

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

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Banking**

RULE TITLE: RULE NO.:

Disapproval of Directors or Executive Officers 3C-100.03852

PURPOSE AND EFFECT: This rule will be revised so that more Florida-chartered financial institutions will not need to provide the Department of Banking and Finance 60 days prior notices of election of new directors and executive officers, thereby reducing the regulatory burden on Florida-chartered financial institutions.

SUBJECT AREA TO BE ADDRESSED: Disapproval of directors and executive officers.

SPECIFIC AUTHORITY: 655.012(3), 655.0385 FS.

LAW IMPLEMENTED: 655.0385, 658.21, 658.33, 665.013 FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda Charity, Chief, Bureau of Financial Institutions, District I, Division of Banking, Room 614, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-100.03852 Disapproval of Directors or Executive Officers.

(1) through (5) No change.

(6) Pursuant to Section 655.0385(1)(b), Florida Statutes, the Department may exempt from the 60 day notice requirement a financial institution which has undergone a change of control or conversion within the preceding two years and which operates in a safe and sound manner.

(a) A financial institution with a composite rating of "1", "2" or "3", and with a management rating of "1" or "2" in its most recent safety and soundness report of examination or, in the case of a trust company, its most recent trust report of examination, and which is not subject to a state or federal regulatory action shall be automatically exempted from the 60 day notice requirement. For purposes of this section

"regulatory action" shall include cease and desist orders, written agreements, memoranda of understanding, ~~documents of resolution~~, letters of understanding and agreement, ~~resolutions adopted at the request of financial institution regulators~~, and any other equivalent action initiated by a financial institution regulator. (Examination ratings are based on the Federal Financial Institutions Examinations Council's Uniform Interagency Trust Rating System and Uniform Financial Institutions Rating System, often called the CAMELS rating system.)

(b) Other financial institutions may request an exemption by writing to the Director of the Division of Banking detailing why the institution believes it is operating in a safe and sound manner and why an exemption is appropriate. Any such request must include supporting documentation of improvements in the institution and its operations. The request for exemption shall be approved only when the Director of the Division of Banking concludes that, because of the documented improvements, the institution would be rated "1", "2" or "3", with a management rating of "1" or "2" were a safety and soundness examination conducted on the date of the institution's request. For example, the Director of the Division of Banking may approve a request for waiver from an institution that was poorly rated in its last safety and soundness examination because of inadequate capital if the institution documents that it increased capital sufficiently to address the inadequacy.

Specific Authority 655.012(3), 655.0385(4) FS. Law Implemented 655.0385, 658.21, 658.33, 665.013 FS. History—New 12-14-93, Amended 3-20-00.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Banking**

RULE TITLE: RULE NO.:

Reporting of Significant Events or Conditions 3C-100.948

PURPOSE AND EFFECT: The rule will be revised to automatically exempt more Florida-chartered financial institutions from the requirement to report significant events or conditions to the Division of Banking.

SUBJECT AREA TO BE ADDRESSED: Reporting of significant events or conditions to the Division of Banking.

SPECIFIC AUTHORITY: 655.012 FS.

LAW IMPLEMENTED: 655.948 FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda Charity, Chief,

Bureau of Financial Institutions, District I, Division of Banking, Room 614, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

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

3C-100.948 Reporting of Significant Events or Conditions.

(1) No change.

(2)(a) "Operating in a safe and sound manner" shall mean any state financial institution operating with a composite rating of "1", "~~2~~" or "~~3~~" and with a management rating of "1" or "2" in its most recent safety and soundness report of examination or, in the case of a trust company, its most recent trust report of examination, and which is not subject to a State or Federal regulatory action. For purposes of this section "regulatory action" shall include cease and desist orders, written agreements, memoranda of understanding, ~~documents of resolution~~, letters of understanding and agreement, ~~resolutions adopted at the request of financial institution regulators~~, and any other equivalent action initiated by a financial institution regulator. (Examination ratings are based on the Federal Financial Institutions Examinations Council's Uniform Interagency Trust Rating System and Uniform Financial Institutions Rating System, often called the CAMELS rating system.)

(b) Other financial institutions may request a determination that they are operating in a safe and sound manner by writing to the Director of the Division of Banking detailing why the institution believes it is operating in a safe and sound manner. Any such request must include supporting documentation of improvements in the institution and its operations. The request shall be approved only when the Director of the Division of Banking concludes that, because of the documented improvements, the institution would be rated "1", "~~2~~" or "~~3~~", with a management rating of "1" or "2" were a safety and soundness examination conducted on the date of the institution's request. For example, the Director of the Division of Banking may approve a request from an institution that was poorly rated in its last safety and soundness examination because of inadequate capital if the institution documents that it increased capital sufficiently to address the inadequacy.

(3) through (6) No change.

Specific Authority 655.012 FS. Law Implemented 655.948 FS. History--New 11-2-92, Amended 6-20-00,\_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Banking**

RULE TITLE:

Application

RULE NO.:

3C-105.402

PURPOSE AND EFFECT: The rule is being revised to allow more Florida-chartered financial institutions to establish branch offices by 30 days prior written notice to the Department of Banking and Finance. Conversely, the change will require fewer financial institutions to file written applications with and to receive approvals from the Department of Banking and Finance for new branch offices.

SUBJECT AREA TO BE ADDRESSED: Applications for new branches and 30-day notices to establish branches.

SPECIFIC AUTHORITY: 655.012(3), 658.26(2)(c) FS.

LAW IMPLEMENTED: 658.26(2)(c), 665.013 FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda Charity, Chief, Bureau of Financial Institutions, District I, Division of Banking, Room 614, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

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

3C-105.402 Application.

Forms and Filing. A state financial institution operating in a safe and sound manner may submit a notice to the Department to establish a branch office at least 30 days before opening such branch. For the purpose of this section, a safe and sound financial institution is an institution that has been in operation for at least 24 months, is well-capitalized, ~~has adequate management~~, has received an aggregate rating at the institution's most recent state or federal safety and soundness examination of "1", ~~no less than "2,"~~ or "3", with a management rating of "1" or "2", and is not the object of any ~~regulatory enforcement~~ action. Other financial institutions shall apply for approval to establish a branch office through filing Form DBF-C-16. For purposes of this section, "regulatory action" shall include cease and desist orders, written agreements, memoranda of understanding, letters of understanding and agreement and any other equivalent action initiated by a financial institution regulator. (Examination ratings are based on the Federal Financial Institutions Examinations Council's Uniform Interagency Trust Rating System and Uniform Financial Institutions Rating System, often called the CAMELS rating system.)

Specific Authority 655.012(3), 658.26(2)(c) FS. Law Implemented 658.26(2), 665.013 FS. History--New 3-22-76, Amended 5-24-78, 7-27-81, 8-12-82, Formerly 3C-13.02, Amended 3-24-86, Formerly 3C-13.002, Amended 8-14-94, 4-15-98, 9-27-99,\_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Finance**

RULE TITLES: RULE NOS.:

Motor Vehicle Retail Installment Seller and  
 Motor Vehicle Retail Installment Seller  
 Branch Office License Renewal  
 and Reactivation 3D-50.070

Prepaid Finance Charge 3D-50.075

PURPOSE AND EFFECT: Section 520.994(5), F.S., allows the Department to adopt rules to allow electronic submission of any form, document or fee required by Chapter 520, F.S.

SUBJECT AREA TO BE ADDRESSED: Renewal of motor vehicle retail installment seller and motor vehicle retail installment seller branch office licenses on the Department's website.

SPECIFIC AUTHORITY: 520.03(2),(3), 520.994(5) FS.

LAW IMPLEMENTED: 520.03(2),(3), 520.994(5) FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-50.070 Motor Vehicle Retail Installment Seller and Motor Vehicle Retail Installment Seller Branch Office License Renewal and Reactivation.

(1) Each active motor vehicle retail installment seller and motor vehicle retail installment seller branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year, upon receipt of the statutory renewal fee required by Section 520.03, F.S., and the renewal/reactivation notice, Form DBF-MV-3, revised 10/99, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) through (5) No change.

(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet.

~~(7)~~(6) If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

Specific Authority 520.03(2),(3), 520.994(5) FS. Law Implemented 520.03(2),(3), ~~520.994(5)~~ FS. History--New 11-5-87, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99, \_\_\_\_\_.

3D-50.075 Prepaid Finance Charge.

Any fee designated as a loan processing fee, not to exceed \$200.00, on a motor vehicle retail installment contract shall be treated as a prepaid finance charge and disclosed as such pursuant to Section 520.07(2)(a)3., F.S. The loan processing fee together with other finance charges assessed on a motor vehicle retail installment contract shall not exceed the finance charge limitation in Section 520.08, F.S. In the event that the buyer prepays the motor vehicle retail installment contract, the buyer shall receive a prorated refund of the loan processing fee as required by Section 520.09, F.S.; provided, however, in accordance with Section 520.085(1)(c)~~(3)~~, F.S., if the motor vehicle retail installment contract is a simple interest contract, no prorated refund is required.

Specific Authority 520.994(5) FS. Law Implemented 520.07, 520.08, 520.085, 520.09 FS. History--New 10-17-94, Amended 7-10-96, \_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Finance**

RULE TITLE: RULE NO.:

Retail Installment Seller and Retail Installment  
 Seller Branch Office License Renewal  
 and Reactivation 3D-60.070

PURPOSE AND EFFECT: Section 520.994(5), F.S., allows the Department to adopt rules to allow electronic submission of any form, document or fee required by Chapter 520, F.S.

SUBJECT AREA TO BE ADDRESSED: Renewal of retail installment seller and retail installment seller branch office licenses on the Department's website.

SPECIFIC AUTHORITY: 520.32(2),(3), 520.994(5) FS.

LAW IMPLEMENTED: 520.32(2),(3), 520.994(5) FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-60.070 Retail Installment Seller and Retail Installment Seller Branch Office License Renewal and Reactivation.

(1) Each active retail installment seller and retail installment seller branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year, upon receipt of the statutory renewal fee required by Section 520.32, F.S., and the renewal/reactivation notice, Form DBF-RS-3, revised 10/99, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) through (5) No change.

(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet.

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

Specific Authority 520.32(2),(3), 520.994(5) FS. Law Implemented 520.32(2),(3), 520.994(5) FS. History--New 11-5-87, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99.

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLE: Sales Finance Company and Sales Finance Company Branch Office License Renewal and Reactivation RULE NO.: 3D-70.060

PURPOSE AND EFFECT: Section 520.994(5), F.S., allows the Department to adopt rules to allow electronic submission of any form, document or fee required by Chapter 520, F.S.

SUBJECT AREA TO BE ADDRESSED: Renewal of sales finance company and sales finance company branch office licenses on the Department's website.

SPECIFIC AUTHORITY: 520.52(2),(3), 520.994(5) FS.

LAW IMPLEMENTED: 520.52(2),(3), 520.994(5) FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-70.060 Sales Finance Company and Sales Finance Company Branch Office License Renewal and Reactivation.

(1) Each active sales finance company and sales finance company branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year, upon receipt of the statutory renewal fee required by Section 510.52, F.S., and the renewal/reactivation notice, Form DBF-SF-3, revised 10/99, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) through (5) No change.

(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet.

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

Specific Authority 520.52(2),(3), 520.994(5) FS. Law Implemented 520.52(2),(3), 520.994(5) FS. History--New 11-5-87, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99.

