined by rule as surgery which involves, or reasonably should require, the use of a general anesthesia or major conduction anesthesia and pre-operative sedation. This includes the use of intravenous sedation beyond that defined for Level II office surgery; general anesthesia which includes loss of consciousness and loss of vital reflexes with probable requirement of external support of pulmonary or cardiac functions; or major conduction anesthesia within reasonable proximity. Because of the use of deep sedation or general anesthesia and the increased complexity and invasiveness of surgeries for which these levels of anesthesia are necessary, patients are at more risk during Level III surgery. By rule, only patients classified under the American Society of Anesthesiologist's (ASA) risk classification criteria as Class I, II, or III are appropriate candidates for Level III office surgery. In addition, the surgeon must have hospital staff privileges at a licensed hospital to perform the same procedure as that being performed in the out-patient setting, and the anesthesia must be provided by or supervised by an anesthesiologist. The provision requiring the participation of an anesthesiologist in Level III surgery is currently under challenge as a proposed rule.

The Board does not believe it can just stand by while patients, many of whom are seeking elective procedures, die during surgery. The pending rule challenge and the alarming trend in the short-term concrete information provided to the Board justifies the filing of an emergency rule. The Board now has evidence that an average of four adverse incidents resulting in transfer to a hospital, and a patient death per month are occurring in office surgeries, without the Board having rapid, comprehensive access to information that would assist the Board in determining if its current existing and proposed rules are sufficient to reduce adverse incidents and patient deaths. Accordingly, the Board of Medicine determined that it was necessary to establish a standard of care that prohibits Level III surgeries in offices by putting in place by emergency rule a temporary moratorium against Level III office surgery. The purpose of this moratorium is twofold: first to protect the lives of patients who would otherwise undergo Level III surgery in physician offices instead of in the more highly regulated hospitals and ambulatory surgical centers and second, to help the Board and all of the physicians and other parties involved in office surgery to focus on the immediacy of the danger and to try to develop appropriate safeguards so that Level III office surgery can be performed safely in physicians offices or so that

a record can be more thoroughly developed upon which a decision may be based as to whether or not Level III surgery is safe in offices.

The Board has exempted from the moratorium physicians who are also licensed as dentists under Chapter 466, and who are performing office surgical procedures within the scope of the practice of dentistry. Chapter 466 already has in place a regulatory scheme, including a requirement for anesthesia permits for dentists performing dental office surgery.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** The procedure for notifying the public of this emergency rule is fair under the circumstances. The Board of Medicine discussed a possible moratorium on office surgery and the Board's concerns about the increasing number of patient deaths at its meeting in July 2000. At the time the moratorium was initially discussed, the Board determined to gather more detailed information about the kinds of office incidents that were occurring and the deaths that were occurring to try to determine whether a moratorium was supported by the evidence. At the July meeting, the Board stated on the public record and the press reported that the Board would further consider the matter at its August meeting after the incidents report and death reports were reviewed. The Board's concerns and the possibility of this moratorium were covered extensively in the press following the July Board meeting. Furthermore, in addition to the press coverage, during the month of July, the Surgical Care Committee of the Board met on August 3, 2000. At that time there were many members of the public and of the various interest groups present for discussion of possible further changes to the office surgery rules. At that time it was announced that the issue of the moratorium would be discussed during the full Board meeting which was to take place the weekend of August 4-6, 2000. Accordingly, based both on the Board's announcement of its intention to consider a moratorium and the fact that there had been extensive press reports about such consideration, the Board believes that there was adequate public notice to justify this emergency action being taken.

**SUMMARY OF THE RULE:** The emergency rule places a moratorium on Level III surgery performed in physicians offices.

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

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

64B8ER00-1 Moratorium on Level III Office Surgery.  
Effective upon the filing of this emergency rule, there shall be a moratorium on all Level III surgeries, as defined in Rule 64B8-9.009, Florida Administrative Code, in any physician office. For purposes of this rule, a physician's office is a

location outside a hospital, an ambulatory surgery center, abortion clinic, or other medical facility licensed by the Department of Health or the Agency for Health Care Administration. Accordingly, NO Level III surgery is authorized to be performed in any physician's office. This emergency rule does not apply to physicians who are also licensed as dentists under Chapter 466, Florida Statutes, who have a general anesthesia permit under Chapter 466, F.S., and who are performing procedures within the scope of the practice of dentistry, as defined in Chapter 466, F.S.

Specific Authority 458.309, 458.331(1)(v), 120.54(4) FS. Law Implemented 458.331(1)(g),(t),(v),(w) FS. History--New 8-10-00.

**THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.**

**EFFECTIVE DATE:** August 10, 2000

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

### **DEPARTMENT OF TRANSPORTATION**

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation received a Petition for Variance from Tri-County Commuter Rail Authority (hereinafter Tri-County) on July 20, 2000. Tri-County is seeking a variance from the provisions of Rule 14-57.003, Florida Administrative Code. The Rule provides standard railroad clearances. Tri-County requests the variance to permit the installation of an inter-track fence with two sliding gates between two main railroad tracks within a passenger station at Opa Locka, Florida.

Comments on this proposed variance should be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice.

A copy of the Petition for Variance may be obtained from the Clerk of Agency Proceedings. For additional information, contact Scott A. Matthews, Certified Legal Intern, or Kelly A. Bennett, Assistant General Counsel, (850)414-5265.

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### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATIONS**

The Building Code Administrators and Inspectors Board hereby gives notice that on August 2, 2000, it received a petition from Robin A. Brinkley, seeking a waiver from Section 468.609, Florida Statutes, and Rule 61G19-6.012, F.A.C. Petitioner seeks an extension of his two-year provisional certificate. The Board will discuss this matter on

September 7, 2000, at 9:00 a.m., or shortly thereafter at the World Golf Village Renaissance Resort, 500 South Legacy Trail, St. Augustine, Florida 32092, (904)940-8000.

Comments on this petition should be filed with the Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399, within 14 days of publication of this notice.

For a copy of the petition, contact: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0771.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice is hereby given that the Department of Environmental Protection has received a petition pursuant to section 120.542, Florida Statutes, from Coastal Technology Corporation on behalf of the Town of Palm Beach, for a variance and waiver from rule 62B-41.007(2)(j), Florida Administrative Code. The petitioners have applied for a Joint Coastal Permit, to place approximately 1.5 million cubic yards of beach fill over 1.9 miles of shoreline in Palm Beach County to widen the beach at Phipps Ocean Park for the purposes of recreational enhancement and shore protection. The proposed fill does not meet the standards set in subsection 62B-41.007(2)(j), Florida Administrative Code, which states that fill material shall, in general, not contain greater than 5 percent fines (passing the #200 sieve) or gravel exclusive of shell material (retained by the #4 sieve) and be free of coarse gravel or cobbles.

The petition for variance and waiver 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 5050 West Tennessee Street, Suite 161B, Tallahassee, Florida 32304.

A copy of the petition can be obtained by contacting: Rosaline Beckham, (850)487-1262, Extension 186. Any comments should be filed in writing with the Department at this address and should be submitted within 14 days of the date of this publication.

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on June 21, 2000, the Department of Health issued an Order and Notice disposing of a petition for variance or waiver from Rule 64E-2.030(1) Florida Administrative Code, filed by David C. Schwartz, Assistant County Attorney, Alachua County. Rule 64E-2.030(1), Florida Administrative Code establishes a deadline and application requirement for seeking an emergency medical service grant from the Bureau of Emergency Medical Services. This rule implements § 401.111 and 401.113(2)(b), Florida Statutes, which provide for the Bureau to disburse funds from the Emergency Medical Services Trust Fund for matching grants to local agencies,

municipalities, and emergency medical services organizations for the purpose of conducting research, increasing existing levels of emergency medical services, evaluation, community education, and training in cardiopulmonary resuscitation and other life-saving and first aid techniques. The petition was filed with the Department on April 27, 2000, and noticed in Florida Administrative Weekly on May 12, 2000.

No comments from interested persons were received.

The Order, which is dated June 21, 2000, provides, in summary, that:

The Petitioner requested a temporary variance or waiver from Rule 64E-2.030(1), Florida Administrative Code, namely the deadline for filing Petitioner's Emergency Medical Services Matching Grant Application, and even more specifically the deadline for filing DH Form 1767A, entitled "Assurances". Petitioner applied for a competitive grant and was denied because the application was incomplete. Petitioner then sought a waiver of the rule which established the deadline for applications so that it could submit a complete application. Petition was denied because the alleged hardship was created by Petitioner's failure to complete the application.

Based on the forgoing, the petition for temporary variance or waiver from Rule 64E-2.030(1), Florida Administrative Code has been DENIED.

A copy of the Order may be obtained from: Amy M. Jones, Acting Agency Clerk Department of Health, Office of the General Counsel, BIN #A02, 4052 Bald Cypress Way, Tallahassee, FL 32399-1703, (850)245-4005.

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The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that on July 19, 2000, it received a Petition for Waiver from Brett Michael D'Aoust, MSW. The Petitioner is seeking a waiver or variance pursuant to Section 120.542, F.S., of Rule 64B4-11.007, with respect to the definition of a qualified supervisor as defined by Rule 64B4-11.007. The Board will discuss this matter by telephone conference call on September 7, 2000, at 9:00 a.m. The conference call "meet me" number is (850)410-0966 or SunCom (850)210-0966, if you wish to participate.

A copy of the Petition for Waiver and Variance may be obtained by writing: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, Department of Health, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

Any person requiring a special accommodation at this telephone conference because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 and 1(800)955-8771 (TDD).

For additional information, contact: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, at the above address or telephone (850)245-4462.

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The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that on July 10, 2000, it received a Petition for Waiver from Carl W. Kyle. The Petitioner is seeking a waiver or variance pursuant to Section 120.542, F.S., of Rule 64B4-3.003(5)(b)1., with respect to the requirement that an applicant must receive a passing score of 75. The Board will discuss this matter by telephone conference call on September 7, 2000, at 9:00 a.m. The conference call "meet me" number is (850)410-0966 or SunCom (850)210-0966, if you wish to participate.

A copy of the Petition for Waiver and Variance may be obtained by writing: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, Department of Health, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

Any person requiring a special accommodation at this telephone conference because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 and 1(800)955-8771 (TDD).

For additional information, contact: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, at the above address or telephone (850)245-4462.

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The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that on July 6, 2000, it received a Petition for Waiver from Scott B. Bauer, M.S. The Petitioner is seeking a waiver or variance pursuant to Section 120.542, F.S., of Rule 64B4-3.003(5)(b)1., with respect to the requirement that an applicant must receive a passing score of 75. The Board will discuss this matter by telephone conference call on September 7, 2000, at 9:00 a.m. The conference call "meet me" number is (850)410-0966 or SunCom (850)210-0966, if you wish to participate.

A copy of the Petition for Waiver and Variance may be obtained by writing: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, Department of Health, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

Any person requiring a special accommodation at this telephone conference because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing

or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 and 1(800)955-8771 (TDD).

For additional information, contact: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, at the above address or telephone (850)245-4462.

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The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that on July 6, 2000, it received a Petition for Waiver from Mark Blanchard Herendeen, M.S. The Petitioner is seeking a waiver or variance pursuant to Section 120.542, F.S., of Rule 64B4-3.003(5)(b)1., with respect to the requirement that an applicant must receive a passing score of 75. The Board will discuss this matter by telephone conference call on September 7, 2000, at 9:00 a.m. The conference call "meet me" number is (850)410-0966 or SunCom (850)210-0966, if you wish to participate.