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLE: Home Improvement Finance Seller and Home Improvement Finance Seller Branch Office License Renewal and Reactivation RULE NO.: 3D-80.050

PURPOSE AND EFFECT: Section 520.994(5), F.S., allows the Department to adopt rules to allow electronic submission of any form, document or fee required by Chapter 520, F.S.

SUBJECT AREA TO BE ADDRESSED: Home improvement finance seller and home improvement finance seller branch office license renewal on the Department's website.

SPECIFIC AUTHORITY: 520.63(2),(3), 520.994(5) FS.

LAW IMPLEMENTED: 520.63(2),(3), 520.994(5) FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-80.050 Home Improvement Finance Seller and Home Improvement Finance Seller Branch Office License Renewal and Reactivation.

(1) Each active home improvement finance seller and home improvement finance seller branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year upon receipt of the statutory renewal fee required by Section 520.63, F.S., and the renewal/reactivation notice, Form DBF-HI-3, revised 10/99, and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) through (5) No change.

(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet.

~~(7)~~(6) If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

Specific Authority 520.63(2),(3), 520.994(5) FS. Law Implemented 520.63(2),(3), 520.994(5) FS. History--New 4-13-88, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99,\_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Finance**

RULE TITLE: Consumer Finance License Renewal and Reactivation

RULE NO.: 3D-160.031

PURPOSE AND EFFECT: Section 516.03(1), F.S., allows the Department to adopt rules to allow electronic submission of any form, document or fee required by the Florida Consumer Finance Act.

SUBJECT AREA TO BE ADDRESSED: Renewal of consumer finance licenses on the Department's website.

SPECIFIC AUTHORITY: 516.03(1), 516.22(1), 516.23(3) FS.

LAW IMPLEMENTED: 516.03(1), 516.05(1),(2) FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-160.031 Consumer Finance License Renewal and Reactivation.

(1) Each active consumer finance license will be renewed for the biennial period beginning January 1 of every odd-numbered year, upon submission of the statutory renewal fee and renewal notice to the Department. Form DBF-CF-3 (effective 10/99), Consumer Finance License Renewal, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) Failure to return the renewal notice and fee prior to January 1 of the renewal year shall automatically result in the license becoming inactive. The inactive license may be reactivated within six (6) months after becoming inactive upon payment of the biennial license fee; and payment of the reactivation fee which is a fee equal to the biennial license fee; and return of the reactivation notice.

(3) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet.

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

Specific Authority 516.03(1), 516.22(1), 516.23(3) FS. Law Implemented 516.03(1), 516.05(1),(2) FS. History--New 12-13-88, Amended 1-5-00, \_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

RULE CHAPTER TITLE: Viatical Settlements

RULE CHAPTER NO.: 4-204

PURPOSE AND EFFECT: To promulgate a rule chapter to implement the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: This rule development workshop notice is a replacement of the Notice published in Vol. 26, No. 38, on September 22, 2000, of the Florida Administrative Weekly. The only change is the date and time. The rule contains, among other things, definition of terms used in the act, disclosures for purchasers of viatical settlements, record keeping requirements related to executed viatical settlement contracts and viatical settlement purchase agreements, collection of data, advertising and reporting of life expectancies.

SPECIFIC AUTHORITY: 624.308, 626.9925, 626.9935 FS.

LAW IMPLEMENTED: Part X, Chapter 626 FS.

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

TIME AND DATE: 10:30 a.m., November 13, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ted Straughn, Financial Examiner/Analyst Supervisor, Division of Insurer Services, Bureau of Specialty Insurers, Department of Insurance

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 Ted Straughn at (850)922-3110, Ext. 2474.

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

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

<b>RULE TITLES:</b>	<b>RULE NOS:</b>
Index to Forms	12D-16.002
Definitions and Scope of the Rules	12D-16.010
Communication of Return Information in Electronic Format	12D-16.030
Taxpayer Information and Identity	12D-16.040
Acknowledgment to Taxpayer	12D-16.050
Uniform Format for All Counties	12D-16.060
Procedures for Transfer	12D-16.080
Due Date; General Provisions	12D-16.090

**PURPOSE AND EFFECT:** The proposed amendment to Rule 12D-16.002, F.A.C., and proposed creations of Rules 12D-16.010, 12D-16.030, 12D-16.040, 12D-16.050, 12D-16.060, 12D-16.080, and 12D-16.090, F.A.C., implement the provisions of section 193.052, Florida Statutes, which require the Department of Revenue to provide, by rule, formats and instructions for filing tangible personal property tax returns through electronic data interchange (EDI) method.

**SUBJECT AREA TO BE ADDRESSED:** Electronic data interchange method and formats for filing tangible personal property tax returns.

**SPECIFIC AUTHORITY:** 193.052, 195.027(1), 213.06(1) FS.  
**LAW IMPLEMENTED:** 92.525, 95.18, 136.03, 192.001(18), 193.047, 193.052, 193.062, 193.072, 193.073, 193.074, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193,

196.1983, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS.

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

TIME AND DATE: 10:45 a.m., October 27, 2000

PLACE: Holiday Inn Cocoa Beach Oceanfront Resort, 1300 N. Atlantic Avenue, Cocoa Beach, Florida

Copies of the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kathy Henley, Revenue Program Administrator II, Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7952

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) through (61)	No change.	
(62) <u>DR-594</u>	<u>Electronic Data Interchange TPP Return File Structure Form Tangible Personal Property Tax Return</u> (n. 12/00)	<u>2/01</u>
(63) <u>DR-599</u>	<u>Electronic Data Interchange Transfer Authorization and Agreement Form</u> (n. 12/00)	<u>2/01</u>

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.198, 196.199, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00.

#### 12D-16.010 Definitions and Scope of the Rules.

These rules address the electronic data interchange (EDI) of tangible personal property return information. The scope of these rules is to provide for the format and instructions necessary for the return of information to the property appraiser by the taxpayer; to ensure that all property subject to ad valorem tax is properly listed by the taxpayer; to require a uniform format for the electronic transfer of return information used by any county which elects to accept the electronic returns; to require that the format of the electronic return replicate Form DR-405, Tangible Personal Property Tax Return (incorporated by reference in Rule 12D-16.002, F.A.C.), as it is currently prescribed by the Department; to ensure that adequate safeguards for verification of taxpayers' identities are part of the EDI system; and to provide a standard of data transfer which ensures the confidentiality of information which is proprietary to the taxpayer. For the purposes of this rule chapter, the terms and phrases used in these rules shall have the meanings prescribed in this section, unless a different meaning is clearly indicated by the context in which the term or phrase is used.

(1) "Acknowledgment" when used in reference to EDI means the verification code or receipt number generated by the EDI system, which may include or be a trace number, which confirms the successful received communication of return information or extension request.

(2) "Call-in period" means the specified time interval in each day during which EDI return information or extension request received by the data collection center will be date stamped as being received. The call-in period must be specified by the property appraiser; if the property appraiser does not specify otherwise on Form DR-599, Electronic Data Interchange Transfer Authorization and Agreement Form (incorporated by reference in Rule 12D-16.002, F.A.C.), the call-in period shall be a default of "24/7," meaning 24 hours each day, seven days a week, with allowance for necessary outages.

(3) "Data collection center" means any computer facility operated by the property appraiser or a third party vendor designated by the property appraiser that, under contract with the property appraiser, collects and processes electronic return information or extension requests from taxpayers.

(4) "Due date" means the latest date on which a return is required to be made by a taxpayer, including any extensions under section 193.062, F.S., unless the context of the rule indicates otherwise.

(5) "Electronic data interchange" or "EDI" means any transfer of taxpayer records in approved digital format, using suitable encryption technology to maintain confidentiality.

(6) "Electronic return filing" means the electronic transfer of return data or extension request generated by the taxpayer and transmitted to a data collection center.

(7) "Electronic return" or "electronic format" means a digital transfer of all information required by the Form DR-405, Tangible Personal Property Tax Return, as currently prescribed by the Department, or substitute forms of the Form DR-405 which have been approved by the Department.

(8) "Receipt number" means the verification code generated by the EDI system, which acknowledges the received communication of return information or extension request.

(9) "Taxpayer security code" means a confidential authorization code, or password, assigned to each taxpayer, which uniquely identifies the taxpayer and allows only the taxpayer, the taxpayer's fiduciary, or the authorized agent of the taxpayer to communicate return information or extension request to the data collection center. Taxpayer security codes assigned are part of the return, are confidential, and shall not be the same as the parcel or account identification number assigned by the property appraiser, which is part of the public records.

(10) "Trace number" means the verification code generated by the EDI system, which uniquely identifies the received communication of return information or extension request and can be used for later retrieval.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History—New

#### 12D-16.030 Communication of Return Information in Electronic Format.

(1) Except as otherwise provided by this rule, any notice, return of information, application form, or completed application form that is required or permitted under this rule to be exchanged between a property appraiser and the taxpayer or between a property appraiser and an agent or fiduciary designated by the taxpayer may be delivered in an electronic format if the property appraiser and taxpayer agree to the terms specified under this rule.

(2) Taxpayers who participate in an EDI program implemented by the property appraiser shall use one of the following means of communicating return information or extension requests to the property appraiser.

(a) Computer-to-computer communication of information over a direct link to a data collection center maintained by the property appraiser.

(b) Communication of information indirectly through a third party data collection center having the ability to guarantee the confidentiality of taxpayer data and subject to the same confidentiality requirements as the property appraiser.

(3) This rule is not intended to prohibit the use of any direct method of electronic transfer of information which ensures that all tangible personal property required to be identified by the taxpayer is properly listed.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

#### 12D-16.040 Taxpayer Information and Identity.

(1) The property appraiser's EDI system may be a service provider identified by the property appraiser as the appropriate data collection center and must be used by taxpayers who elect to submit electronic returns.

(2) The property appraiser will make available a notice to taxpayers and an Electronic Data Interchange Transfer Authorization and Agreement Form (DR-599, an official form incorporated by reference in Rule 12D-16.002, F.A.C.) to be used to remit electronic returns. When completed and filed, this form shall constitute part of the EDI return.

(3) The taxpayer must complete and sign the Form DR-599 and it must be received by the property appraiser by the date the property appraiser specifies using such form.

(a) The information required to be provided by the taxpayer on this form includes:

1. Business name;
2. Business mailing address;
3. Taxpayer's Federal Employer Identification Number or Social Security Number, whichever is most appropriate;
4. Contact person (title and telephone number);
5. Name and signature of person authorized to sign

returns;

6. Name of any agent or fiduciary who returns property information on behalf of the taxpayer and the capacity under which the agent or fiduciary is acting.

(b) The form must specify the medium of communication to be used by the EDI system; the type of communication covered; and the means for protecting the security of any electronically submitted information. The form may address other matters relevant to the method of communication between the property appraiser and the taxpayer. The form, together with EDI filings, shall constitute the return information of the taxpayer and shall be confidential.

(4) The property appraiser shall assign a confidential taxpayer security code directly to the taxpayer, to be used by the taxpayer when communicating return information or extension requests to the data collection center. This number shall be provided to the taxpayer upon receipt of the Form DR-599, at the latest.

(5) Use of the EDI return method by a taxpayer will be conditioned upon the taxpayer's written agreement to provide return information to the data collection center as provided in these rules.

(6) The Form DR-599 will be in effect from year to year except as follows. The taxpayer may revoke the form where the taxpayer desires to discontinue EDI. The property appraiser may reserve the right to revoke the EDI return filing privilege of any taxpayer who: does not consistently transmit error-free information; substantially varies from the requirements and specifications of these rules; repeatedly fails to make timely return transfers; or, repeatedly fails to provide required data records with the EDI transfer. Additionally, the property appraiser shall have the right to revoke the EDI privilege for any reason he or she deems sufficient that jeopardizes the integrity of the system.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

#### 12D-16.050 Acknowledgment to Taxpayer.

Methods by which the taxpayer will be provided with an acknowledgment may include, but are not limited to:

(1) Acknowledgment may be made at the time EDI is received by the property appraiser, such that the property appraiser's EDI system sends an electronic confirmation number or trace number to the taxpayer after receipt of a successful transmission by the data collection center.

(2) The property appraiser may mail a paper acknowledgment to the taxpayer.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

#### 12D-16.060 Uniform Format for All Counties.

(1) The acceptable file structure of the return shall be as described in Electronic Data Interchange TPP Return File Structure Form Tangible Personal Property Tax Return (DR-594, an official form incorporated by reference in Rule 12D-16.002, F.A.C.), which is an electronic facsimile of Form DR-405. The property appraiser may accept data sent in another file structure approved by the department pursuant to s. 195.022, F.S., which may include a file structure specified in a format described in subsection (2) of this rule.

(2)(a) The property appraiser must accept data sent in flat file ASCII delimited format.

(b) The property appraiser may accept data sent in other formats agreed to by the property appraiser including, but not limited to, the transaction set for the return data described in the American Standards Committee x12 Group Transaction Set, Number 813, Electronic Filing of Tax Return Data, Version 4010, or later.

(3)(a) If the taxpayer has timely filed Form DR-599, the taxpayer may request an extension of the April 1 return due date by EDI. Any such request must be made by EDI to the data collection center by the date specified by the property appraiser. The request shall include the following information, in the following file structure, blanks delimited, in a format stated in subsection (2):



Data Element:	Number of Characters
TIP number,	15
Tax ID number,	15
FEI Number,	15
Name,	40
Reason for any extension beyond 30 days,	400

(b) The property appraiser shall provide confirmation on granting any extension from April 1 that exceeds 30 days.  
Cross reference: Rule 12D-8.005, F.A.C.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

12D-16.080 Procedures for Transfer.

(1) An acknowledgment will be issued at the conclusion of the successful transfer of EDI return information or extension request for each return or extension request filed. This number provides a means of verifying receipt of the successful transmission and serves as receipt for the delivery of the return or extension request. The property appraiser shall maintain either this number or a trace number as a record of the transfer, for later retrieval.

(2) Electronic transfers which are not received by the property appraiser on or before the due date of the return will constitute late returns and the applicable late filing penalties shall apply.

(3) If a taxpayer does not receive an acknowledgment, the return information or extension request shall not be considered filed.

Cross Reference: Rule 12D-8.005, F.A.C.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

12D-16.090 Due Date: General Provisions.

(1) To be considered timely, taxpayers who remit return information through an EDI system must initiate the transfer so that the information is received on or before the due date of the return as specified under section 193.062, F.S. If the due date on which the taxpayer is required to complete an EDI return falls on a Saturday, Sunday, or official Federal or State holiday, the taxpayer must complete the transfer no later than the following business day in order for the return to be considered timely filed, or alternatively file a standard paper return.

(2) The EDI method of transfer does not change any current filing requirements for tax returns. If the EDI transfer is not timely made or the tax return required is not filed by the due date, the provisions for late filing penalties under section 196.062, F.S., shall apply, except as provided in these rules.

(3) The provisions of Rule 12D-8.005, F.A.C., shall govern the compromise and settlement of any penalty assessed due to the late filing of an electronically filed return after the due date.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

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

RULE CHAPTER TITLE: Sovereignty Submerged Lands Management  
 RULE CHAPTER NO.: 18-21

RULE TITLES: Intent  
 RULE NOS.: 18-21.001

Scope and Effective Date 18-21.002  
 Definitions 18-21.003

Management Policies, Standards, and Criteria 18-21.004  
 Procedures-Forms of Consent 18-21.005

Delegation of Authority 18-21.0051  
 Applications for Consent of Use 18-21.007

Applications for Use Agreements 18-21.0077  
 Applications for Lease 18-21.008

Payments and Fees 18-21.011  
 Conducting Aquacultural Activities on

Sovereign Submerged Lands and Water Columns Pursuant to Chapters to

ss. 253.67-253.75 and s. 597.010 18-21.020  
 Applications for Using Sovereign Submerged

Lands and water Columns for Aquacultural Activities 18-21.021

Payments and Fees for Aquacultural Activities on Sovereign Submerged Lands

and Water Columns 18-21.022

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to implement statutory changes in Chapters 253 and 597, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments provide for the Board of Trustees of the Internal Improvement Trust Fund to manage, administer, and perform staff functions related to the use of sovereign submerged lands for aquacultural purposes.

SPECIFIC AUTHORITY: 253.002, 570.07(23) FS.

LAW IMPLEMENTED: 253.002(2), 597.003(1)(k), 597.010 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: Mark Berrigan, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone (850)488-5471

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

**STATE BOARD OF ADMINISTRATION**

RULE TITLE: Asset Transfer Procedures  
RULE NO.: 19-9.005

PURPOSE AND EFFECT: To discuss proposed asset transfer procedures required to transfer assets from the defined benefit program of the Florida Retirement System to the defined contribution program called the Public Employee Optional Retirement Program.

SUBJECT AREA TO BE ADDRESSED: Roles of the defined benefit program and the defined contribution program; the State Board of Administration; the Division of Retirement; the third-party administrator; investment product providers; and employers regarding how the transfers will be implemented.

SPECIFIC AUTHORITY: 121.4501(3)(c)4. FS.

LAW IMPLEMENTED: 121.4501 FS.

REGARDLESS OF WHETHER OR NOT REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 4:00 p.m., Tuesday, November 14, 2000

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

Copies of the preliminary text of the proposed rule development may be obtained from: Joan Lazar, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, telephone (850)413-1492 or e-mail: lazar\_joan@fsba.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Lazar at least 5 calendar days before the workshop.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON NOVEMBER 3, 2000.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE TITLE: Application  
RULE NO.: 19B-4.001

PURPOSE AND EFFECT: To update the Florida Prepaid College Application form and the Master Covenant to reflect the current year and to change the effective date of these documents.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Application form and Master Covenant and effective dates of these documents.

SPECIFIC AUTHORITY: 240.551(7)(a) FS.

LAW IMPLEMENTED: 240.551 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., October 30, 2000

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

These rules apply to purchasers of advance payment contracts for the prepayment of postsecondary registration and/or dormitory residency fees. The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board’s direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchases pursuant to a court order may be submitted to the Board at any time. After acceptance by the Board of the purchaser’s application, a participation and payment schedule and master covenant shall be mailed to the purchaser. The advance payment contract shall be comprised of the application, master covenant and participation and payment schedule. The Florida Prepaid College Program Application, Form No. FPCP ~~99-1 2000-1~~, is hereby incorporated by reference and may be obtained by calling 1-800-552-GRAD (4723) (prompt 1). The effective date of the form is ~~October 18, 1999~~ October 16, 2000. The Florida Prepaid College Program Master Covenant, Form No. FFCP ~~99-2 2000-2~~, is hereby incorporated by reference with an effective date of ~~October 18, 1999~~ October 16, 2000.

Specific Authority 240.551(7)(a) FS. Law Implemented 240.551 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00,\_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE TITLE: Contract Exclusions  
RULE NO.: 19B-5.005

PURPOSE AND EFFECT: This rule change is being made to conform with recent legislative changes dealing with exclusions in the Prepaid program. The effect of the change is to allow Prepaid benefits to be used at postsecondary adult vocational programs.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Program and the addition of certain programs allowed to utilize its benefits.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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., October 30, 2000

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.005 Contract Exclusions.

No graduate program, adult basic, or adult secondary ~~or postsecondary adult vocational~~ program is available under this plan.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New 3-29-89, Formerly 4G-5.005, Amended 6-20-96,\_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE TITLES: RULE NOS.:

Transfer to Out-of-State Schools 19B-9.003

Transfer to In-State Vocational-Technical Schools 19B-9.005

PURPOSE AND EFFECT: To revise the Board’s rules to add out-of-state community colleges as institutions where Prepaid benefits may be used; and to propose a rule which specifies the conversion methods for the transfer of benefits from a community college plan or a university plan to an in-state vocational-technical program.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Program, the addition of institutions where its benefits may be used and the inclusion of a specific conversion method for the transfer of benefits to an in-state vocational-technical program.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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:

TIME AND DATE: 2:00 p.m., October 30, 2000

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.003 Transfer to Out-of-State-Schools.

A qualified beneficiary may transfer the benefits of an advance payment contract to an eligible out-of-state community college, college or university. The amount transferred shall not exceed the redemption value of the advance payment contract, or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee. For purposes of the tuition and local fee plans, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of matriculation. For purposes of the dormitory plan, the redemption value shall be the average of the state university dormitory fees charges at the time of matriculation for the number of semesters reflected in each purchaser’s contract.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New 3-29-89, Formerly 4G-9.003, Amended 12-5-93, 6-20-96, 2-18-99,\_\_\_\_\_.

19B-9.005 Transfer to In-State Vocational-Technical Schools.

A qualified beneficiary of the Florida Prepaid College Program may transfer the benefits of an advance payment contract to an applied technology diploma program or a vocational certificate program conducted by a community college listed in 240.3031, F.S., or an area technical center operated by a district school board. The amount of such benefits that may be transferred shall not exceed the redemption value. For purposes of a transfer to an applied technology diploma program or vocational certificate program conducted by a community college, the redemption value shall be the amount of tuition and local fees, respectively, charged by the community college at the time of matriculation. For purposes of a transfer to an area technical center operated by a district school board, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of matriculation. If the cost of the fees charged by the community college or area technical center is less than the corresponding fees charged by a state postsecondary education institution, the amount transferred shall not exceed the cost of the fees charged by the community college or area technical center. The amount transferred may only cover the number of semester credit hours stipulated in the original contract.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Care of Inmates  
 RULE NO.: 33-602.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that personal clothing may be provided to inmates prior to their discharge from the Department to be worn upon their release.

SUBJECT AREA TO BE ADDRESSED: Care of Inmates.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 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: Giselle Lysten Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.101 Care of Inmates.

(1) through (9)(b) No change.

(c) A transferring inmate may, when transferred, take one issue of state clothing and all personal clothing. Transfers to contract work release facilities, contract drug facilities, and female community correctional centers via public transportation shall be made with personal clothing. An inmate's personal clothing, for purposes of transfer or upon release, may be supplied by the inmate, the inmate's family, or from available surplus clothing.

(d) No change.

(e) Civilian clothing, when available from family members or from surplus clothes closets, may be used by the inmate for court appearances, furloughs, funerals, and other circumstances, including release, as authorized by the warden.