A copy of the Petition for Waiver and Variance may be obtained by writing: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, Department of Health, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

Any person requiring a special accommodation at this telephone conference because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 and 1(800)955-8771 (TDD).

For additional information, contact: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, at the above address or telephone (850)245-4462.

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The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that on July 7, 2000, it received a Petition for Waiver from Madge B. Sutter. The Petitioner is seeking a waiver or variance pursuant to Section 120.542, F.S., of Rule 64B4-3.003(5)(b)1., with respect to the requirement that an applicant must receive a passing score of 75. The Board will discuss this matter by telephone conference call on September 7, 2000, at 9:00 a.m. The conference call "meet me" number is (850)410-0966 or SunCom (850)210-0966, if you wish to participate.

A copy of the Petition for Waiver and Variance may be obtained by writing: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, Department of Health, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

Any person requiring a special accommodation at this telephone conference because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 and 1(800)955-8771 (TDD).

For additional information, contact: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, at the above address or telephone (850)245-4462.

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that on June 26, 2000, it received a Petition for Waiver from Patricia A. Rutledge. The Petitioner is seeking a waiver or variance pursuant to Section 120.542, F.S., of Rule 64B4-3.003(5)(b)1., with respect to the requirement that an applicant must receive a passing score of 75. The Board will discuss this matter by telephone conference call on September 7, 2000, at 9:00 a.m. The conference call "meet me" number is (850)410-0966 or SunCom (850)210-0966, if you wish to participate.

A copy of the Petition for Waiver and Variance may be obtained by writing: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, Department of Health, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

Any person requiring a special accommodation at this telephone conference because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 and 1(800)955-8771 (TDD).

For additional information, contact: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, at the above address or telephone (850)245-4462.

NOTICE IS HEREBY GIVEN that on August 7, 2000, the Florida Department of Health received a Petition for Waiver of 64E-15.004(5) of the Florida Administrative Code. Peter T. Currin, Esquire, Williams Parker Harrison, Dietz & Getzen, on behalf of Pine Shores Investment Corporation filed the petition. The Petitioner seeks permanent waiver from the sanitary dump station requirement of the Florida Administrative Code. The Department of Health on April 14, 1999 granted petitioner a waiver of the sanitary dump station requirement. Stipulated in the approved waiver was that Petitioner would contract that all occupants of the park must connect to the approved water and sewage disposal systems. Petitioner has complied with the stipulation. The Sarasota

County Health Department requested the Petitioner refile the Petition because of a technical incongruity with one of the Findings of Fact that stated the park was permitted for 13 recreational vehicles.

Comments on this Petition should be filed with the Deputy Agency Clerk, Amy L. Thomas, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1710, within 14 days of the publication of this notice.

A copy of the Petition may be obtained from Ken Widergren, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4444, Extension 2453.

NOTICE IS HEREBY GIVEN that on August 3, 2000, the Department of Health received a Petition for Waiver of 64E-15.004(5), Florida Administrative Code. The Petition for Waiver was filed by Omer Causey on behalf of Palm Terrace Mobile Home Park. The park is connected to Kensington Park Utilities, a Sarasota County franchised central water and wastewater collection facility that supplies potable water and provides wastewater collection services. Each of the 223 spaces is directly connected to the park's central collection sewage disposal system. The park has 47 recreational vehicle spaces. Eighty-seven percent of the recreational vehicle sites are occupied year-round. The park management does not allow any temporary connections to its wastewater disposal system for the purpose of flushing holding tanks from self-contained units. By addendum to the lease agreement, each occupant of an RV space must immediately connect to the sewer and water outlet provisions. Only 5 spaces of the park are available for turnover throughout the year. Parks of this nature have been self-termed final destination parks. A final destination park could be described as a mobile home-RV park where most of the living units on the spaces never leave the park.

Comments on this Petition should be filed with Deputy Agency Clerk, Amy L. Thomas, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition may be obtained from Ken Widergren, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, or by calling (850)245-4444, Extension 2453.

#### **FISH AND WILDLIFE CONSERVATION COMMISSION**

NOTICE IS HEREBY GIVEN by the Fish and Wildlife Conservation Commission that a petition was filed July 31, 2000 by Hovercraft Concepts, Inc., seeking a variance or waiver from the regulations regarding Violation of Posted Manatee Zone Slow Speed pursuant to Rule

68C-22.025(1)(a),(17), Florida Administrative Code, considered by the Fish and Wildlife Conservation Commission at its March 29-31, 2000 meeting.

Comments on the petition may be filed with the Office of the General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600 within fourteen days of publication of this notice.

## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The **Division of Historical Resources** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 11, 2000, 12:30 p.m. – 3:00 p.m.

PLACE: The Old Capitol, House Chamber, 400 South Monroe Street, Tallahassee, Florida

PURPOSE: Workshop to review the preliminary conceptual and comprehensive plan for the Old Capitol Museum of Florida Political History and Governance.

People with disabilities wishing to attend this meeting should contact the Division, (850)488-1480, at least 48 hours prior to the meeting in order to request special assistance.

The Board of Directors of the **Historic Pensacola Preservation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 11, 2000, 12:00 Noon

PLACE: 120 Church Street, Pensacola, FL 32501

PURPOSE: General business meeting.

A copy of the agenda may be obtained by writing: Historic Pensacola Preservation Board, P. O. Box 12866, Pensacola, FL 32576-2866.

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

The Board of Directors of Historic Pensacola, Inc., the direct support organization of the **Historic Pensacola Preservation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 11, 2000, immediately following the meeting of the Historic Pensacola Preservation Board, which will begin at 12:00 Noon

PLACE: J. Earle Bowden Building, 120 Church Street, Pensacola, FL 32501

PURPOSE: General Business Meeting.

A copy of the agenda may be obtained by writing: Historic Pensacola Preservation Board, P. O. Box 12866, Pensacola, Florida 32576-2866.

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

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

DATE AND TIME: Wednesday, September 13, 2000, 11:00 a.m.

PLACE: Judge Knott Center for Historic Preservation, 20 North Swinton Avenue, Delray Beach, FL

PURPOSE: General Business Meeting.

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

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

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

The **Department of State, Division of Cultural Affairs**, Florida Arts Council announces a public committee meeting to which all persons are invited:

COMMITTEE: Florida Artists Hall of Fame and Florida Arts Recognition Awards

DATE AND TIME: Thursday, September 21, 2000, 8:30 a.m. – 3:30 p.m.

PLACE: Pensacola Cultural Center, 400 S. Jefferson Street, Pensacola, Florida 32501

PURPOSE: To discuss, review and make recommendations regarding nominations to the Florida Artists Hall of Fame and Florida Arts Recognition Award Program.

A copy of the agenda may be obtained by writing: Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250 or by calling Wendy G. Moss, Administrative Assistant, (850)487-2980.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record this meeting.

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 Wendy G. Moss, (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council announces public meetings to which all persons are invited:

DATES AND TIMES: Wednesday, September 20, 2000, 8:30 a.m. – 11:30 a.m. and 2:45 p.m. – 5:00 p.m.; Thursday, September 21, 2000, 8:30 a.m. – 11:30 a.m. and 1:30 p.m. – 3:30 p.m.

PLACE: Pensacola Cultural Center, 400 South Jefferson Street, Pensacola, Florida

PURPOSE: To discuss planning issues for FY 2000-2001 that will affect the Florida Arts Council, Division of Cultural Affairs and Florida’s cultural community.

A copy of the agenda may be obtained by writing: Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250 or by calling Wendy G. Moss, Administrative Assistant, (850)487-2980.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record this meeting.

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 Wendy G. Moss, (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779.

**DEPARTMENT OF LEGAL AFFAIRS**

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

DATE AND TIME: September 6, 2000, 3:00 p.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 Executive Committee of the **Florida Commission on the Status of Women** will hold a conference call on:

DATE AND TIME: September 6, 2000, 4:00 p.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 Commission on the Status of Women** will hold a meeting on:

DATES AND TIMES: September 11, 2000, 1:30 p.m. – 6:00 p.m.; September 12, 2000, 8:30 a.m. – 3:00 p.m.

PLACE: The Colony Hotel, Pavilion A, B and C, 155 Hammon Avenue, Palm Beach, FL 33480, (561)655-5430

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.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Commissioner’s Agricultural Water Policy Group Meeting to which all persons are invited:

DATE AND TIME: Friday, September 8, 2000, 9:30 a.m. – 3:00 p.m.

PLACE: Florida Fruit and Vegetable Association, 4401 East Colonial Drive, Board Room, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items for discussion includes the Department of Environmental Protection and Water Management Districts water programs, and including updates on ongoing projects.

A copy of the agenda and directions may be obtained by contacting: Bill Bartnick, 3125 Conner Blvd., Mail Stop C-28, Tallahassee, FL 32399-1650, (850)414-1065.

**DEPARTMENT OF EDUCATION**

The **Occupational Access and Opportunity Commission** (OAO) announces a Committee meeting as follows:

DATE AND TIME: August 31, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Vocational Rehabilitation Services, 2002 Old St. Augustine Road, Building A, Room 214, Tallahassee, Florida

PURPOSE: To discuss litigation relating to the challenge made by Gulfstream Goodwill Industries.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in these meetings contact Susan Mason, 2002 Old St. Augustine Road, Building A, Room 214, Tallahassee, FL 32399-0696 or (850)487-3431, Ext. 121 or toll free 1(800)451-4327, no later than August 28, 2000.



Should you not be able to attend, but would like a copy of the minutes, please contact: Susan Mason, (850)487-3431, Ext. 121 or toll free at 1(800)451-4327.

The **Department of Education** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 6, 2000, 9:00 a.m. – 4:00 p.m.

PLACE: Florida Department of Education, Room 1706, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399

PURPOSE: To bring together representatives from the Commissioner's African-American History Task Force to clarify and articulate the role of the reappointed Task Force. The Department of Education welcomes participation from any interested members of the public.

Any person who desires a copy of the proceedings should arrange to tape the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is requested to advise Tom Baird, Florida Department of Education, (850)922-4207, at least five calendar days before the meeting.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, September 9, 2000, 9:00 a.m.

PLACE: Wilson Music Building, Auditorium, FSDB Campus, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 North San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-4000.

Should any person wish to appeal any decision made with the respect to any matter considered at the above reference meeting, he may need to insure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based. Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned address.

The **State Board of Community Colleges** announces the following public meetings of the Board to which all persons are invited:

DATE AND TIME: September 8, 2000, 8:00 a.m.

PURPOSE: Regular business meeting of the Board.

COMMITTEE: EA/EO Advisers

DATE AND TIME: September 7, 2000, 10:00 a.m. – 11:30 a.m.

COMMITTEE: Budget Development Task Force

DATE AND TIME: September 7, 2000, 10:30 a.m. – 11:30 a.m.

COMMITTEE: Foundation for Florida's Community Colleges

DATE AND TIME: September 7, 2000, 11:30 a.m. – 12:30 p.m.

COMMITTEE: Finance Committee

DATE AND TIME: September 7, 2000, 12:30 p.m. – 2:45 p.m.

COMMITTEE: Program, Economic Development, Equity and Policy Committee

DATE AND TIME: September 7, 2000, 3:00 p.m. – 5:15 p.m.

PLACE: South Florida Community College, 600 West College Drive, Avon Park, Florida 33825

NOTE: If you need special services to attend the meeting, please let us know.

A copy of the agenda may be obtained by writing: Division of Community Colleges, Room 1314, Turlington Building, Tallahassee, Florida 32399-0400.