(f) through (17) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-8-76, Formerly 33-3.02, Amended 4-19-79, 4-24-80, 1-9-85, 11-3-87, 9-16-88, 7-23-89, 8-27-91, 3-30-94, 11-14-95, 6-2-99, Formerly 33-3.002, Amended \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Environmental Resource Permits  
 RULE CHAPTER NO.: 40E-4

RULE TITLE: Publications, Rules and Interagency Agreements  
 RULE NO.: 40E-4.091

Incorporated by Reference

PURPOSE AND EFFECT: The South Florida Water Management District (SFWMD) proposes to adopt by reference a "Delegation Agreement among the Florida

Department of Environmental Protection, the South Florida Water Management District, and Broward County" (Delegation Agreement) which the SFWMD and the Department of Environmental Protection (Department) are developing with Broward County's Department of Planning and Environmental Protection (DPEP) regarding delegating the authority to Broward County to implement certain environmental resource, wetland resource, and surface water management permitting, compliance and enforcement responsibilities under Part IV, Chapter 373, Fla. Stat., and the rules promulgated thereto. This delegation will be in accordance with Sections 373.441 and 403.182, Fla. Stat., and Chapter 62-344, Fla. Admin. Code. The intent of the Delegation Agreement is to provide streamlined environmental resource, wetland resource, and surface water management permit processing for proposed development activities within the geographical extent of Broward County excluding the geographical areas in Broward County that are subject to the jurisdiction of special taxing districts, independent drainage districts, water control districts, community development districts, the Everglades Buffer Strip, and the Water Conservation Areas. The Delegation Agreement provides that Broward County will be responsible for certain permitting, compliance and enforcement activities under the environmental resource, wetland resource, and surface water management permitting programs; perform formal determinations of wetlands and other surface waters under Section 373.421, Fla. Stat.; process and issue or deny requests for variances for mixing zones for turbidity and dissolved oxygen under Sections 373.414(17) and 403.201, Fla. Stat., when such variances are required as part of an environmental resource, wetland resource, or surface water management permit; and compliance and enforcement of the environmental resource, wetland resource, and surface water management permits issued by the Department or the SFWMD. The Delegation Agreement will exclude the authority for permitting, compliance, or enforcement of certain activities that will be reserved to the Department and the SFWMD, including the processing of authorizations to use sovereign submerged lands as well as the authority to grant or deny petitions for variances and waivers under Section 120.542, Fla. Stat.

As publications, rules, and interagency agreements are incorporated by reference in Rule 40E-4.091, F.A.C., the SFWMD is initiating rulemaking for the purpose of amending Rule 40E-4.091, F.A.C. to incorporate by reference the subject Delegation Agreement. Rule 40E-4.091, F.A.C., also specifies where the public may obtain a copy of the referenced materials. The rule development workshop set forth below is being conducted for the purposes of explaining SFWMD's proposal regarding the Delegation Agreement and to respond to questions or comments regarding the Delegation Agreement.

Florida Department of Environmental Protection and Broward County staff will also be present to respond to questions or comments regarding the Delegation Agreement.

**SUBJECT AREA TO BE ADDRESSED:** The rulemaking is required to adopt and incorporate by reference the Delegation Agreement among the Florida Department of Environmental Protection, South Florida Water Management District and Broward County regarding the delegation to Broward County, and the implementation by Broward County's Department of Planning and Environmental Protection, of certain environmental resource, wetland resource, and surface water management permitting, compliance and enforcement responsibilities pursuant to Part IV, Chapter 373, Fla. Stat.

**SPECIFIC AUTHORITY:** 373.441 FS.

**LAW IMPLEMENTED:** 373.441 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE JOINTLY CONDUCTED BY THE SFWMD, THE DEPARTMENT, AND BROWARD COUNTY AND HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, November 7, 2000

**PLACE:** Broward County Department of Planning and Environmental Protection, 218 S. W. 1st Avenue (Second Floor, Cypress Room), Ft. Lauderdale, FL 33301

**THE PERSON TO BE CONTACTED AT THE SFWMD REGARDING THE PROPOSED RULE DEVELOPMENT, TO REQUEST A COPY OF THE DRAFT DELEGATION AGREEMENT, AND TO PROVIDE WRITTEN COMMENTS TO IS:** Penelope Bell, South Florida Water Management District, Office of Counsel, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6320, Suncom 229-6320 or (561)682-6320 or via email at pbell@sfwmd.gov.

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

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.:

(a) through (j) No change.

(k) Delegation Agreement among the Florida Department of Environmental Protection, the South Florida Water Management District, and Broward County, effective [insert date].

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.4135, 373.416, 373.421, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

**RULE TITLE:** Continuing Education Requirements for Certificateholders and Registrants **RULE NO.:** 61G4-18.001

**PURPOSE AND EFFECT:** The Board proposes the development of a rule amendment to allow up to 4 hours of CE credit for licensees who attend meetings as a member of the Florida Building Code Commission.

**SUBJECT AREA TO BE ADDRESSED:** The Board proposes changes to its Continuing Education rules to allow up to 4 hours of CE credit for licensees who attend meetings as a member of the Florida Building Code Commission.

**SPECIFIC AUTHORITY:** 455.213(7), 489.108 FS.

**LAW IMPLEMENTED:** 455.271(10), 489.115, 489.116, 455.2123 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Cathleen O'Dowd, Interim Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

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

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants.

(1) through (3) No change.

(4) The Board shall grant a maximum of four (4) hours of continuing education credit, on an hour for hour basis, to any licensee who participates as a member of ~~any technical advisory committee~~ to the Florida Building Code Commission within the Department of Community Affairs, or any technical advisory committee of that commission.

(5) through (8) No change.

Specific Authority 455.213(7), 489.108 FS. Law Implemented 455.271(10), 489.115, 489.116, 455.2123 FS. History—New 12-2-93, Amended 5-19-94, 8-16-94, 10-12-94, 1-18-95, 2-4-98, 5-11-99, 7-12-99, 1-23-00, 2-1-00.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

**RULE TITLE:** Euthanasia of Dogs and Cats; Technician **RULE NO.:** 61G18-16.005

**Certification Course**

PURPOSE AND EFFECT: The Board for purposes of this rule proposes to amend the rule text to further clarify a certified veterinary technician and the required qualifications.

SUBJECT AREA TO BE ADDRESSED: Certified veterinary technician.

SPECIFIC AUTHORITY: 474.206, 828.058 FS.

LAW IMPLEMENTED: 828.058 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL 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: Sherry Landrum, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-16.005 Euthanasia of Dogs and Cats; Technician Certification Course.

(1) through (3) No change.

(4) A certified veterinary technician who is an employee or agent of a licensed veterinarian and who is acting under the immediate supervision of a veterinarian as defined by subsection 474.202(5), F.S., may perform euthanasia without completion of the certification course. For purposes of this rule, a certified veterinary technician is an individual who has graduated from a veterinary technology training program that is accredited by the American Veterinary Medical Association Committee on Veterinary Technicians Education and Activities (CVTEA) and has successfully completed the examinations required by the Florida Veterinary Medical Association's Technician Committee.

(5) No change.

Specific Authority 474.206, 828.058 FS. Law Implemented 828.058 FS. History--New 4-18-94, Amended \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 00-47R

RULE CHAPTER TITLE: Noticed General Environmental

RULE CHAPTER NO.:

Resource Permits

62-341

RULE TITLE:

RULE NO.:

General Permit for Private Single-Family

Residences

62-341.476

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: A new environmental resource Noticed General Permit (NGP) is being proposed to provide a more streamlined and less costly way of authorizing construction and mitigation of individual, single-family residences (not residential developments) and associated residential

improvements in wetlands, within limits to be specified in the NGP. The adverse impacts to wetlands under this NGP is proposed to be offset prior to construction of the residence by the purchase of equivalent mitigation equivalents from a Regional Offsite Mitigation Area (ROMA) or a mitigation bank, where such purchase offsets the loss of wetland functions caused by the construction of the residence and associated residential improvements.

SPECIFIC AUTHORITY: 373.026, 373.043, 373.118(1), 373.414(9) FS.

LAW IMPLEMENTED 373.118(1), 373.413, 373.414(9), 373.416, 373.418 FS.

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

TIME AND DATE: 1:30 p.m., Wednesday, October 25, 2000

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

TIME AND DATE: 2:00 p.m., Thursday, October 26, 2000

PLACE: Executive Conference Room, Florida Department of Transportation, 11201 North McKinley Drive (north 40th Street), Tampa, Florida

TIME AND DATE: 9:30 a.m., Wednesday, November 1, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Alice Heathcock, Rules Coordinator, Florida Department of Environmental Protection, 2600 Blair Stone Road, Bureau of Submerged Lands and Environmental Resources, MS 2500, Tallahassee, Florida 32399-2400, telephone (850)921-9890, or e-mail: Alice.Heathcock@dep.state.fl.us.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLES:

RULE NOS.:

Remediable Tasks Delegable to

Dental Assistants

64B5-16.005

Levels of Supervision for Dental Hygienists

64B5-16.007

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B5-16.005 to update the rule text with regard to the remediable tasks dental assistants are authorized to perform. The Board proposes to amend 64B5-16.007 to update the rule text with regard to the remediable tasks dental hygienists are authorized to perform.

SUBJECT AREA TO BE ADDRESSED: Remediable tasks delegable to dental hygienists and dental assistants; levels of supervision for dental hygienists.

SPECIFIC AUTHORITY: 466.004, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 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: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-16.005 Remediable Tasks Delegable to Dental Assistants.

(1) through (3) No change.

(4) The following remediable tasks may be performed by a dental assistant who has received on-the-job training and who performs the tasks under indirect supervision:

(a) through (d) No change.

(e) Removing excess cement from orthodontic appliances with non-mechanical hand instruments only.

(5) The following remediable tasks may be performed by a dental assistant who has received on-the-job training and who performs the tasks under general supervision:

(a) through (c) No change.

~~(d) Removing excess cement from orthodontic appliances with non-mechanical hand instruments only.~~

Specific Authority 466.004(4), 466.024(3) FS. Law Implemented 466.024 FS. History—New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.005, Amended 3-30-94, Formerly 61F5-16.005, Amended 1-9-95, 9-27-95, 6-12-97, Formerly 59Q-16.005, Amended \_\_\_\_\_.

64B5-16.007 Levels of Supervision for Dental Hygienists.

By virtue of their training and licensure, dental hygienists are authorized to perform the following remediable tasks without additional training as defined in Chapter 64B5-16, F.A.C., under the following levels of supervision:

(1) Direct Supervision: Gingival curettage.;

~~(b) Removal of excess remaining bonding adhesive or cement following orthodontic appliance removal with slow-speed rotary instrument, hand instrument or ultrasonic scalers;~~

(2) Indirect supervision:

(a) Root planing.;

(b) Removal of excess remaining bonding adhesive or cement following orthodontic appliance removal with slow-speed rotary instrument, hand instrument or ultrasonic scalers.

(3) through (4) No change.

Specific Authority 466.004, 466.023, 466.024 FS. Law Implemented 466.023, 466.024(3) FS. History—New 1-18-89, Formerly 21G-16.007, 61F5-16.007, Amended 9-27-95, 6-12-97, Formerly 59Q-16.007, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE CHAPTER TITLE: Eligibility and Fee Assessment for Services

RULE CHAPTER NO.: 64F-16

Offered By County Public Health Units 64F-16

RULE TITLE: Definitions

RULE NO.: 64F-16.001

PURPOSE AND EFFECT: To incorporate by reference specific poverty guidelines referenced in the rule.

SUBJECT AREA TO BE ADDRESSED: Federal poverty guidelines used to determine eligibility.

SPECIFIC AUTHORITY: 154.011(5) FS.