#### DEPARTMENT OF COMMUNITY AFFAIRS

The **Governor's Growth Management Study Commission** announces the following meeting to which all interested parties are invited:

DATE AND TIME: Monday, August 28, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, Florida

PURPOSE: The Commission will continue to discuss issues related to Growth Management in Florida and hear from invited speakers.

A copy of the agenda and other information regarding the meeting and the Commission may be obtained at the Internet address: [www.floridagrowth.org](http://www.floridagrowth.org). Anyone who does not have access to the web site may request the information in an alternative format by calling the Commission's toll free hotline, (877)429-1296.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact Tammy Anderson at least seven days before the date of the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

The **Department of Community Affairs** announces a meeting of the Affordable Housing Study Commission to which all interested persons are invited.

DATE AND TIME: September 5, 2000, 10:00 a.m. – 4:30 p.m. (Times are subject to change)

PLACE: Adam's Mark Orlando, 1500 Sand Lake Road, Orlando, Florida

PURPOSE: The Commission is charged with developing recommendations to the Governor and Legislature to address the state's acute need for housing for very low, low and moderate-income households. At this meeting the Commission will continue working on a strategic plan for the state to ensure that decent, affordable housing is available for all residents by the year 2010.

Any person requiring special accommodation due to disability or physical impairment should contact Roshunda Rumph, (850)922-1609, at least five calendar days prior to the meeting. People who are hearing impaired should contact Ms. Muller using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained from: Roshunda Rumph, The Affordable Housing Study Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1609.

The **Department of Community Affairs, Division of Housing and Community Development** announces the following public meeting:

COMMITTEE: RCMP Advisory Council

DATE AND TIME: September 7, 2000, 1:00 p.m.

PLACE: Tallahassee Community College, 444 Appleyard Dr., Administration Bldg., Second Floor Board Room, Tallahassee, FL 32304

PURPOSE: To hold an Advisory Council meeting to discuss program implementation.

For more information, please contact: Buster Case, Community Program Administrator, Division of Housing and Community Development, 2555 Shumard Oaks Blvd., Tallahassee, FL 32399, (850)922-5434.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Housing and Community Development.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact Ms. Patsy Rushing, Department of Community Affairs, (850)922-5434, at least seven days before the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF REVENUE**

The Florida **Department of Revenue** announces a meeting of the Communication Services Tax Advisory Committee to the Executive Director, to which all persons are invited:

DATE AND TIME: September 11, 2000, 10:00 a.m.

PLACE: Building C-1, Capital Center, 5050 West Tennessee Street, Tallahassee, Florida

PURPOSE: The purpose of this public meeting is for the Department of Revenue to advise the Committee about the Department's transition strategy, business processes, rulemaking, and future legislative issues and obtain recommendations regarding the Communication Services Tax.

**FLORIDA PAROLE COMMISSION**

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

DATE AND TIME: Wednesday, September 6, 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 Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 000694-WU – Petition by Water Management Services, Inc. for limited proceeding to increase water rates in Franklin County.

DATE AND TIME: Tuesday, September 12, 2000, 6:00 p.m. (EST)

PLACE: Franklin County Courthouse, The Courtroom, 33 Market Street, Apalachicola, Florida 32320

PURPOSE: To give customers and other interested persons an opportunity to offer comments on the quality of service the utility provides, the proposed rate increase, and to ask questions and comments on other issues.

A copy of the agenda for any meeting may be obtained by writing: Director of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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

Docket No. 991643-SU – Application for increase in wastewater rates in Seven Springs System in Pasco County by Aloha Utilities, Inc.

DATE AND TIME: September 15, 2000, 9:30 a.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, 1(800)955-8771 (TDD).

The Florida **Public Service Commission** will consider at its September 26, 2000, Agenda Conference, Docket No. 001060-EI – Application of Tampa Electric Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term debt securities and short-term unsecured promissory notes and/or to assume liabilities or obligations as guarantor, endorser or surety in an aggregate amount not to exceed \$900 million, during the twelve month period, ending December 31, 2001. Additionally, the Company seeks authority to enter into interest rate swaps or other derivative instruments on debt securities and notes.

DATE AND TIME: Tuesday, September 26, 2000, Agenda Conference – 9:30 a.m. (the time at which this item will be heard cannot be determined at this time)

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

PURPOSE: To take final action in Docket No. 001060-EI.

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

The Florida **Public Service Commission** will consider at its September 26, 2000, Agenda Conference, Docket No. 991139-EI – Application of Tampa Electric Company for Authority to Issue and Sell Securities During the 12 Months Ending November 30, 2000, Pursuant to Section 366.04 F.S., and Chapter 25-8, FAC. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to extend its existing authority to issue and sell securities by one month, through and including December 31, 2000.

DATE AND TIME: Tuesday, September 26, 2000, Agenda Conference – 9:30 a.m. (the time at which this item will be heard cannot be determined at this time)

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

PURPOSE: To take final action in Docket No. 991139-EI.

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

## REGIONAL PLANNING COUNCILS

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: Thursday, September 7, 2000, 9:00 a.m.

PLACE: Hampton Inn & Suites, 19 South Second Street, Fernandina Beach, Florida

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 the 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**, Comprehensive and Project Planning Committee announces the following public meetings to which all persons are invited:

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

PLACE: Hampton Inn & Suites, 19 South Second Street, Fernandina Beach, Florida

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 the 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: Thursday, September 7, 2000, 10:00 a.m.  
PLACE: Hampton Inn & Suites, 19 South Second Street, Fernandina Beach, Florida  
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 the 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 **Withlacoochee Regional Planning Council** announces public meetings to which all persons are invited.

FOCUS GROUP: WRPC Staff  
DATE AND TIME: Wednesday, September 6, 2000, 9:00 a.m. – 12:00 Noon

FOCUS GROUP: Key Community Leaders  
DATE AND TIME: Wednesday, September 6, 2000, 1:00 p.m. – 4:00 p.m.

FOCUS GROUP: City Managers and County Administrators  
DATE AND TIME: Thursday, September 7, 2000, 9:00 a.m. – 12:00 Noon

FOCUS GROUP: WRPC Board of Directors  
DATE AND TIME: Thursday, September 7, 2000, 1:00 p.m. – 4:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a regional assessment using the Southeast Regional Directors Institute.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE NAME: Training Subcommittee  
DATE AND TIME: Monday, September 18, 2000, 9:30 a.m.  
COMMITTEE NAME: Local Emergency Planning Committee  
DATE AND TIME: Monday, September 18, 2000, 11:00 a.m.  
PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE DISCUSSED: Chairman report, Committee updates, and other organizational matters regarding the committees.

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

If you have any questions regarding the meeting you may contact Charlotte Neupauer, (352)732-1315.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, Exercise Sub-Committee, and Risk Management Program Sub-Committee, to which all persons are invited.

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

PLACE: Southwest Florida Water Management District Conference Room, 170 Century Boulevard, Bartow, Florida 33830

PURPOSE: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committee Meetings.

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

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding.

For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, September 18, 2000, 10:30 a.m. or as soon thereafter as possible after the conclusion of Tampa Bay Regional Planning Council Area Agency on Aging's Board of Director's Meeting (Please call (727)570-5151, Ext. 266, to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, St. Petersburg, FL 33702

PURPOSE: Area Agency on Aging of Pasco-Pinellas, Inc. Board of Directors Meeting.

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

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### DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces a series of telephone conferences of its Fraud Committee to discuss general issues.

DATES AND TIME: Thursday, September 7, 2000, 9:00 a.m.; Thursday, September 14, 2000, 9:00 a.m.

PLACE: Call (850)487-2613 for instruction on participation

PURPOSE: To discuss issues of interest to the Fraud Committee.

For further information about this telephone conference, contact: Julie Douthit, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, (850)487-2613, two days prior to the date of the conference call.

In the event time and/or date changes, notice of change will be posted on meeting notice bulletin board at 2574 Seagate Drive, Suite 100, Marathon Building, Tallahassee, Florida 32399-2152, (850)487-2613.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least five business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact Becky Thomas using the Florida Dual Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces a telephone conference of its Coordinating Committee to discuss general issues.

DATE AND TIME: Tuesday, September 12, 2000, 10:00 a.m.

PLACE: Call (850)487-2613 for instruction on participation

PURPOSE: To discuss issues to be on the agenda for the full Workers' Compensation Oversight Board meeting.

For further information about this telephone conference, contact: Julie Douthit, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, (850)487-2613, two days prior to the date of the meeting.

In the event meeting time and/or place changes, notice of change will be posted on meeting notice bulletin board at 2574 Seagate Drive, Suite 100, Marathon Building, Tallahassee, Florida 32399-2152, (850)487-2613.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least two business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact Becky Thomas using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Department of Labor and Employment Security, Division of Workers' Compensation**, Special Disability Trust Fund Advisory Committee announces a meeting to which the public is invited.

DATE AND TIME: Tuesday, September 26, 2000, 3:00 p.m. – 5:00 p.m.

PLACE: Peabody Hotel, Fairview Room, 9801 International Drive, Orlando, Florida 32819

PURPOSE: To discuss the Special Disability Trust Fund workloads, provide an update on the Fund, provide an update on the Special Disability Trust Fund Privatization Commission and discuss the privatization issues and any other issues relevant to the Fund.

For further information regarding the meeting, please contact: Carolyn Walker, 535 John Knox Road, Tallahassee, Florida 32399-4104, (850)488-4896.

Persons with a disability or handicap requiring reasonable accommodations should contact Carolyn Walker by telephone at least two business days in advance to make appropriate arrangements. If you are hearing or speech impaired, please contact Carolyn Walker using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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The Florida **Division of Blind Services** and The Rehabilitation Council for the Blind announces the following meeting:

DATES AND TIMES: September 21, 2000, 1:30 p.m. – 5:00 p.m.; September 22, 2000, 8:30 a.m. – 12:00 p.m.; September 23, 2000, 8:30 a.m. – 4:00 p.m.

PLACE: Clarion Plaza Hotel, 9700 International Drive, Orlando, FL 32819-8114, (407)996-9700

PURPOSE: Quarterly Meeting of the Council and Summit of Stakeholders.

A copy of the agenda may be obtained by contacting: Phyllis Dill, The Division of Blind Services, 2551 Executive Center Circle, West, Suite 200, Lafayette Bldg., Koger Centre, Tallahassee, FL 32399, (850)488-1330 or through the Florida Telephone Relay System, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

**WATER MANAGEMENT DISTRICTS**

The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited:

**PERSONNEL COMMITTEE MEETING**

DATE AND TIME: Tuesday, September 12, 2000, 9:00 a.m.  
 PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177  
 PURPOSE: Discussion of Personnel Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

**BUDGET AND GOVERNING BOARD MEETING**

DATE AND TIME: Tuesday, September 12, 2000, 10:00 a.m.  
 PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177  
 PURPOSE: Discussion of budget information for Fiscal Year 2000-2001; and discussion and consideration of District business including regulatory and non-regulatory matters.

**PUBLIC HEARING ON THE TENTATIVE MILLAGE RATE AND BUDGET FOR FY 2000-2001**

DATE AND TIME: Tuesday, September 12, 2000, 6:00 p.m.  
 PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177  
 PURPOSE: Official presentation of the tentative FY2000-2001 millage rate and budget and an opportunity to receive public comment prior to consideration and adoption by the Governing Board.

**FINANCE COMMITTEE MEETING**

DATE AND TIME: Wednesday, September 13, 2000, 8:00 a.m.  
 PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177  
 PURPOSE: Discussion of Finance Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

**GOVERNING BOARD MEETING AND PUBLIC HEARING**

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

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion and consideration of District business including regulatory and non-regulatory matters.

**GOVERNING BOARD MEETING**

DATE AND TIME: Wednesday, September 27, 2000, 1:00 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion and consideration of District business including regulatory and non-regulatory matters.

**PUBLIC HEARING ON THE FINAL MILLAGE RATE AND BUDGET FOR FY 2000-2001**

DATE AND TIME: Wednesday, September 27, 2000, 5:05 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Official presentation of the final FY2000-2001 millage rate and budget and an opportunity to receive public comment prior to consideration and adoption by the Governing Board.

A copy of the agenda for these meetings may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Governing Board Support Specialist.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

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

The **Southwest Florida Water Management District** announces the following meeting to which all interested parties are invited.

**ENVIRONMENTAL ADVISORY COMMITTEE**

DATE AND TIME: Wednesday, September 13, 2000, 6:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Building 1, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business. Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited:

**DATES AND TIME:** September 26, 2000, 9:00 a.m. and may be continued; September 27, 2000, 9:00 a.m.

**PLACE:** Governing Board Room, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899

**PURPOSE:** The acquisition of certain lands eligible to be considered for funding from the Water Management Lands Trust Fund (Save Our Rivers)/Florida Preservation 2000 Trust Fund which lands are further described as follows:

Part of the Green Swamp project comprised of one parcel referred to SWF Parcel No. 10-200-1230C to be acquired by a conservation easement consisting of approximately 780± acres. The parcel is located west of U.S. Highway 33 on Calvin Lee Road in all or parts of Sections 27, 28, 33 and 34, Township 23 South, Range 24, East in Lake County, Florida.

Any person deciding to appeal any decision made by the District Governing Board concerning the above-referenced hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

A copy of the agenda or a more specific legal description of the lands proposed for acquisition may be obtained by contacting Fritz H. Musselmann, Land Resources Director, Southwest Florida Water Management District, at the above address.

The District does not discriminate based on disability status. Anyone requiring reasonable accommodations under the ADA should call 1(800)423-1476 (Florida only), Extension 4452, Fax (352)754-6877, TTD only 1(800)231-6103.

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

**DATES AND TIME:** September 5, 2000; September 12, 2000; September 19, 2000; September 26, 2000, 1:00 p.m. – 1:30 p.m.

**PLACE:** District Headquarters, B-1 Building, Egret Conference Room, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida

**PURPOSE:** The Appraisal Review Committee will hold its regular meetings to discuss appraisal issues and, if necessary, select an appraiser from proposals received on upcoming appraisal assignments.

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

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

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

Those who desire more information may contact: Kenneth Daw, Chief Appraiser, (561)682-6737.

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

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

**PLACE:** South Florida Water Management District, B-1 Headquarters Building, Storch Room, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida

**PURPOSE:** A Technical Oversight Committee meeting. The tentative agenda includes:

1. Everglades Consolidated Report (ECR) available for review;
2. Agenda for Public Workshops on Everglades Forever Act Programs, Phosphorus and Mercury in the Everglades, 10/3-5, 2000;
3. Water quality conditions report to the TOC;
4. Water quality sampling at S332D and S332B;
5. Follow up on letter to TOC principals on water quality excursions in the ARM Loxahatchee Wildlife Refuge;
6. Reductions in trace metals, mercury, and other sampling;
7. Field studies on atmospheric deposition of phosphorus; project discontinued.

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

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

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

Those who need more information may contact: Robert B. Barron, (904)232-2203, or by e-mail: robert.b.barron@usace.army.mil.

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

DATE AND TIME: September 7, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Pompano Beach Civic Center, 1801 N. E. 6th Street, Pompano Beach, Florida

PURPOSE: This meeting is to discuss the Lake Okeechobee Management and other issues related to the Lower East Coast Regional Water Supply Plan.

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

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

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

For more information contact: John Mulliken, Lower East Coast Regional Water Supply, Plan Project Manager, (561)682-6649.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE OF CANCELLATION – The **Agency For Health Care Administration**, Certificate of Need rule development workshop scheduled for August 29, 2000, to consider possible changes in the list of tertiary health services subject to certificate of need (CON) review, has been cancelled. Notice of the rule development workshop was published in the August 11, 2000 edition of the Florida Administrative Weekly.

The **Agency for Health Care Administration** announces a public meeting of the panel on Medicaid reimbursement to which all persons are invited.

DATE AND TIME: Tuesday, September 12, 2000, 10:00 a.m.

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

PURPOSE: In accordance with Chapter 99-394, Laws of Florida, the panel on Medicaid reimbursement will be conducting a public meeting. The purpose of the panel is to study the State’s Medicaid reimbursement plan for nursing home services and recommend changes to accomplish specific goals. The meeting will be for the purpose of reviewing

research conducted by panel members and interested parties on specific preliminary recommendations for modifications to the patient care and property components of the reimbursement methodology.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set. Contact Mr. Edwin Stephens, (850)413-8067 or Suncom 293-8067, with any questions or to obtain an agenda when it is set.

The **Agency for Health Care Administration** announces a public meeting of the task force for the regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: September 18, 2000, 10:30 a.m.

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

PURPOSE: In accordance with House Bill 2145, General Appropriations Act for FY 2000-2001, Specific Appropriation 196, the task force for the regular Disproportionate Share Program will be conducting a public meeting. The purpose of the task force is to study and make recommendations regarding the formula for the regular Disproportionate Share Program and alternative financing options.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set. Contact Mr. Edwin Stephens, (850)413-8067 or Suncom 293-8067, with any questions or to obtain an agenda when it is set.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, September 13, 2000, 4:00 p.m.; Thursday, September 14, 2000, 8:00 a.m.; Friday, September 15, 2000, 8:00 a.m.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, Florida

PURPOSE: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Cathleen E. O’Dowd, (904)727-3689, at least seven calendar



days prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Real Estate Commission** (FREC) announces a meeting to which all persons are invited.

DATE AND TIME: September 20, 2000, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida

PURPOSE: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, Recovery Fund Claims, education issues, petitions for declaratory statement, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required. Probable Cause Panel(s) may also meet during this session. Portions of the Probable Cause are not open to the public.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, Administration Office, P. O. Box 1900, Orlando, Florida 32802-1900.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Florida Real Estate Commission** will meet on:

DATE AND TIME: September 19, 2000, 1:30 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Suite 301, North Tower, 400 West Robinson Street, Orlando, Florida

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 9:00 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 6, 2000, 6:00 p.m.  
PLACE: Council Meeting Room, Panama City Beach City Hall Annex, 110 South Arnold Road, Panama City Beach, FL 32413

PURPOSE: To receive public comment on the Panama City Beach WWTP Revised Draft Permit No. FL0021512-002-DW1P.

The Department gave notice of its preparation of a draft permit to City of Panama City Beach, 110 South Arnold Road, Panama City Beach, FL 32413 for Panama City Beach WWTP #1, 206 North Gulf Boulevard, Panama City Beach, FL 32413 on June 13, 2000.

A copy of the agenda may be obtained by writing: Jonathan May, Northwest District, Florida Department of Environmental Protection, 160 Governmental Center, Pensacola, FL 32501-5794.

If an accommodation is needed for a disability in order to participate in this activity, please notify Jonathan May, (850)595-8300 or the Personnel Services Specialist, Bureau of Human Resources, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days prior to the event.

The public comment period on this draft permit is extended until the close of the public meeting. Any person may submit oral or written statements and data at the public meeting on the proposed action of the Department. As a result of public comment the Department final action may be different from the position taken by it in the draft permit.

The permit application file and supporting documents are available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Northwest District, Florida Department of Environmental Protection, 160 Governmental Center, Pensacola, FL 32501-5794, (850)595-8300.

The **Department of Environmental Protection** (DEP) announces a public meeting of the TMDL Allocation Technical Advisory Committee (TAC) to which all persons are invited.

DATE AND TIME: Monday, September 11, 2000, 10:00 a.m. – 4:30 p.m.

PLACE: City Hall, Mezzanine Floor, Training Room 2, 117 West Duval Street, Jacksonville, Florida

PURPOSE: The purpose of the Allocation TAC is to assist in the preparation of a report, pursuant to s. 403.067(6), Florida Statutes, describing how to allocate load reductions to contributing source(s) once Total Maximum Daily Loads (TMDLs) have been determined for parameters of concern. Discussion may include options to fairly and equitably allocate pollution loads to both nonpoint and point sources, including consideration of existing treatment levels and management practices, and environmental, economic, and technological feasibility.

A copy of the agenda for the meeting may be obtained by contacting: Jan Mandrup-Poulsen, Department of Environmental Protection, 2600 Blair Stone Road, MS 3555, Tallahassee, Florida 32399-2400, (850)921-9488.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Services Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, September 13, 2000, 6:00 p.m.

PLACE: St. Johns County, Auditorium, 4020 Lewis Speedway, St. Augustine, Florida 32095

PURPOSE: The eighteen member Management Advisory Group (MAG) for the Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR) meets regularly on the second Wednesday of the third month of each quarter. The MAG is composed of nine citizens, appointed by the three state legislators with overlapping jurisdictions with the reserve boundaries, and nine representatives of the local, state and federal government entities with authority and responsibility in the reserve. They are the St. Johns River Water Management District; the Flagler County Board of County Commission; the St. Johns County Board of County Commission; the National Park Service; the Florida Park Service; the Florida Fish and Wildlife Conservation Commission; the St. Augustine Port, Waterway and Beach Authority; the City of St. Augustine; and the Town of Marineland. The MAG will work with the Florida Department of Environmental Protection (DEP) to implement the management plan adopted by the Governor and Cabinet for the GTMNERR.

The meeting agenda will include announcement of new appointments, election of officers, the consideration of a vote to add a representative of the Florida Inland Navigational District (FIND) and one more citizen representative to the Management Advisory Group membership, and progress reports on a variety of GTMNERR activities.

A copy of the agenda may be obtained by contacting: Mr. Kenneth Berk, GTMNERR, Post Office Box 840069, St. Augustine, Florida 32080-0069, (904)461-4054.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey, (850)488-0450, 1(800)955-8771 (TDD), at least seven days prior to the event.

The **Department of Environmental Protection** announces a two-day public workshop to which all persons are invited.

DATES AND TIME: Monday and Tuesday, September 25-26, 2000, 9:00 a.m. – 5:00 p.m.

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

PURPOSE: This workshop is intended to receive comments on proposed revisions to the Department's Standard Operating Procedures for Field and Laboratory Operations. The Department proposes to eliminate all laboratory procedures from this document and emphasize field procedures. These workshops will focus only on field operations. These proposed changes are intended to be incorporated into future amendments to Chapter 62-160, FAC.

A copy of the agenda may be obtained by contacting: Tjuni Bouie, Department of Environmental Protection, Environmental Assessment Section, 2600 Blair Stone Road, Mail Station 3511, Tallahassee, Florida 32399-2400, (850)488-2796.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Services Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

## DEPARTMENT OF HEALTH

The **Board of Clinical Laboratory Personnel**, Rules Committee will hold a duly noticed meeting to which all persons are invited to attend.

DATES AND TIMES: Wednesday, September 13, 2000, 1:00 p.m.; Thursday, September 14, 2000, 9:00 a.m.

PLACE: Crowne Plaza Hotel, N. W. Lejeune Road, Miami 33126, (305)446-9000

PURPOSE: To discuss and review Rule Chapter 64B3, Florida Administrative Code.