LAW IMPLEMENTED: 154.011 FS.

IF REQUESTED WITHIN 14 DAYS OF THIS NOTICE AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., November 1, 2000

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, telephone (850)245-4444, Ext. 2965

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-16.001 Definitions.

For the purpose of this rule chapter, the following definitions will apply:

(1) through (6) No change.

(7) "Poverty guidelines" means the non-farm family poverty income scale ~~adopted published~~ by the United States Department of Health and Human Services (HHS) Federal Office of Management and Budget, as published in the Federal Register; February 15, 2000 edition (Volume 65, Number 31) pages 7555-7557.

(8) through (12) No change.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History—New 10-14-93, Amended 4-29-96, Formerly 10D-121.002, Amended \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Developmental Services Program**

**RULE TITLE:** Use of General Revenue Funds  
**RULE NO.:** 65B-4.010  
**PURPOSE AND EFFECT:** This rule prioritizes the items and services that the Department considers appropriate for the use of general revenue funds.  
**SUBJECT AREA TO BE ADDRESSED:** The use of general revenue funds.  
**SPECIFIC AUTHORITY:** 393.066(9), 393.501(1) FS.  
**LAW IMPLEMENTED:** 393.066(1)(5), 393.068(2) FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**  
**TIME AND DATE:** 10:00 a.m., Wednesday, November 15, 2000  
**PLACE:** Department of Children and Family Services, General Counsel's Conference Room, 1317 Winewood Blvd., Bldg. 2, Tallahassee, FL  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Faye Jones, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204X, Tallahassee, FL 32399-0700, (850)921-8132  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**Section II  
Proposed Rules**

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

**RULE TITLES:** Application for Certificate of Authority  
 Application for Certificate of Authority Branch Office License  
 Remittances to the Regulatory Trust Fund  
**RULE NOS.:** 3F-5.002  
 3F-5.0021  
 3F-5.0024  
**PURPOSE AND EFFECT:** Rules 3F-5.002 and 3F-5.0021 are being amended to change the date of the annual fee period from June 1 to July 1 to coincide with the fiscal year beginning July 1 and ending on June 30. Rule 3F-5.0024 is being amended because certificateholders are no longer entitled to credit against future remittances when a contract is cancelled thirty days after execution.  
**SUMMARY:** Rules 3F-5.002 and 3F-5.0021 set forth the criteria for obtaining a certificate of authority for existing offices and branch offices. Rule 3F-5.0024 sets forth amounts to be remitted by certificate of authority holders to the Regulatory Trust Fund.

**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, 497.407(1) FS.

**LAW IMPLEMENTED:** 497.405, 497.407 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

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

3F-5.002 Application for Certificate of Authority.

(1) Each entity desiring to obtain a certificate of authority shall apply to the Board by submitting the following:

(a) No change.

(b) An application fee of \$500 which shall be the fee for the annual period beginning ~~July~~ ~~June~~ 1 of each year or any part thereof.

(2) through (5) No change.

Specific Authority 497.103, 497.407(1) FS. Law Implemented 497.405, 497.407 FS. History--New 4-25-94, Amended 2-7-95, \_\_\_\_\_.

3F-5.0021 Application for Certificate of Authority Branch Office License.

(1) Every Certificate of Authority holder that is part of a common business enterprise and elects to operate under a different name shall apply to the Board for a license to operate a branch office by submitting the following:

(a) A completed Application for Certificate of Authority Branch Office Registration, Form DBF-COAB, effective 6-5-97, which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, The Fletcher Building, 101 East Gaines Street, ~~Suite 550~~, Tallahassee, Florida 32399-0350. The application must be completed and signed within thirty (30) days of receipt by the Board; and

(b) An application fee of \$150 ~~\$100~~ which shall be the fee for the annual period beginning ~~July~~ ~~June~~ 1 of each year or any part thereof.

(2) through (7) No change.

(8) Upon approval of the application, a certificate of authority branch office license will be issued for the remainder of the annual license period ending ~~June 30~~ ~~May 31~~ of each year.



Specific Authority 497.103 FS. Law Implemented 497.103, 497.407(4) FS. History—New 6-5-97, Amended \_\_\_\_\_.

**3F-5.0024 Remittances to the Regulatory Trust Fund.**

The amounts required to be remitted by a Certificateholder to the Regulatory Trust Fund, pursuant to the provisions of Section 497.407(12), Florida Statutes, shall be determined in accordance with the following criteria:

- (1) through (4) No change.
- (5) If a contract is canceled 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.~~
- (6) through (8) No change.

Specific Authority 497.103, 497.407 FS. Law Implemented 497.407 FS. History—New 5-13-97, 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 4, 2000

**DEPARTMENT OF INSURANCE**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Filing for Review	4-150.019
Filing for Review	4-150.120

**PURPOSE AND EFFECT:** The proposed amendment clarifies that "Only advertisements that are required by law to be filed will be routinely received and reviewed by the Department."

**SUMMARY:** The proposed amendment changes the rules to read, "Only advertisements that are required by law to be filed will be routinely received and reviewed by the Department."

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** None.

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

**SPECIFIC AUTHORITY:** 624.307(3), 624.308(1), 626.9611, 627.9407(1),(2) FS.

**LAW IMPLEMENTED:** 624.307(1), 626.9541(1)(a),(b), (e),(k),(l), 626.9641, 626.9641(1), 627.9407(1),(2) FS.

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

**TIME AND DATE:** 1:30 p.m., November 8, 2000  
**PLACE:** Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Bill Pace, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5124

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 RULES IS:**

**4-150.019 Filing for Review.**

- (1) No change.
- (2) Only advertisements that are required by law to be filed will be routinely received and reviewed by the Department.

Specific Authority 624.308(1), 626.9611, 627.9407(1),(2) FS. Law Implemented 624.307(1), 626.9541(1)(a),(b),(e),(k),(l), 626.9641, 627.9407(1),(2) FS. History—New 6-13-88, Amended 5-17-89, Formerly 4-6.0185, Amended 1-4-00, \_\_\_\_\_.

**4-150.120 Filing for Review.**

Only advertisements that are required by law to be filed will be routinely received and reviewed by the Department.

Specific Authority 624.307(3), 624.308(1), 626.9611 FS. Law Implemented 624.307(1), 626.9541(1)(a),(b),(e),(k),(l), 626.9641(1) FS. History—New 6-12-88, Formerly 4-35.0171, Amended 5-27-96, 1-4-00, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Bill Pace, Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Richard Robleto, Chief, Bureau of Life and Health Forms and Rates, Department of Insurance

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** August 24, 2000

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** September 8, 2000

**DEPARTMENT OF INSURANCE**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Annual Rate Filings	4-170.007

**PURPOSE AND EFFECT:** The proposed amendment adopts the transmittal form used to transmit forms DI4-586 and DI4-584.

**SUMMARY:** Adopts the transmittal form used to transmit forms DI4-586 and DI4-584.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** None.

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

SPECIFIC AUTHORITY: 624.308 FS.  
LAW IMPLEMENTED: 624.307(1), 624.418(2), 624.4211, 627.021, 627.062, 627.0645, 627.0651, 627.221, 627.301 FS.  
IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):  
TIME AND DATE: 9:30 a.m., November 7, 2000  
PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beth Vecchioli, Bureau Chief, Property and Casualty Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5310

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:

- 4-170.007 Annual Rate Filings.  
(1) through (7) No change.

(8) Each filing shall include a completed Form DI4-XXX (rev. 2/98), Annual Rate Filing Form, which is hereby adopted and incorporated by reference, and is available from the address in (4)(h).

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.418(2), 624.4211, 627.021, 627.062, 627.0645, 627.0651, 627.221, 627.301 FS. History--New 12-25-90, Formerly 4-72.007, Amended 1-27-92, 3-9-93, 9-7-93,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Beth Vecchioli, Bureau Chief, P & C Forms and Rates, Division of Insurer Services, Department of Insurance  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller, Director, Division of Insurer Services, Department of Insurance  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000

**DEPARTMENT OF INSURANCE**

RULE TITLE: Insurer Experience Reporting – Excessive Profits, Workers’ Compensation Insurance  
PURPOSE AND EFFECT: The purpose of the proposed action is to amend a reporting form utilized by Worker’s Compensation insurers to report excess profits.

RULE NO.: 4-189.007

SUMMARY: The amended rule incorporates changes to the reporting form to be year 2000 flexible, correcting cross references and deleting obsolete provisions.

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 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), 627.215 FS.  
LAW IMPLEMENTED: 624.307(1), 627.215 FS.

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

TIME AND DATE: 2:00 p.m., November 8, 2000  
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND A COPY OF THE REPORTING FORM IS: Jim Watford, Actuary, Bureau of Property and Casualty Forms & Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, (850)413-3146

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

THE FULL TEXT OF THE PROPOSED RULE IS:

- 4-189.007 Insurer Experience Reporting – Excessive Profits, Workers' Compensation Insurance.  
(1) through (5) No change.

(6) Form DI4-15, Workers' Compensation Excess Profits Reporting Form F, as amended, is hereby incorporated by reference and shall take effect on January July 1, 2001 1988 and may be obtained from the Bureau of Property & Casualty Forms and Rates, Workers' Compensation Department of Insurance, Larson Building 200 East Gaines Street, Tallahassee, Florida 32399-0330 32301.

Specific Authority 624.308(1), 627.215 FS. Law Implemented 624.307(1), 627.215 FS. History--New 6-14-84, Amended 7-1-85, Formerly 4-59.061, Amended 6-1-88, Formerly 4-59.0061, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Watford, Actuary, Bureau of Property and Casualty Forms and Rates  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Beth Vecchioli, Chief, Bureau of Property and Casualty Forms & Rates

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2000

**DEPARTMENT OF INSURANCE**

RULE TITLE: Forms Incorporated By Reference  
 RULE NO.: 4-193.065  
 PURPOSE AND EFFECT: This rule is being amended to adopt and incorporate forms by reference.

SUMMARY: This rule is being amended to adopt and incorporate forms by reference.

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), 651.013, 651.015(1),(3) FS.

LAW IMPLEMENTED: 651.021, 651.022, 651.023, 651.024, 651.026, 651.033, 651.035 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., November 9, 2000  
 PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Raleigh Close, Sr. Management Analysis, Insurance Consumer Service, Department of Insurance

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

THE FULL TEXT OF THE PROPOSED RULE IS:

- 4-193.065 Forms Incorporated by Reference.
- (1) (a) through (q) No change.
- (r) Continuing Care Retirement Center Complaint Form DI4-1155 (rev. 3/99)
- (s) Invoice (CCRC Mediator Program) Resident/Providers Disputes DI4-1387 (rev. 5/00)
- (t) Mediator's Status Report DI4-1388 (rev. 5/00)
- (u) Consumer Assistance Request DI4-612 (1/95)
- (2) No change.

Specific Authority 624.308(1), 651.013, 651.015(1),(3) FS. Law Implemented 651.021, 651.022, 651.023, 651.024, 651.026, 651.033, 651.035 FS. History—New 6-25-90, Formerly 4-45.035, Amended 7-16-92, 11-29-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Raleigh Close, Sr. Management Analysis, Insurance Consumer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Marta Arrington, Director, Insurance Consumer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2000

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

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Methods to Determine Compliance  
 RULE CHAPTER NO.: 20-14

RULE TITLE: Methods to Determine Compliance  
 RULE NO.: 20-14.001

PURPOSE AND EFFECT: Updating list of methods and analyses used for determining compliance with Department rules; adding methods for detecting pathogenic microorganisms.