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

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

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

The **Board of Clinical Laboratory Personnel**, Probable Cause Panel will hold a duly noticed meeting, to which all persons are invited to attend.

DATE AND TIME: Monday, September 18, 2000, 10:30 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL, at Meet Number (850)921-6433

PURPOSE: For cases previously reviewed by the panel.

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

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

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

The Florida **Board of Medicine** announces a telephone conference call to be held via meet me number.

DATE AND TIME: September 6, 2000, 12:00 p.m.

PLACE: Meet Me Number (850)921-2548 or Suncom 291-2548

PURPOSE: To conduct general business of the Board.

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-1753.

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

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

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

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, September 8, 2000, 12:30 p.m. or soon thereafter

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

PURPOSE: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: Rena' Coffield, Regulation Administrator, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record or the proceeding is made, which record includes the testimony and evidence upon which is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a meeting.

DATE AND TIME: September 8, 2000, 2:00 p.m.

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

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 322317-4229, 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**

DATE AND TIME: September 18, 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 to the Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox, Building 3, 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 of Nursing** announces it will hold the following meetings to which all persons are invited.

**SOUTH PROBABLE CAUSE PANEL**

DATE AND TIME: September 21, 2000, 9:00 a.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 to the Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox, Building 3, 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 Florida **Board of Osteopathic Medicine** will hold the following rules workshop to which all persons are invited:

DATE AND TIME: Friday, September 15, 2000, 2:00 p.m.

PLACE: The Embassy Suites, 555 N. Westshore Blvd., Tampa, FL 33607, (813)875-1555

PURPOSE: Rules Workshop.

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 includes 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: Mr. William H. Buckhalt, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256, (850)488-0595. 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 Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Osteopathic Medicine** will hold the following Board meeting to which all persons are invited:

DATES AND TIMES: Friday, September 15, 2000, 6:00 p.m.; Saturday, September 16, 2000, 9:00 a.m.

PLACE: The Embassy Suites, 555 N. Westshore Blvd., Tampa, FL 33607, (813)875-1555

PURPOSE: Regular Board business.

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 includes 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: Mr. William H. Buckhalt, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256, (850)488-0595. 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 Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health** announces a public meeting to which all persons are invited. The meeting will be held by telephone conference call at the following locations.

Marina Garcia Wood, Ft. Lauderdale, FL, (954)983-9666

Lucius Noyes, Palatka, FL, (904)325-7576

Arnold Barad, Boynton Beach, FL, (561)735-3300

Gene Motley, St. Augustine, FL, (904)829-5693

Leonard Inge, Tallahassee, FL, (850)599-3474  
 Juan Mora, Miami, FL, (305)559-1887  
 Helen Fong, Orlando, FL, (407)248-1826  
 Gail Smith, Apopka, FL, (407)886-8911  
 Michael Stamitoles, Pensacola, FL, (904)434-4990  
 Edwin Bayo, Att. Gen. Office, Tallahassee, FL, (850)414-3300  
 John Taylor, Department of Health, Tallahassee, FL, (850)245-4290

DATE AND TIME: September 11, 2000, 10:00 a.m. (EDT)

PURPOSE: To approve candidates for licensure and examination. Review any applicants with disciplinary action.

A copy of the agenda may be obtained by writing: Board of Pharmacy, 4052 Bald Cypress Way, BIN #C-04 Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4292, at least five calendar prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting, he will need to ensure a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Department of Health, Board of Speech-Language Pathology and Audiology** announces a General Business meeting to be held via conference call. All interested parties are invited to participate, the conference call is open to the public.

DATE AND TIME: September 14, 2000, 9:00 a.m. – 1:00 p.m.

PLACE: Phone Number (850)245-4474, to inquire about call-in number

PURPOSE: General Business meeting.

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, FL 32399-3258, (850)245-4474.

Those who are hearing or speech impaired, please contact the office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Persons requiring special accommodations due to disability or physical impairment should call (850)245-4474, at least five (5) calendar days prior to the conference call.

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The Florida **Department of Health**, Bureau of Epidemiology, on behalf of the Biomedical Research Advisory Council announces a Conference Call.

DATE AND TIME: Wednesday, August 30, 2000, 9:00 a.m. – 11:00 a.m.

PLACE: Bureau of Epidemiology, Capital Circle Office Complex, Prather Building, Room 320P, 2585 Merchants Row Boulevard, Tallahassee, FL 32399-1720 (The contact person at the Department of Health is Ms. Cassandra Pease, (850)245-4401. Please contact her by 5:00 p.m., on August 28, 2000, if you want to take part in the call.)

PURPOSE: This Conference Call will discuss issues addressed from their previous meeting that was held March 16, 2000, including bylaws for the Council, confidentiality of grant applications and an update on the status of the project. The Biomedical Research Advisory Council was created by H. B., 1885 during the 1999 Florida Legislative Session. The nine members of the Council were appointed by the Governor (6), the American Cancer Society (1), the American Lung Association (1), and the American Heart Association (1).

Persons requiring special accommodations should contact: Cassandra Pease, (850)245-4401, by August 23, 2000.

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited

COMMUNITY BASED CARE – EXECUTIVE COUNCIL MEETING

DATE AND TIME: September 6, 2000, 9:00 a.m.

PLACE: Department of Children and Family Services, 337 North 4th Street, Room 335, Fort Pierce, Florida

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174.

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#### FLORIDA STATE COURTS SYSTEM

The **Florida State Courts System** announces a public hearing to which all persons are invited:

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

PLACE: Supreme Court Building, Judicial Meeting Room, 500 South Duval Street, Tallahassee, Florida 32399-1900

PURPOSE: The Office of the State Courts Administrator will present an overview of the State Courts System's 2001-2002 legislative budget request to the Legislature followed by a time for public questions and comments.

**AUTHORITY:** Section 216.131, Florida Statutes  
Persons wishing to testify are requested to contact Lisa Goodner, Deputy State Courts Administrator, by 10:00 a.m., August 31, 2000 at the address above. Written comments may be submitted to the hearing officer at the proceeding or mailed to the Office of the State Courts Administrator at the above address for receipt by August 31, 2000.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact Lisa Goodner, Deputy State Courts Administrator, no later than 10:00 a.m., August 31, 2000 by phone (850)488-9922 or in person at the Supreme Court Building, Room 332.

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**PALM BEACH COMMUNITY COLLEGE**

The Region XII, **Training Council and Assessment Center**, Board of Directors announces a public meeting to which all interested persons are invited:

**DATE AND TIME:** Thursday, September 7, 2000, 10:00 a.m.  
**PLACE:** Palm Beach Community College, Criminal Justice Room 101, 4200 Congress Avenue, Lake Worth FL 33461  
**PURPOSE:** The agenda will include but is not limited to: F.D.L.E./C.J.S.T.C. updates; Palm Beach Community College/Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola, Secretary of the Criminal Justice Institute, Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL 33461, (561)439-8145.

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**FLORIDA WATER POLLUTION CONTROL FINANCING CORPORATION**

The Board of Directors of the **Florida Water Pollution Control Financing Corporation** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, September 12, 2000, 9:30 a.m.  
**PLACE:** Cabinet Meeting Room, Lower Level, The Capitol Building, Tallahassee, FL  
**PURPOSE:** The Board of Directors of the Florida Water Pollution Control Financing Corporation will meet to approve the Articles of Incorporation and By Laws of the Corporation; elect corporate officers; ratify the distribution of Requests for Proposal for bond counsel, disclosure counsel and underwriters; and to conduct other general business of the Corporation.

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

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify Ray Petty, (850)488-4406.

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**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

**DATE AND TIME:** September 13, 2000, 8:00 a.m.  
**PLACE:** Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola, Orlando, Florida  
**PURPOSE:** General Business Meeting.

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**FLORIDA ENERGY 2020 STUDY COMMISSION**

The **Florida Energy 2020 Study Commission** announces a public meeting to which all persons are invited.

**DATE AND TIME:** September 13, 2000, 10:00 a.m.  
**PLACE:** Room 110, Senate Office Building, Tallahassee, Florida  
**PURPOSE:** Initial organizational meeting to make introductions, consider work plan, hear background presentations by agency staff and stakeholders.

A copy of the agenda for this meeting is attached. Additional copies may be obtained by writing: Executive Director, Florida Energy 2020 Study Commission, Governor's Office, Tallahassee, Florida 32399-0001.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Executive Director, (850)413-6022, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired may contact the Florida Energy 2020 Study Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

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**FLORIDA CENTER FOR SOLID AND HAZARDOUS WASTE MANAGEMENT**

The **Florida Center for Solid and Hazardous Waste Management**, Advisory Board meeting:

**DATE AND TIME:** September 29, 2000, 9:00 a.m. – 2:00 p.m.  
**PLACE:** Wyndam Westshore, 4860 West Kennedy Boulevard, Tampa, FL

For further information please call (352)392-6264 or visit or website at [www.floridacenter.org](http://www.floridacenter.org).

## Section VII

### Notices of Petitions and Dispositions Regarding Declaratory Statements

#### DEPARTMENT OF BANKING AND FINANCE

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Securities and Investor Protection, issued a Final Order on August 11, 2000, disposing of the Petition for Declaratory Statement filed by PaineWebber, Incorporated (File No. 2973-S-6/00). The Final Order states that the Petitioner's proposed loan program in which third parties, who have existing clients with non-purpose loans with other broker-dealers or financial institutions, will refer such clients to the Petitioner does not require the third parties or their employees to register as an "associated persons" of a dealer or investment adviser.

A copy of the Final Order can be obtained by writing: Agency Clerk, Department of Banking and Finance, Suite 526, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9896.

#### DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on August 11, 2000 from Richard Adamson. Petitioner is a prisoner seeking amendment of Rule 33-203.101(2), Florida Administrative Code, to increase the dollar amount of the canteen allowance.

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 August 11, 2000 from Shawna Lanier Jones. Petitioner is a prisoner seeking amendment of Rule 33-401.401, Florida Administrative Code, to prohibit all tobacco products from institutions housing female inmates.

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 Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Randall T. Prater. The Petitioner requested that the Department of Corrections amend Rule 33-103.015(8), Florida Administrative Code, based upon his complaint that the current wording of the rule precludes him from obtaining copies of the continuation pages of a grievance.

The Department denied Inmate Prater's Petition to Initiate Rulemaking, finding that rule currently provides for copying of evidentiary materials attached to grievances, and the forms themselves accommodate multiple copies. Only where an inmate utilizes continuation pages is there a need for the inmate to write these out in triplicate.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from James J. Quigley. The Petitioner requested that the Department of Corrections amend Rule 33-602.201, Appendix One, Florida Administrative Code, to specify that athletic shorts approved for the inmate property list may be navy blue or any color to which the original blue has faded.

The Department denied Inmate Quigley's Petition to Initiate Rulemaking finding that the Department has established, by rule, the approved color for athletic shorts, and although the Petitioner's shorts have faded and no longer meet this standard, the Petitioner has not been asked to divest himself of them. It is neither reasonable nor necessary to anticipate the results of potential color fading.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from James J. Quigley. The Petitioner requested that the Department of Corrections amend Rule 33-208.101(7) and (8), Florida Administrative Code, to require staff nameplates on class "C" uniforms.

The Department denied Inmate Quigley's Petition to Initiate Rulemaking, finding that the uniforms in question are worn by specialized teams in correctional settings and each uniform is used by more than one officer, thus making the use of nameplates inappropriate. The Department also found that the Petitioner was not precluded from identifying the officer in charge of the contraband interdiction and was therefore able, through a variety of means, to identify the remaining members of the team.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

**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 PROFESSIONAL CONSULTANTS**

The Florida Atlantic University for and on behalf of the Board of Regents, a public corporation of the State of Florida, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No.: BR-691

Project and Location: Hibel Museum of Art, MacArthur Campus at Jupiter

This project consists of site development and the construction of a 11942 GSF two-story structure to house the Hibel Museum of Art, and classroom and office space for use by the University. The construction budget is approximately \$1,571,000.00. It will be constructed utilizing the Construction Management delivery process. The selected firm will provide

design, construction documents, and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$250,000.00 and will be provided as a part of basic services.

**INSTRUCTIONS**

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated February 1999. 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 chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of the above-requested data bound in the order listed. Applications that do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting:

Lillian Silva, Senior Secretary  
Florida Atlantic University  
Facilities Planning Department  
777 Glades Road, Bldg. T-10, Room 9  
Boca Raton, FL 33431  
Telephone (561)297-3141  
Fax (561)297-2260

Submittals must be received in the Facilities Planning Office, at the above address, by 5:00 p.m., local time, on Friday, September 22, 2000.

Facsimile (FAX) submittals are not acceptable and will not be considered.

**NOTICE TO PROFESSIONAL CONSULTANTS**

The University of Central Florida announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-403



Project and Location: Business Administration II Building, University of Central Florida, Orlando, Florida 32816-3020.

The project consists of the design and construction of a new Business Administration II Building that will contain approximately 12,610 sq. ft. for classrooms, 15,583 sq. ft. for offices, 3,750 sq. ft. for teaching, 1,500 sq. ft. for research labs, 1,200 sq. ft. for study. The Business Administration II Building will be located on the University of Central Florida campus adjacent to the Business Administration Building.

The construction cost will be approximately \$7,040,335. This facility will be in the planning phase in the year 2000.

The selected firm will provide design, construction documents and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000, and will be provided as a part of Basic Services.

#### INSTRUCTIONS

Firms desiring to apply for consideration must submit a letter of application.

The letter of application should have attached:

1. The most recent version of the Board of Regents "Professional Qualifications Supplement" (PQS) dated 9/99, completed by the applicant. Applications on any other form will not be considered. Do not alter the PQS form.
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 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 may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Ms. Gina Seabrook, University of Central Florida, Phone (407)823-2166, Fax (407)823-5141, Email: gseabroo@mail.ucf.edu, Web site www.fp.ucf.edu.

Submittals must be received in the Physical Plant Building, University of Central Florida, Office of Facilities Planning, 4000 Central Florida Boulevard, P. O. Box 163020, Orlando,

FL 32816-3020, by 5:00 p.m. local time, on Friday, September 22, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

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#### ADVERTISEMENT FOR BIDS

General Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207, until the time and date recorded below and immediately thereafter publicly opened and recorded in the Conference Room 513D, 5th Floor, Facilities, School Board Building.

September 26, 2000

2:00 p.m.

DCSB Project No. C-90360 – Remodeling, Renovations and Site Improvements at Long Branch Elementary School No. 106

All general contractors or prime bidders that are interested in bidding are required to attend a mandatory pre-bid conference to be held on September 19, 2000, 3:30 p.m. at Long Branch ES #106, 3723 Franklin Street, Jacksonville, FL. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed contractors and registered corporations, as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$75.00 per set at the office of Design Works Architects, P. A., 500 Wharfside Way, Jacksonville, FL 32207, (904)396-0266. DCSB Point of Contact: Tony Gimenez, (904)390-2973.

Contract documents for bidding may be examined at but not obtained at Duval County Public Schools, Facilities Services, 5th Floor, 1701 Prudential Drive, Jacksonville, FL.

MBE Participation Goal: 10% AA, 3% HANA, 7% WBE

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#### Notice to Bidders

The School District of Lee County, Florida

Purchasing Department

BID REQUEST FOR:

FOOD PRODUCTS FOR LEE COUNTY SCHOOLS

Pre Bid Meeting: August 25, 2000, 10:00 a.m.

BID NO. 5876 OPENING DATE: September 26, 2000, 10:00 a.m.

Request a bid package by: Phone (941)479-4250, Fax (941)337-8200, in person or mail: 3308 Canal Street, Fort Myers, Florida 33916-6594

Requests must be received by September 15, 2000, 2:00 p.m.

Complete bid package available only upon request.

By: Linda Owen, Senior Buyer

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**DEPARTMENT OF TRANSPORTATION****INVITATION TO BID**

Sealed bids will be received by the Florida Department of Transportation, District Three, in the Administration Building, Procurement Services Conference Room of the District Office Complex, Department of Transportation, 1074 Highway 90, Chipley, Florida. Bids will be publicly opened and read aloud on:

**DATE AND TIME:** Monday, September 25, 2000, 9:00 a.m., local time

**PLACE:** Florida Department of Transportation, Procurement Services Conference Room, Room 230, District Office Complex, 1074 Highway 90, Chipley, Florida 32428

**FINANCIAL ITEM NOS.:** 22316815201, 22316715201, 22316615201, 22316515201, 22316415201, 22297115201, and 22307615201

**PROJECT NAME AND LOCATION:** Chipley Headquarters Site Improvements.

The project consists of demolition and abandonment of existing site elements and construction of site improvements on a portion of the Florida Department of Transportation District Three Headquarters facility. Improvements include construction of a retention pond and drainage system, installation of site utilities, construction of concrete sidewalks and curbs, asphalt paving, installation of signage, fencing, landscaping, irrigation, construction of a pavilion, and incidentals necessary to complete the Work as required in accordance with the plan drawings and Contract Documents. Contract No. E3A50 – 286 days. Approved budget for this project is \$984,184.58.

**NOTE:** A Mandatory Pre-Bid Conference will be held for Financial Item Nos. 22316815201, 22316715201, 22316615201, 22316515201, 22316415201, 22297115201, 22307615201 on Monday, September 18, 2000, 10:00 a.m., local time, in the Administration Building, Procurement Services Conference Room, District Office, Florida Department of Transportation, Chipley, Florida.

**NOTICE:** Attendance at the Mandatory Pre-Bid Conference is required to bid on this project.

Drawings and specifications may be purchased by payment of printing and handing cost at the rate of \$50.00 per set. Florida sales tax of seven percent (7%) must be paid on the above purchased drawings, specifications and/or bid documents, except for those purchases mailed or shipped to an out of state address. Checks should be made payable to the Florida Department of Transportation. No Refunds will be made. Orders for drawings, specification, and/or bid documents should be directed to: Starsky Harrell, Professional Services Office, 1074 Highway 90, Chipley, Florida 32428, phone (850)638-0250, Ext. 224. Proposal documents will not be issued after 9:00 a.m., local time, on Friday, September 22, 2000. 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 Professional Services Office.

\*New or first time bidders with the Florida Department of Transportation can request a bid process orientation meeting by calling (850)638-0250, Ext. 224 or by writing the Florida Department of Transportation, Attention: Starsky Harrell, 1074 Highway 90, Chipley, Florida 32428.

**MINORITY PROGRAM:** The Department encourages Minority Business Enterprise (MBE) firms to compete for Department contracts, and also encourages non-MBE firms to use MBE firms as sub-contractors. However, the use of MBE sub-contractors is not mandatory and no goals have been established for MBE participation for this project.

Requirements for the projects noted above:

1. **PREQUALIFICATION:** Each bidder shall submit a current applicable State Contractor's license issued by State of Florida and, if a Corporation, a copy of the Corporate Charter as prequalification of their eligibility to submit bids prior to the Department releasing the Bid Proposal package. After the bid opening, the lowest responsible bidder must qualify in accordance with Rule 60D-5.004. A copy of the rule requirements is included in the Bid Proposal package.

2. **BID BOND:** If the bid on a project exceeds \$100,000, the bidder must provide with the bid, a good faith deposit in the amount of 5% of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as surety, a certified check made payable to the Florida Department of Transportation, a cashier's check, treasurer's check or bank draft of any national or state bank. A bid bond, check or draft in an amount less than five per cent (5%) of the actual bid will invalidate the bid. Bid bonds shall conform to the furnished proposal forms.

3. **PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:** If the contract award amount exceeds \$100,000, a Performance Bond and Labor and Material Payment Bond for the full amount of the contract is required.

4. **BID POSTING:** Unless otherwise notified in writing, the Summary of Bids and Notices of Intent will be posted at the Professional Services Office, Florida Department of Transportation, Room 250, 1074 Highway 90, Chipley, Florida 32428 on September 28, 2000. In the event that the Summary of Bids and Notice of Intent cannot be posted on this date, then all bidders will be notified by certified United States mail or express delivery, return receipt requested. Information concerning the posted project can be obtained by calling the Professional Services Office, (850)638-0250, Ext. 224, during the posting period. The right is reserved to reject any or all bids.

5. **BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS:** Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by

the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Sections 120.57(3), Florida Statutes, and DOT Rule 14-25 (FAC). The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0458, phone number (850)414-5393. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

Carolyn Watson

Professional Services Administrator

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## REGIONAL TRANSPORTATION AUTHORITIES

### INVITATION TO BID NO. 00-833

#### EXPANSION OF OPA-LOCKA STATION

#### FOR PHASE IV DOUBLE TRACK IMPROVEMENTS

Tri-County Commuter Rail Authority (Tri-Rail), an agency of the state of Florida, operates a seventy-two (72) mile commuter railroad with eighteen (18) stations in Miami-Dade, Broward, and Palm Beach Counties.

THE PURPOSE of this Invitation to Bid (ITB) is to enter into an Agreement to provide all supervision, project coordination, scheduling, construction management, labor, equipment, tools, supplies, insurance, permanent materials, temporary materials, vehicles, storage sheds and incidentals (including acquisition of all local agency permits and inspections) required for EXPANSION OF OPA-LOCKA STATION FOR PHASE IV DOUBLE TRACK IMPROVEMENTS, located on the FDOT Rail Corridor, south of Ali-Baba Avenue between Dunad Avenue and Opa-Locka Boulevard, in Opa-Locka, Florida (Miami-Dade County.)

The extent of the Project will include, as a minimum, the following construction trades and/or disciplines: Supervision, Scheduling, Permitting, Safety Coordination, Security, Maintenance of Traffic, Site Clearing, Earthwork, Concrete Work, Metal Fabrication, Platform Construction, Paving, Grading, Drainage, Plumbing, Electrical Work, Landscape Irrigation, and Landscape Plant Installation.

A REQUEST FOR DOCUMENTS should be directed to: Mr. Robert Becker, Tri-Rail, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064, (954)788-7909. The cost of the solicitation documents is \$150.00, non-refundable. Checks or

money orders, made in favor of Tri-Rail should be forwarded to Robert Becker at the address above. Solicitation documents will be available on or about August 28, 2000.

A PRE-BID CONFERENCE will be held in the Tri-Rail Board Room at the address above on September 6, 2000, 2:00 p.m. The purpose of the meeting will be for Tri-Rail to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is highly recommended.

REQUESTS FOR CLARIFICATION regarding specifications or bid documents must be submitted to Tri-Rail no less than ten calendar (10) days before the bid opening date.

RECEIPT OF SEALED BIDS: All Bids must be received in a sealed envelope no later than 4:00 p.m. on October 2, 2000 at the address above. All envelopes must bear the Tri-Rail provided label that clearly indicates the BIDDER'S NAME, ITB NUMBER and TITLE, and BID OPENING DATE.

Tri-Rail reserves the right to postpone, to accept, or reject any and all Bids in whole or in part. All Bidders must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All Bids must remain in effect for one hundred eighty (180) days from the date of Bid Opening.