SUMMARY: Updates list of methods and analyses used for determining compliance with Department rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 601.10(1), 601.11, 601.24, 601.25 FS.

LAW IMPLEMENTED: 601.1601.02(5) FS.  
 A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., November 22, 2000  
 PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

- 20-14.001 Methods to Determine Compliance.
- (1) through (34) No change.
- (35) Sodium: As prescribed in "Sodium in Fruit and Fruit Products, Flame Spectrophotometric Method, AOAC Official Methods of Analysis," Chapter 37, Page 7 (1995).

(36) Salmonella:

(a) As prescribed in FDA Bacteriological Analytical Manual, "Salmonella Culture Method for Pasteurized and Unpasteurized Orange Juice", Wallace H. Andrews, Geraldine A. June, Patricia S. Sherrod, Thomas S. Hammack, and R. Miguel Amaguana, 8th Edition, Revision A, 1998, Chapter 5, Revisions December, 1999.

(b) As prescribed in AOAC Official Methods of Analysis, 16th Ed. Section 17.9.13, AOAC Official Method 989.14, "Salmonella in Foods, Colorimetric Polyclonal Enzyme Immunoassay," Denis Hughes, Angela E. Dailianis, Louise Hill, Michael S. Curiale and Vidhya Gangar, Journal of AOAC International, Vol. 82, No. 3, Pages 634-647, 1999.

(c) As prescribed in AOAC Official Methods of Analysis, AOAC Official Method 2000.07, the "TECRA® Unique™ Test for Rapid Detection of Salmonella in Food: Collaborative Study", Denise Hughes, Angela E. Dailianis, Louise Hill, Deborah A. McIntyre, Aimee Anderson, et. al., Vol. No. Pages .

(37) E. coli:

(a) As prescribed in FDA Bacteriological Analytical Manual, Broth MPN Method "Escherichia coli and the Coliform Bacteria, Anthony D. Hitchins, Peter Feng, William D. Watkins, Scott R. Rippey, and Linda A. Chandler, 8th Ed., Chapter 4, 1995.

(b) As prescribed in AOAC Official Methods of Analysis, AOAC Official Method 991.14, "Dry Rehydratable Film for Enumeration of Total Coliforms and Escherichia coli in Foods: Collaborative Study", Michael S. Curiale, Therese Sons, Dawn McIver, J. Sue McCallister, Barbara Halsey, Diane Roblee, and Terrance L. Fox, Journal of AOAC, Vol. 74, No. 4, 1991.

(c) As prescribed in AOAC Official Methods of Analysis, AOAC Official Method 996.09, "Visual Immunoprecipitate Assay (VIP) for Detection of Enterohemorrhagic Escherichia coli 0157:H7 in Selected Foods: Collaborative Study" Philip T. Feldsine, Maria T. Falbo-Nelson, Sharol L. Brunelle, and Robin L. Forgey, Journal of AOAC, Vol. 80, No. 3, 1997.

~~(38)~~<sup>(35)</sup> Additional methods and analyses shall be those that achieve at least "First Action" status as an AOAC Official Method, or are introduced through expert testimony, opinion and other relevant evidence where the trier of fact determines that the testimony, evidence or opinion is otherwise admissible under Florida law.

~~(39)~~<sup>(36)</sup> If one of the test methods in this section is used in an administrative or judicial enforcement proceeding, then, in addition to its rights to challenge the legal validity of the rule, the respondent or defendant may, in its defense, present competent substantial evidence relating to the accuracy or scientific validity of the test results, the test method, or both. Only if the respondent or defendant fails to present such evidence, shall such accuracy, scientific validity, or both, be presumed.

Specific Authority 601.10(1),(7), 601.11, 601.24, 601.25 FS. Law Implemented 601.02(5) FS. History—New 4-12-90, Amended 6-11-91, 3-20-94, 8-22-95,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mia L. McKown, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Standards for Fresh Squeezed Citrus Juices	20-49
RULE TITLES:	RULE NOS.:
Purpose	20-49.001
Definitions	20-49.002
Fresh Squeezed Citrus Juices	20-49.003
Wholesale Producers – Testing	20-49.004
Wholesale Producers – Inspections	20-49.005
Small Producers – Testing	20-49.006
Small Producers – Inspections	20-49.007
Retail Grocery Producers – Testing and Inspections	20-49.008
Fresh Orange Juice Marked with Florida Citrus Growers' Certification Mark	20-49.009
Fresh Grapefruit Juice Marked with Florida Citrus Growers' Certification Mark	20-49.010

PURPOSE AND EFFECT: Would establish standards and regulations relating to fresh squeezed citrus juices.

SUMMARY: Establishes standards and regulations relating to fresh squeezed citrus juices.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.44, 601.53, 601.54 FS.

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

TIME AND DATE: 9:00 a.m., November 22, 2000

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULES IS:

20-49.001 Purpose.

The purpose of this section is to regulate all fresh squeezed citrus juices.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New \_\_\_\_\_.

20-49.002 Definitions.

(1) Fresh – The term fresh, when used on the label or in labeling of a food in a manner that suggests the food is unprocessed, means the food is in its raw state and has not been frozen or subjected to any form of thermal processing or any other form of preservation. At all times this definition and its application to fresh citrus juice must be consistent with the definition established by the Food and Drug Administration, 21 CFR 101.95, revised April 1, 2000, incorporated herein by reference.

(2) Wholesale Producer – A Wholesale Producer includes all Florida producers of fresh squeezed citrus juices, that each season process juice from 30,000 boxes or more of citrus fruit.

(3) Small Producer – Gift Fruit Shippers as defined in 601.03(20), Florida Statutes, and roadside retail fruit stand operators, as defined in 20-44.006, F.A.C., engaged in the production of fresh squeezed citrus juices and process less than 30,000 boxes of citrus fruit per season. All producers in the category shall possess a food permit issued by the Florida Department of Agriculture and Consumer Services (hereafter “FDACS”) pursuant to the provisions of 5K-4, F.A.C.

(4) Retail Grocery Producer – Retail grocery producers, as defined in section 20-44.006, F.A.C., who produce fresh citrus juices on its premises and sell one hundred percent (100%) of said fresh squeezed citrus juices directly to the consumer. All producers in this category shall possess a food permit issued by FDACS pursuant to the provisions of 5K-4, F.A.C.

(5) Product – The term Product shall mean fresh squeezed citrus juices. The words “fresh squeezed” or “freshly squeezed” or “fresh” may be used to describe product conforming to this rule.

(6) Establishment – The term establishment shall reference the Wholesale Producer, Small Producer and Retail Grocer’s facility and/or place of business.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New \_\_\_\_\_.

20-49.003 Fresh Squeezed Citrus Juices.

The provisions of this section shall apply to all fresh citrus juices that have not been frozen or treated to reduce the enzymatic activity and the number of viable microorganisms.

(1) Product shall only be made from the unfermented juice of mature citrus fruit.

(2) The Product shall not contain soluble solids recovered by aqueous extraction of washing of fruit pulp.

(3) Addition of a sweetening ingredient or any other additive to the Product is not permitted.

(4) The producers’ Product and producers’ establishment shall be subject to regular inspection by the FDACS or its agents.

(5) Product that is packaged into a retail container must be bottled in the same establishment in which it was extracted and shall remain under the control of one single producer. Under no circumstances shall Product be transported in bulk containers or tankers to be bottled at another location.

(6) The package or container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale, and such date shall not exceed 17 days from the time of extraction. This provision shall not apply to product packed by any person who packs for retail sale directly to consumer, not for resale.

(7) Upon meeting juice content requirements prior to August 1, fruit designated for the purpose of cold storage and used in the production of fresh citrus juice shall not be subject to retesting for juice content at the time of removal from cold storage.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New \_\_\_\_\_.

20-49.004 Wholesale Producers – Testing.

This section regarding testing shall be applicable to Wholesale Producers of fresh citrus juice.

(1) All Wholesale Producers must document compliance with all applicable state and federal food safety and labeling requirements.

(2) All Wholesale Producers must have, maintain and follow a food safety plan that is based on Hazard Analysis Critical Control Point (HACCP) principles. This plan must be reviewed by Florida Department of Agriculture and Consumer Services (hereafter “FDACS”), the applicable regulatory agency or a firm accredited by the International HACCP Alliance. Such plan shall incorporate a microbiological testing program. Such documentation must be on file at each producer’s facility. These plans must be reviewed every 12 months or each time an operational modification changes the producing establishment’s hazard analysis.

(3) All Wholesale Producers must abide by all applicable Good Manufacturing Practices contained in 5K-4, F.A.C. and 21 CFR 110, revised April 1, 2000, and incorporated herein by reference.

(4) All Wholesale Producers must test for *Salmonella*, *E.coli* and other pathogenic microorganisms as required by applicable regulatory agencies. Microbiological results must be available for each production lot or day’s production, whichever is less. Microbiological testing records must be maintained on the producing establishment’s premises for one

year, and shall be available for review by FDACS or United States Department of Agriculture (hereafter "USDA") during normal operating hours.

(5) Any positive detection of *Salmonella*, *E.coli* or other pathogenic microorganisms in a wholesale operation shall require notification to USDA and FDACS, Division of Food Safety, within 24 hours of the positive detection. If Product is still located in the producing establishment, it shall be placed on hold pending appropriate response from FDACS.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New \_\_\_\_\_.

#### 20-49.005 Wholesale Producers – Inspections.

This section regarding the inspections shall be applicable to Wholesale Producers of fresh squeezed citrus juices.

(1) All inspections and audits shall be performed by or under the authority of FDACS.

(2) All wholesale production establishments shall be inspected according to sections 2.2.1 through 2.2.58, July 1996, and 3.2.7a – 3.2.7o, June 1996, of the Citrus Handbook of the Processed Citrus Branch, Fruit and Vegetable Division, United States Department of Agriculture, incorporated herein by reference.

(3) All Wholesale Producers shall be subject to full-time inspection by FDACS or its agent.

(4) The following specific Good Manufacturing Practices, in addition to those contained in 5K-4, F.A.C., and 21 CFR 110, revised April 1, 2000, incorporated herein by reference, shall be applicable:

(a) All soil, debris, stems, leaves, etc. must be removed from the fruit.

(b) All whole and intact fruit shall be washed, sanitized and/or surface heat-treated immediately prior to extraction.

(c) All fruit that has been in cold storage shall be resanitized and regraded. All soft or unwholesome fruit shall be discarded.

(d) All belts and rollers must be maintained free of soil, wax, dirt and extraneous material.

(e) The entire wash area shall, at all times, be maintained free of excess debris, pests and standing water.

(f) Grading must eliminate damaged, defective, soft or decayed fruit.

(g) Drops, fruit from the ground, may not be used in the production of fresh citrus juice.

(h) Any fruit which originated in a grove fertilized with manure products (poultry or otherwise) shall not be accepted for extraction to be made into fresh citrus juice.

(i) The processing and filling area shall be completely enclosed and meet the structural requirements for food processing areas as defined in 5K-4, F.A.C. and 21 CFR 110, revised April 1, 2000, incorporated herein by reference.

(j) All fruit contact surfaces must be cleaned and sanitized after production and prior to startup. Appropriate cleaning and sanitizing agents must be used as prescribed by the equipment manufacturer for the specific use.