BID SECURITY in the amount of five percent (5%) of the Bid must accompany each Bid in accordance with the Instruction to Bidders and General Terms and Conditions.

TERM: The period of performance shall be effective from the date of the Notice To Proceed for a period of Two Hundred Ten (210) calendar days.

ESTIMATED BUDGET: \$2,000,000 - \$2,500,000.

NOTIFICATION OF FEDERAL PARTICIPATION: 100% of this project is funded by a grant from the Federal Transit Administration. Any resultant Agreement shall be subject to all federal rules and regulations. Davis-Bacon wage rates and other federal provisions shall apply.

DBE PARTICIPATION: The Disadvantaged Business Enterprise participation goal for this solicitation is twelve percent (12%).

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## WATER MANAGEMENT DISTRICTS

### INVITATION TO BID

#### 2001 REFORESTATION, REINFORCEMENT,

#### AND HABITAT RESTORATION SERVICES

(BID NUMBER 00B-015)

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids up to the 2:00 p.m. (EDT) opening time on September 22, 2000 for 2001 Reforestation, Reinforcement, and Habitat Restoration Services on approximately 916 acres in Bay, Holmes, Walton and Washington Counties.

All bids must conform to the instructions in the Invitation to Bid. Interested prospective bidders may obtain a copy of the complete Invitation to Bid package at the above address or by calling (850)539-5999.

The bid opening is open to the public. Provisions will be made to accommodate the handicapped (if requested) provided the District is given at least 72 hours advance notice.

All bids must comply with applicable Florida Statutes.

INVITATION TO BID ("ITB")
PUBLIC RECREATION SITE CLEAN UP AND MAINTENANCE (ITB NUMBER 00B-016)

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids up to the 3:00 p.m. (EDT) opening time on September 22, 2000, for the clean up and maintenance of facilities at 17 public recreation sites located on the Choctawhatchee River, Holmes Creek and Econfina Creek in Bay and Washington Counties, Florida.

All bids must conform to the instructions in the Invitation to Bid. Interested parties may obtain a copy of the complete bid package at the above address or by calling (850)539-5999.

The bid opening is open to the public. Provisions will be made to accommodate the handicapped (if requested) provided the District is given at least 72 hours advance notice.

All bids must comply with applicable Florida Statutes.

DEPARTMENT OF MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES

Please take note of the following modifications to the Department of Management Services, Division of Building Construction Public Announcement for Construction Management Services advertisement dated July 28, 2000, concerning Project No: BRAA-99065000

Project Name: Master Plan and Design for Additions to Boca Raton Airport, Project Location: Boca Raton, Palm Beach County, Florida.

1. In the paragraph, "SERVICES TO BE PROVIDED," the term, "Design Services for Airport Improvements as determined by the Airport Authority," should be interpreted to mean any or all of the following potential projects:

- Perform a Part 161 Study.
• Design and development of a new Airport Administration Building on a 5-acre parcel.
• Improve the existing perimeter road from stabilized shell rock to asphalt paving.
• Provide electronic security gates to all areas of the runway and taxiways.
• Upgrade or rehabilitate the runway paving.
• Rehabilitate taxiway paving.
• Improve airport signage and runway marking.

- Rehabilitate parking and roadways.
• Rehabilitate and improve airfield lighting.
• Repair, improve, and expand aircraft parking aprons.
• Install Precision Approach Slope Indicators (PAPI's).
• Install a noise monitoring/tracking system.
• Provide and install a Stand Alone Tower Display (SATD) system.
• Modify and improve airfield drainage and utilities as required (Airside/Landside).

  2. In the same paragraph, the term, "as funding allows," should be interpreted to mean as the Authority secures separate FAA and FDOT grants for individual projects listed, or as the Authority develops alternate funding sources.
3. Any individual professional service projects subject to this advertisement will be initiated within five years of the signing of the initial contract with the selected firm.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

REQUEST FOR PROPOSALS
RFPBDRS 01-00/01

Sealed responses will be received by the Department of Environmental Protection (DEP) Alfred B. Maclay State Gardens, 3540 Thomasville Road, Tallahassee, Florida 32308, until the time, day and date shown below:

\*\*\*\*\*
3:30 p.m., Tuesday, September 26, 2000

This Request for Proposals (RFP) is for paving and or certified contractors, in the State of Florida, to construct 1.75 miles of roadway, to improve and expand the bath house parking to a 140 car parking area, to construct an additional beach access boardwalk complete with a 20 car stabilized parking area and composting toilet, and to add a 10 car stabilized parking area to the administration building at Lake Louisa State Park in Clermont (Lake Co.), Florida.

\*\*\*\*\*

Any person with a qualified disability shall not be denied equal access and effective communication regarding any solicitation documents or the attendance at any related meeting or solicitation response opening. If accommodations are needed because of a disability, please contact the Contracts Section, (850)488-3539.

Solicitation packages may be obtained at the above address by calling telephone number (850)488-3539. Please specify the solicitation package by the DEP Solicitation No. provided above. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all proposals received.

**FLORIDA HOUSING FINANCE CORPORATION**

Request for Proposals  
2000-02  
Auditing Services

The Florida Housing Finance Corporation invites all qualified and interested firms willing to serve as Auditing Services to submit proposals for consideration. Written, sealed proposals shall be accepted until 5:00 p.m., September 14, 2000 to the attention of Debbie Moran, Business Process Analyst, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact Wayne Conner, Multifamily Bonds Financial Administrator, (850)488-4197.

To obtain a copy of the Request for Proposals, which outlines the selection criteria and offeror's responsibilities, please submit your request to the attention of: Debbie Moran, Business Process Analyst, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 or fax your request to same at (850)414-5480.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**PUBLIC ANNOUNCEMENT  
FOR PROFESSIONAL SERVICES**

The Florida Fish and Wildlife Conservation Commission announces that professional services are required for an Engineer to development highway signage plans for 133 birding trail sites located in 18 Northeastern Florida Counties. The engineer awarded this contract shall be certified under the Florida Statutes to practice or to offer to practice engineering services.

Applications are to be sent to: Attn.: Purchasing, Rm. 364, 620 S. Meridian Street, Tallahassee, FL 32399-1600.

Project Number: FWC 00/01-11

Project Name: THE GREAT FLORIDA BIRDING TRAIL:  
EAST FLORIDA SECTION

Project Coordinator for the Commission: Julie Brashears, telephone (850)922-0664, email: brashej@gfc.state.fl.us, Birding Trail Coordinator

Project Coordinator for FDOT: Steve Runyan, telephone (850)487-4617, email: steve.runyan@dot.state.fl.us, Traffic Operations Engineer

Response Due Date: August 29, 2000

The Shortlist Selection is currently scheduled for August 30, 2000

The results of this selection will be posted at: Florida Fish and Wildlife Conservation Commission, Attn.: Purchasing, Rm. 364, 620 S. Meridian Street, Tallahassee, FL 32399-1600, during regular working hours.

**INSTRUCTIONS**

Submit three copies of the following:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's ability to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form.
3. A copy of the firm's current Florida Professional Registration License Renewal.
4. For Corporations only: if the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.

Please provide one stamped, self-addressed envelope for notice of selection results. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work and references with phone numbers are requested to be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Selections shall be made in accordance with Chapter 287.055, Florida Statutes.

Any protests of the selection must be made within 72 hours of posting the selection results. If no protest is received within 72 hours, negotiation and contract award will proceed with the selected firm.

**DESCRIPTION OF PROJECT**

The long-term plans for the statewide Birding Trail includes at least 500 birdwatching sites throughout the state. The first section, covered in this Scope, includes 133 sites, comprised of 24 "clusters" (a group of sites located within a 20 mile radius), in 18 counties (Nassau, Clay, Duval, St. Johns, Putnam, Flagler, Marion, Volusia, Lake, Seminole, Brevard, Orange, Polk, Osceola, Indian River, Highlands, Okeechobee and St. Lucie). The consultant shall prepare three separate sets of construction plans, each containing all of the sites in the East Florida Section to be signed.

All construction plans shall be prepared in accordance with the latest design standards and practices of the Manual on Uniform Traffic Control Devices (MUTCD), FDOT Standard Specifications for Road and Bridge Construction, FDOT Roadway and Traffic Design Standards, Plans Preparation Manual, and Supplemental Specifications issued by the FDOT.

**LEON COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

**NOTICE TO RECEIVE SEALED BIDS**

The Leon County Research and Development Authority will receive sealed bids from any qualified and licensed person, company or corporation capable of meeting bonding requirements and interested in constructing the following project:

Innovation Park – Northeast Basin Stormwater Pond – A; this project consists of construction of a stormwater pond approximately 4.5 acres. Construction will require clearing and grubbing of wooded area, grading, construction of overflow structures, planting of pond plants (primarily trees) and grassing, hauling fill and spoil, and restoration.

Bids will be received until 11:00 a.m. (Eastern Standard Time), on September 15, 2000, at The Leon County Research and Development Authority, 1673 West Paul Dirac Drive, Tall., FL and will be opened and read aloud on September 15, 2000, at 11:00 a.m. (Eastern Standard Time) at the Conference Room of same address above. The Authority reserves the right to reject any and all bids.

The Leon County Research and Development Authority, in accordance with all applicable State and Federal regulations, hereby notifies all qualified bidders that no person, firm or corporation submitting bids will be discriminated against on the grounds of race, color or national origin in consideration of award.

A pre-bid meeting will be held Wednesday, September 6, 2000, at 2:00 p.m., at the Leon County Research and Development Authority, 1673 West Paul Dirac Drive, Tall., FL.

Unless otherwise notified, Bid Tabulations will be posted with the Leon County Research and Development Authority, 1673 West Paul Dirac Drive, Tallahassee, Florida, on September 18, 2000. The posting will provide notice of the Authority's intent to award or reject all bids. Any bidder who feels he/she is adversely affected by the Authority's intended decision to award or reject all bids must file with the Chairman, Leon County Research and Development Authority, 1673 West Paul Dirac Drive, Tallahassee, Florida, a written Notice of Protest within 72 hours of posting of the Bid Tabulations.

A protest filed prior to the notice of the intended decision to award a contract shall be deemed abandoned unless renewed within 72 hours of posting or after receipt of the notice of Intent to Award.

After filing a written Notice of Protest, (within 72 hours of Posting) a formal written protest setting forth a short and plain statement of the matters asserted by the Protester, accompanied by a bond payable to the Authority in an amount equal to one percent (1%) of the lowest bid submitted or \$5,000 whichever is less, must be filed with the Chairman of the Authority within 10 days after filing with the notice of protest. The bond must be posted at the time of filing the formal written protest.

Failure to file a protest within the time prescribed, and post the required bond will constitute a waiver of proceedings protesting the award of the bid.

Plans and specifications can be obtained at Preble-Rish, Inc., 1923-A Capital Circle, N. E., Tallahassee, Florida 32308, (850)219-8050. Cost for Plans and Specifications will be \$75.00 per set and is non-refundable. Checks should be made payable to Preble-Rish, Inc.

**Section XII  
Miscellaneous**

**DEPARTMENT OF BANKING AND FINANCE**

**NOTICE OF FILINGS**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other 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., September 15, 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 Florida Housing and Brokerage Services.

Received: August 14, 2000

Name and Address of Applicant: Educational Community Credit Union, Post Office Box 2600, Jacksonville, Florida 32232-0077

Expansion Includes: Organizations and persons who work or reside in Baker and Nassau Counties.