(k) If product residues or buildup of organic matter remain on equipment, additional chemical treatment shall be used to remove such residues or buildup.

(l) All lubricants must be food grade only, as found in 21 CFR 178.3570, revised April 1, 2000, incorporated herein by reference.

(m) Back-siphonage protection devices must be provided on any water outlet where a hose can be connected.

(n) A contingency plan for in-line and surge tank juice during breakdowns must be in place. Cleaning and sanitizing procedures must be performed prior to restarting operation after extended breakdowns.

(o) All juice containers must, at all times, be sanitarily handled and protected from contamination. Containers must be covered when removed from protection if not used immediately.

(p) Certificates for a potable water supply shall be obtained from the Florida Department of Health (hereafter "DOH") approved laboratory on an annual basis prior to the start of the season.

(q) As to personnel and sanitary establishments, Wholesale Producers shall meet all applicable state and federal regulations with respect to cleanliness and disease and pest control.

(r) All Wholesale Producers shall establish and maintain records that:

1. Identify the source of the fruit used in the juice production by date and variety; and

2. Identify microbiological test results to date of production, fruit source and juice type; and

3. Implement a corrective action plan for unsafe products.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New \_\_\_\_\_.

#### 20-49.006 Small Producers –Testing.

This section regarding testing shall be applicable to Small Producers of fresh citrus juices.

(1) All Small Producers must document compliance with all applicable state and federal food safety and labeling requirements. The Small Producers must possess a current food permit issued by FDACS' Division of Food Safety.

(2) All Small Producers shall have, maintain and follow a food safety plan that is based on Hazard Analysis Critical Control Point (HACCP) principles. This plan must be reviewed by FDACS, the applicable regulatory agency or a firm accredited by the International HACCP Alliance. Such plan shall incorporate a microbiological testing program. Such documentation must be on file and a certificate shall be

displayed at each Producer's establishment. The plans must be reviewed every 12 months or each time an operational modification changes the Producer's hazard analysis.

(3) All Small Producers must abide by all applicable Good Manufacturing Practices contained in 5K-4, F.A.C. and 21 CFR 110, revised April 1, 2000, incorporated herein by reference.

(4) As to microbiological testing the following shall apply:

(a) All Small Producers shall test the juice for *E.coli* as an indicator of process control minimally once weekly. This test may be

1. a rapid test approved by, FDACS; or

2. an internal laboratory test (using a FDOC approved testing method as defined in 20-14, F.A.C.); or

3. a test conducted by an outside laboratory (using a FDOC approved method as defined in 20-14, F.A.C.).

Records of all microbiological testing, including *E.coli* testing, must be maintained on the producing establishment's premises for one year and shall be available for review by FDACS or its agent during normal operating hours.

(b) Any positive detection of *E.coli* or other pathogenic microorganism in a Small Producer's product shall require notification to FDACS within 24 hours of the positive detection.

(c) All Small Producers shall be subject to additional microbiological testing by FDACS.

(5) Any Small Producer, which wholesales any quantity of fresh citrus juice, is required to conduct two forms of microbiological testing. These producers must test for *E.coli* on each production lot or day's production, whichever is less. These *E.coli* tests may be the same rapid *E.coli* tests mentioned in 20-49.006(4). Additionally, these producers must test for Salmonella, using an outside laboratory (using an FDOC approved method as defined in 20-14, F.A.C.) minimally monthly. Microbiological testing records must be maintained on the producing establishment's premises for one year, and shall be available for review by FDACS during normal operating hours.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New \_\_\_\_\_.

#### 20-49.007 Small Producers – Inspections.

This section regarding inspections shall be applicable to Small Producers of fresh citrus juices.

(1) Sanitation inspections will be performed by FDACS' Division of Food Safety. Small Producers may receive three or more complete sanitation inspections during their season of operation. Prior to September 15 of each season, each Small Producer shall notify FDACS, Division of Food Safety, of its months of operation and the typical time of day that fresh juice is made.

(2) FDACS' or an approved agent of FDACS' will perform monthly audits of Small Producers. Such audits will cover quality control records (HACCP or otherwise) and food safety check points (supplied by the FDACS' Division of Food Safety). The purpose of these audits is to verify that procedures are being followed and recorded. FDACS' or the approved agent of FDACS shall report any deviation of rule compliance or suspect situation to FDACS' Division of Food Safety.

(a) The cost of audits shall be the responsibility of the Small Producer. Audit contract services may be negotiated by trade groups and operated with notification to FDACS.

(b) For the first year, a fee structure through FDACS' Division of Fruits and Vegetables shall be established. Division HACCP trained inspectors shall perform the audits. This program shall be evaluated on a yearly basis. To fund this effort a fee shall be paid on all volume of fruit sold in fresh form and fresh juice form by each Small Producer.

(3) The following specific General Manufacturing Practice's, in addition to those contained in 5K-4, F.A.C. and 21 CFR 110 revised, April 1, 2000, incorporated herein by reference, shall apply:

(a) All soil, debris, stems, leaves, etc. must be removed from the fruit.

(b) All whole and intact fruit shall be washed, sanitized and/or surface heat-treated immediately prior to extraction.

(c) All fruit that has been in cold storage shall be resanitized and regraded. All soft or unwholesome fruit shall be discarded.

(d) All whole and intact fruit shall be washed, sanitized and/or surface heat-treated in accordance with the Florida Department of Citrus Guidance Document for Retail and Roadside Fresh Citrus Juice Producers.

(e) Sanitized fruit must be maintained in a sanitary storage room or container until extraction.

(f) All belts and rollers must be maintained free of soil, wax, dirt and extraneous material.

(g) The entire wash area shall be at all times maintained free of excess debris, pest and potential pest harborage – including standing water.

(h) Grading must eliminate damaged, defective, soft or decayed fruit.

(i) Drops, fruit from the ground, may not be used in the production of fresh juice.

(j) Any fruit that originated in a grove fertilized with manure products (poultry or otherwise) shall not be accepted for extraction.

(k) The extraction and filling areas shall be completely enclosed and meet the structural requirements for food processing area as required by 5K-4, F.A.C. and 21 CFR 110, revised April 1, 2000, incorporated herein by reference.

(l) A roof must cover all fruit conveyances.

(m) All lubricants must be food grade only, as found in 21 CFR 178.3570, revised April 1, 2000, incorporated herein by reference.

(n) All fruit contact surfaces must be cleaned and sanitized after production and prior to startup. Appropriate cleaning and sanitizing agents must be used as prescribed by the equipment manufacturer for the specific use.

(o) Back-siphonage protection devices must be provided on any water outlet where a hose can be connected.

(p) All juice containers must be sanitarily handled and protected from contamination, at all times. When removed from protective wrap, containers must be covered, if not used immediately.

(q) A trained employee of the producing establishment must administer the extraction and sanitation processes. Customers shall not be permitted to produce and bottle juice under any circumstance.

(r) Water certificates shall be obtained from a "DOH" approved laboratory on an annual basis prior to start of the citrus season.

(s) As to personnel and sanitary facilities, the Small Producer shall meet all GMP's and applicable state and federal regulations with respect to cleanliness and disease and pest control.

(t) All Small Producers, which wholesale any quantity of fresh citrus juice, shall be inspected according to sections 2.2.1 through 2.2.58 July 1995 and 3.2.7 and through 3.2.7o, June 1996, of the Citrus Handbook of the Processed Citrus Branch, Fruit and Vegetable Division, United States Department of Agriculture, incorporated herein by reference.

(u) Small Producers shall establish and maintain records that:

1. Identify the source of the fruit used in the juice production by date and variety; and
2. Identify microbiological test results to date of production, fruit source, and juice type; and
3. Implement a corrective action plan for unsafe products.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New \_\_\_\_\_.

#### 20-49.008 Retail Grocery Producers – Testing and Inspections.

This section regarding testing and inspections shall be applicable to retail grocery producers of fresh citrus juices.

(1) Retail Grocery Producers shall be inspected for sanitation and good manufacturing practices by FDACS. The Retail Grocery Producers must possess a current food permit issued by FDACS' Division of Food Safety.

(2) Producers categorized as "retail grocery producers" as a result of selling 100% of their fresh juice directly to the consumer shall be subject to inspection by FDACS during

normal operating hours. Such inspection may include the collection and shipping of juice samples for microbiological testing.

(3) All fruit to be used by the Retail Grocery Producer in the production of fresh citrus juice shall be purchased from a licensed packinghouse. All such fruit shall have been washed, sanitized and/or surface treated in accordance with *Guidance Document for Retail Roadside Fresh Citrus Juice Producers, June 30, 1999.*

(4) All fruit to be used in the production of fresh citrus juice shall be stored in a sanitary cooler and refrigerated at a temperature 41°F (5°C) or less, separate and apart from any other food product.

(5) All fruit shall remain in unopened cartons as received from packer until ready for juice extraction.

(6) Fruit shall not be removed from retail bulk bins and then used in the production of fresh juices, unless recleaned and sanitized. Fruit used in the production of juice shall not have contact with the general public.

(7) A final hand-grade shall be performed prior to use of the fruit for extraction.

(8) The extractor shall be cleaned following the manufacturer's recommended methods and intervals. A record of the cleaning and maintenance shall be maintained and made available to FDACS during normal operating hours.

(9) A trained employee of the producing establishment shall administer the extraction and sanitation process. Customers shall not be permitted to produce and bottle juice under any circumstance.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New \_\_\_\_\_.

#### 20-49.009 Fresh Orange Juice Marked with Florida Citrus Growers' Certification Mark.

In addition to the provisions of sections 20-49.001 through 20-49.008 of this chapter, the following provisions shall apply to all single strength "ready-to-drink" orange juice that has not been frozen or treated to reduce the enzymatic activity and the number of viable microorganisms, and which bears the Florida Citrus Growers' certification mark under Chapter 20-109, F.A.C.

(1) There shall be one Florida grade for such product, Florida Grade A, for which factors of color, flavor and absence of defects shall be scored in a manner identical to the United States Department of Agriculture adopted U. S. Grade Standards for Pasteurized Orange Juice in United States Standards for Grades of Orange Juice, Sections 52.1551 through 52.1559, effective January 10, 1983, using the following score chart:



SCORE CHART FOR FLORIDA GRADE A  
ORANGE JUICE

	Pts Maximum	
<u>Color</u>	<u>40</u>	<u>32-40</u>
<u>Absence of Defects</u>	<u>20</u>	<u>18-20</u>
<u>Flavor</u>	<u>40</u>	<u>36-40</u>
<u>Minimum Score</u>		<u>86</u>

(2) Product shall only be made from the unfermented juice of mature oranges of the species *Citrus sinensis*.

(3) For the period August 1 through November 30, the percent by weight of orange juice soluble solids shall be not less than 10 percent and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than 10.5 to 1 nor greater than 19.5 to 1. For the period December 1 through July 31, the percent by weight of orange juice soluble solids shall be not less than 11.0 and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than 12.5 to 1 nor greater than 19.5 to 1.

(4) The Product shall not contain soluble solids recovered by aqueous extraction of washing of fruit pulp.

(5) Addition of a sweetening ingredient or any other additive is not permitted.

(6) The Product shall be subject to regular inspection by the Florida Department of Agriculture and Consumer Services or its agents.