Received: August 15, 2000

**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, Daewoo Motor America, Inc., intends to allow the establishment of Blackburn DWS, Inc., as a dealership for the sale of Daewoo

motor vehicles, at 4165 North Highway 17-92, Sanford (Seminole County), Florida 32773-6193, on or after August 18, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Blackburn DWS, Inc. d/b/a Blackburn Daewoo are: dealer operator principal investor(s): Bill Blackburn, 4165 North Highway 17-92, Sanford, Florida 32773-66193.

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: Mr. Donald Betz, General Manager, Dealer Development, Daewoo Motor America, Inc., 1055 W. Victoria Street, 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.

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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, Ural America a division of Classic Motorcycles and Sidecars Inc., intends to allow the establishment of Euro Cycles d/b/a Ural Motorcycles of Tampa Bay a division of Dilo Company, Inc., as a dealership for the sale of Ural & IMZ Motorcycles, at 39042 US 19 Tarpon Springs (Pinellas County), Florida 34689, on or after August 1, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Euro Cycles are: dealer operator & principal investor(s): Reinhold Probst, 11642 Pyramid Drive, Odessa, Florida 33556.

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: Mr. Tom Spear, Manager-U.S. Sales, Ural America, 1-90 Industrial Park, 8146 304th Avenue, S. E., Preston, WA 98050.

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.

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Notice of Publication for the Relocation of a  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Triumph Motorcycles America Ltd., intends to allow the relocation of Streit's Motorsports, as a dealership for the sale of Triumph motorcycles, from its present location at 4820 N. W. 13th Street, Gainesville, Florida 32609, to a proposed location at 12316 Hwy. 441, Alachua (Alachua County), Florida 32615, on or after August 7, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Streit's Motorsports are: dealer operator & principal investor(s): Mike Jones, 4820 N. W. 13th Street, Gainesville, Florida 32609.

The notice indicates an intent to relocate the franchise 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: Stephanie Ouellet, Triumph Motorcycles America Ltd., 403 Dividend Drive, Peachtree City, GA 30269.

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 relocation 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, General Motors, intends to allow the establishment of Vince Whibbs Pontiac-Buick-GMC Trucks, Inc., as a dealership for the sale of Pontiac, GMC, Buick motor vehicles, at 3401 Navy Boulevard, Pensacola (Escambia County), Florida 32505-8093, on or after August 29, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Vince Whibbs Pontiac-Buick-GMC Trucks, Inc. are: dealer operator: Mark T. Whibbs, 3401 Navy Boulevard, Pensacola, Florida 32505-8903; principal investor(s): Mark T. Whibbs, Vince Whibbs, Sr., Gregory M. Whibbs, John P. Whibbs, Ann W. Brown, and Kathleen Whibbs-Matthews, 3401 Navy Boulevard, Pensacola, Florida 32505-8903.

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: Jo Manno, Dealer Contract Manager, Southeast Region, General Motors Corporation, 100 Renaissance Center, Mail Code 482-A07-C66, Detroit, MI 48265-1000.

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**

CERTIFICATE OF NEED  
EXEMPTIONS

The Agency for Health Care Administration issued the following exemptions pursuant to Section 408.036(3), Florida Statutes:

- |   |                                      |
|---|--------------------------------------|
| County: Dade  | District: 11                         |
| ID #: 0000237   | Decision: A Decision Date: 8/10/2000 |
| Facility/Project: Homestead Manor Nursing and Rehabilitation Center                       |                                      |
| Applicant: Salem Housing Corporation  |                                      |
| Project Description: Add 10 community nursing home beds                                   |                                      |
| Proposed Project Cost: \$0  | Equipment Cost:                      |
| County: Highlands   | District: 6                          |
| ID #: 0000238   | Decision: A Decision Date: 8/10/2000 |
| Facility/Project: Florida Hospital Heartland Medical Center                               |                                      |
| Applicant: Adventist Health System/Sunbelt, Inc.  |                                      |
| Project Description: Add 10 acute care beds through the conversion of 10 observation beds |                                      |
| Proposed Project Cost: \$0  | Equipment Cost:                      |
| AHCA Purchase Order Number S5900H00396.   |                                      |

CERTIFICATE OF NEED

DECISIONS ON BATCHED APPLICATIONS

The Agency For Health Care Administration made the following decisions on Certificate of Need applications for the nursing home batching cycle with an application due date of May 31, 2000:

- |   |                                      |
|---|--------------------------------------|
| County: Escambia  | Service District: 1                  |
| CON #: 9350   | Decision Date: 8/11/2000 Decision: A |
| Facility/Project: Haven of Our Lady of Peace  |                                      |
| Applicant: Haven of Our Lady of Peace, Inc.   |                                      |
| Project Description: The addition of 10 community nursing home beds                 |                                      |
| Approved Cost: \$1,201,524  |                                      |
| County: Highlands   | Service District: 6                  |
| CON #: 9352   | Decision Date: 8/11/2000 Decision: A |
| Facility/Project: Tandem Health Care, Inc.  |                                      |
| Applicant: Tandem Health Care, Inc.   |                                      |
| Project Description: The addition of eight community nursing home beds to CON #9275 |                                      |
| Approved Cost: \$103,536  |                                      |
| County: Lee   | Service District: 8                  |
| CON #: 9353   | Decision Date: 8/11/2000 Decision: A |
| Facility/Project: Life Care Health Resources, Inc.                                  |                                      |
| Applicant: Life Care Health Resources, Inc.   |                                      |
| Project Description: The addition of 72 community nursing home beds to CON #9277    |                                      |
| Approved Cost: \$3,140,319  |                                      |



A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

AHCA Purchase Order Number S5900H00396.

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

The Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation announces it will be accepting applications for inclusion in the drawing for new quota liquor licenses beginning August 21, 2000 and continuing through November 18, 2000 for the following counties and amounts: Alachua (1), Bay (1), Brevard (2), Broward (6), Charlotte (1), Clay (1), Collier (2), Dade (8), Escambia (1), Flagler (1), Highlands (1), Hillsborough (5), Indian River (1), Lee (2), Leon (2), Manatee (1), Marion (1), Okaloosa (1), Okeechobee (1), Orange (5), Osceola (2), Palm Beach (4), Pasco (1), Pinellas (1), Polk (4), St. Johns (1), St. Lucie (1), Sarasota (1), Seminole (2), Volusia (2), Walton (1).

All interested persons should contact the Division's district office serving their area of interest.

Further information may be obtained by calling (850)488-8288 or writing: Division of Alcoholic Beverages and Tobacco, Bureau of Licensing and Auditing, New Quota License Drawing, 1940 North Monroe Street, Tallahassee, FL 32399-1021.

## **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

### **NOTICE OF INTENT TO ISSUE PROPOSED MODIFICATION OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify Power Plant Certification Conditions issued pursuant to the Florida Electrical Power Plant Siting Act, § 403.501, et seq., Florida Statutes. A Proposed Final Order has been prepared in accordance with Rule 62-17.211(4) concerning:

Palm Beach County Resource Recovery Facility  
Modification of Conditions of Certification  
Power Plant Siting Application: PA84-20F  
OGC Case No. 98-2428  
Palm Beach County, Florida

The Department has reviewed the requested modification of conditions of certification to allow an upgrade of the blower motors for each landfill gas flare (emissions units 003 and 004) from a permitted flow rate of 900 scfm to a permitted flow rate of 1800 scfm. The Department also proposes to modify the Conditions of Certification to update rule references and agency name changes.

A copy of the proposed modification order is available from: Hamilton S. Oven, P. E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)487-0472.

### **POINT OF ENTRY**

Pursuant to § 403.516, F.S., and Rule 62-17.211(5), FAC., all parties to the certification proceeding have 45 days from the issuance of notice by mail to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification.

Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to § 403.516(1)(c), F.S., the applicant or the Department may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed.

Mediation is not available in this proceeding.

### **NOTICE OF INTENT TO ISSUE PROPOSED MODIFICATION OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify Power Plant Certification Conditions issued pursuant to the Florida Electrical Power Plant Siting Act, § 403.501, et seq., Florida Statutes. A Proposed Final Order has been prepared in accordance with Rule 62-17.211(4) concerning:

City of Tallahassee  
Arvah B. Hopkins Power Plant  
Request for Modification of Conditions of Certification  
PA 74-03H  
OGC Case No. 00-1374  
Leon County, Florida

On November 7, 1997, the Department of Environmental Protection (Department) renewed Industrial Wastewater Facility Permit No. FL0025518 for the Hopkins Power Plant. On May 12, 2000, the City requested that the Certification be modified to conform the Conditions for the above referenced facility to the revised Industrial Wastewater Facility Permit. Section 62-17.211(4), FAC., requires that the Department modify conditions of certification to conform to any subsequently issued Department permit under a federally delegated or approved permit program so long as no state rule

exists which conflicts or is more stringent than the provisos of the federal permits. In conjunction with the Industrial Wastewater based changes, the Department also intends to update the rule citations, and add a provision for modification of the Conditions of Certification in order to conform them to any subsequently issued federally delegated or approved program permit.

A copy of the proposed modification order is available from: Hamilton S. Oven, P. E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)487-0472.

POINT OF ENTRY

Pursuant to § 403.516, F.S., and Rule 62-17.211(5), FAC., all parties to the certification proceeding have 45 days from the issuance of this notice by mail to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification.

Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of the public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to § 403.516(1)(c), F.S., the applicant may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed.

Mediation is not available in this proceeding.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN August 7, 2000  
 and August 11, 2000**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF INSURANCE**

4-123.002	8/8/00	8/28/00	25/33	26/26
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**DEPARTMENT OF EDUCATION**

6-1.099	8/8/00	8/28/00	26/25	
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**Board of Regents**

6C-7.001	8/8/00	8/28/00	26/25	
6C-7.003	8/8/00	8/28/00	26/25	

**Florida State University**

6C2-2.001	8/7/00	8/27/00	Newspaper	
6C2-2.002	8/7/00	8/27/00	Newspaper	
6C2-2.003	8/7/00	8/27/00	Newspaper	
6C2-2.005	8/7/00	8/27/00	Newspaper	
6C2-2.006	8/7/00	8/27/00	Newspaper	
6C2-2.0061	8/7/00	8/27/00	Newspaper	
6C2-2.012	8/7/00	8/27/00	Newspaper	
6C2-2.017	8/7/00	8/27/00	Newspaper	
6C2-2.019	8/7/00	8/27/00	Newspaper	
6C2-2.020	8/7/00	8/27/00	Newspaper	
6C2-2.021	8/7/00	8/27/00	Newspaper	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF CORRECTIONS**

33-601.605	8/9/00	8/29/00	26/21	26/27
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

61G10-12.001	8/7/00	8/27/00	26/24	
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Beaches and Shores**

62B-33.002	8/7/00	8/27/00	26/13	26/25
62B-33.003	8/7/00	8/27/00	26/13	26/25
62B-33.004	8/7/00	8/27/00	26/13	26/25
62B-33.005	8/7/00	8/27/00	26/13	26/25
62B-33.0051	8/7/00	8/27/00	26/13	
62B-33.007	8/7/00	8/27/00	26/13	26/25
62B-33.008	8/7/00	8/27/00	26/13	26/25
62B-33.0085	8/7/00	8/27/00	26/13	26/25
62B-33.013	8/7/00	8/27/00	26/13	26/25

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

64B18-12.009	8/11/00	8/31/00	26/8	26/28
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**Division of Environmental Health and Statewide Programs**

64E-22.001	8/7/00	8/27/00	26/19	26/26
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(Proposed as 64E-19.001)