(7) The package or container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale; such date shall not exceed 17 days from the time of extraction. In lieu thereof, the package may be legibly labeled with a disclosure of the date the juice is extracted.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New \_\_\_\_\_.

20-49.010 Fresh Grapefruit Juice Marked with Florida Citrus Growers' Certification Mark.

In addition to the provisions of Sections 20-49.001 through 20-49.008 of this chapter, the following provisions shall apply to all single strength "ready-to-drink" grapefruit juice that has not been frozen or treated to reduce the enzymatic activity and the number of viable microorganisms, and which bears the Florida Citrus Grower's certification mark under Chapter 20-109, F.A.C.

(1) Only fresh grapefruit juice meeting U. S. Grade A standards, as prescribed in United States Standards for Grades of Grapefruit Juice, 52 CFR 1221 through 52 CFR 1230, effective September 12, 1983, and incorporated herein by reference, shall be qualified to carry the Florida Citrus Growers' certification mark.

(2) Product shall only be made from the unfermented juice of mature grapefruit of the species *Citrus paradisi*.

(3) The Product shall not contain soluble solids recovered by aqueous of washing of fruit pulp.

(4) Addition of sweetening ingredient or any other additive is not permitted.

(5) The Product shall be subject to regular inspection by FDACS or its agents.

(6) The package or container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale; such date shall not exceed 17 days from the time of extraction. In lieu thereof, the package may be legibly labeled with a disclosure of the date the juice is extracted.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mia L. McKown, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel

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

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

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Standards for Processed Citrus Products	20-64
RULE TITLES:	RULE NOS.:
Orange Juice	20-64.0081
Orange Juice Marked with Florida Sunshine Tree or Florida Citrus Growers' Certification Mark	20-64.0082
Sanitary Requirements	20-64.020

PURPOSE AND EFFECT: Would remove regulations relating to fresh squeezed citrus juices from this chapter dealing with processed citrus products. Petition for rule amendment filed by Florida Gift Fruit Shippers Association and Florida Citrus Packers asks that these regulations be rewritten an rule chapter relating specifically to fresh squeezed citrus juices.

SUMMARY: Removes standards and regulations relating to fresh squeezed citrus juices from rule chapter dealing with processed citrus products.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.48 FS.

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

TIME AND DATE: 9:00 a.m., November 22, 2000

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULES IS:

20-64.0081 Orange Juice.

~~The provisions of this section shall apply to all single strength "ready-to-drink" orange juice that has not been frozen or treated by heat to reduce the enzymatic activity and the number of viable microorganisms.~~

~~(1) Product shall only be made from the unfermented juice of mature oranges of the species *Citrus sinensis*.~~

~~(2) The product shall not contain soluble solids recovered by aqueous extraction of washing of fruit pulp.~~

~~(3) Addition of a sweetening ingredient or any other additive is not permitted.~~

~~(4) The product shall be subject to regular inspection by the Florida Department of Agriculture and Consumer Services or its agents.~~

~~(5) The package or container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale, and such date shall not exceed 17 days from the time of packaging. Provided, however, that in the case of product which is packaged utilizing an extended shelf life packaging system as described in subsection (6) below, the container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale. In lieu thereof, the package may be legibly labeled with a disclosure of the date the juice is extracted. This provision shall not apply to product packed by any person who:~~

~~(a) Extracts juice from less than 50,000 boxes of citrus fruit per season, and~~

~~(b) Packs for retail sale directly to consumer, not for resale, and~~

~~(c) Such sale is made from the same premises where the juice is extracted or sale is made from a retail establishment owned by such person and located within 50 miles from where the juice is extracted.~~

~~(6) An extended shelf life packaging system utilizes a package which is hermetically sealed, sterilized, and is impermeable to oxygen. The container is filled in a sterile atmosphere to prevent microbiological contamination. When subjected to conditions of anticipated commercial usage, the package system shall permit the product to maintain essential quality characteristics without substantial degradation over the period of time specified for the package.~~

~~(7) The words "fresh squeezed" or "freshly squeezed" or "fresh" may be used to describe orange juice.~~

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New 12-22-87, Amended 2-21-93, Repealed \_\_\_\_\_.

20-64.0082 Orange Juice Marked with Florida Sunshine Tree or Florida Citrus Growers' Certification Mark.

~~The provisions of this section shall apply to all single strength "ready-to-drink" orange juice that has not been frozen or treated by heat to reduce the enzymatic activity and the number of viable microorganisms, and which bears the Florida Sunshine Tree certification mark under Department of Citrus Rule Chapter 20-94, or the Florida Citrus Growers' certification mark under Department of Citrus Rule Chapter 20-109.~~

~~(1) There shall be one Florida grade for such product, Florida Grade A, for which factors of color, flavor and absence of defects shall be scored in a manner identical to the United States Department of Agriculture adopted U. S. Grade Standards for Pasteurized Orange Juice in United States Standards for Grades of Orange Juice, Sections 52.1551 through 52.1559, effective January 10, 1983, using the following score chart:~~

SCORE CHART FOR FLORIDA GRADE A ORANGE JUICE

	Pts Maximum	
Color	40	32-40
Absence of Defects	20	18-20
Flavor	40	36-40
Minimum Score		86

~~(2) Product shall only be made from the unfermented juice of mature oranges of the species *Citrus sinensis*.~~

~~(3) For the period August 1 through November 30, the percent by weight of orange juice soluble solids shall be not less than 10 percent and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than 10.5 to 1 nor greater than 19.5 to 1. For the period December 1 through July 31, the percent by weight of orange juice soluble solids shall be not less than 11.0 and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than 12.5 to 1 nor greater than 19.5 to 1.~~

~~(4) The product shall not contain soluble solids recovered by aqueous extraction of washing of fruit pulp.~~

~~(5) Addition of a sweetening ingredient or any other additive is not permitted.~~

~~(6) The product shall be subject to regular inspection by the Florida Department of Agriculture and Consumer Services or its agents.~~

~~(7) The package or container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale; such date shall not exceed 17 days from the time of packaging. Provided, however, that in the case of a~~

product which is packaged utilizing an extended shelf life packaging system as described in Department of Citrus rule subsection 20-64.0081(6), the container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale. In lieu thereof, the package may be legibly labeled with a disclosure of the date the juice is extracted.

(8) The words "fresh squeezed" or "freshly squeezed" or "fresh" may be used to describe product conforming to this section.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New 12-22-87, Amended 8-23-93, 10-28-97, 1-24-99, Repealed \_\_\_\_\_.

#### 20-64.020 Sanitary Requirements.

(1) The sanitary requirements as prescribed in sections 2.2.1 through 2.2.58, July 1996 and sections 3.2.7a through 3.2.7o, June 1996 of the Citrus Handbook of the Processed Products Branch, Fruit and Vegetable Division, United States Department of Agriculture, shall be the governing regulations for sanitary conditions in Florida citrus processing plants.

#### (2) Exceptions:

The provisions of subsection (6) shall not apply to:

(a) Products being shipped or transported entirely within the state of Florida between licensed citrus processors in Florida for further processing which will include pasteurization or other approved kill step.

(b) Gift fruit shippers, retail processors, and roadside stand operators engaged in the production of fresh squeezed unpasteurized juice and who squeeze less than 30,000 boxes annually, when said shippers, processors, and operators possess a food permit issued by the Department of Agriculture and Consumer Services pursuant to the provisions of section 5K-4.020, F.A.C.

(2)(3) Processed citrus products found upon inspection to contain foreign materials which render the product unfit for human consumption, shall be seized, condemned and destroyed. The shipper or processor shall be notified in writing, at least ten days prior to destruction, that such products have been seized and condemned, to allow sufficient time to request and perfect an appeal, appropriate under provisions of United States Department of Agriculture regulations. If no appeal is entered, or on appeal the inspector's findings are sustained, such product shall be immediately destroyed.

(3)(4) Destruction of processed citrus products for reasons of unfitness for human consumption shall be made by the processor, at his expense, and under the supervision of an authorized inspector.

(4)(5) The requirements of this rule do not excuse failure of compliance with provisions of the Federal Food, Drug and Cosmetic Act.

(6) In addition to the provisions of subsections (1) through (5), the following good manufacturing practices as well as those described in Title 21, Code of Federal Regulations, Part

110, April 1, 1994 edition, incorporated herein by reference, shall apply to facilities preparing single strength "ready-to-drink" citrus juices that will not be treated by heat or other approved kill step to reduce the enzymatic activity and the number of viable microorganisms:

#### (a) Wash Area:

1. Acid wash fruit and roller brush, or use other commercially equivalent cleaning method to remove soil, debris, etc., from fruit.

2. Use a minimum 200 ppm hypochlorite rinse or other commercially equivalent bactericide as prescribed by the manufacturer's label.

3. Water rinse just prior to entry into process area to remove all sanitizer/acid wash residues and to avoid potential for recontamination.

4. Belts/rollers/brushes/conveyers to be maintained free of soil, dirt and extraneous material; minimum of a weekly cleaning and sanitization of all above required.

5. Entire wash area maintained free of excess debris, pest and potential pest harborage including standing water.

6. Grading must eliminate unacceptable fruit, i.e. fruits with cuts, splits, punctures, black heart, and other defects that may allow pathogenic microorganisms to contaminate the interior of the fruit. Drops are unacceptable for use in unpasteurized products.

#### (b) Process Area:

1. Process area must be completely enclosed, i.e. protected from outside environment and must meet minimum structural and equipment sanitation requirements for food processing areas as described in sections 5K-4.002 and 5K-4.004, Florida Administrative Code.

2. All food contact surfaces must be cleaned and sanitized after production and prior to start up.

3. Appropriate cleaning and sanitizing agents must be used as prescribed by the equipment manufacturers for the specific finished food product. Effectiveness of cleaning and sanitizing procedures must be verified and documented by the plant's own quality control program or, HACCP program, or good manufacturing practices as described in Title 21, Code of Federal Regulations, Part 110, April 1, 1994 edition.

4. If product residues or buildup of organic matter remain on equipment, additional chemical treatment shall be used to remove such residues or buildup.

5. All lubricants must be food grade only, as approved by USDA.

6. Back-siphonage protection devices must be provided on any water outlet where a hose can be connected.

#### (c) Finished Product Requirements:

~~1. A contingency plan for in-line and surge tank juice during breakdowns must be in place to get juice chilled or disposed of. Cleaning and sanitizing procedures must be performed prior to restarting operation after extended breakdowns.~~

~~2. Filling area must be protected from the outside environment similar to processing area.~~

~~3. Containers must be sanitarily handled and protected from contamination, at all times.~~

~~4. When containers are removed from protective wrap, they must be covered, if not immediately used.~~

~~5. Finished product must immediately be moved to cold storage.~~

~~(d) Quality Control Procedures:~~

~~1. Water certificates shall be obtained from a HRS approved laboratory on an annual basis.~~

~~2. Finished product — A documented quality control program shall be established to ensure that product without a microbiological safety barrier, i.e. no heat treatment, is monitored for food safety. The program must include a microbiological monitoring component, using standard plate count, coliforms, and E.coli as indicators of process control, that is sufficient to establish a base line for the specific plant's process to ensure freedom from potential pathogenic microorganisms. Each production lot or each day's production (whichever is less) shall be monitored for compliance with the base line data previously established for the processing plant.~~

~~3. Quality control records and records of process deviation shall be maintained after processing for a minimum of 90 days for fresh product and for two years for frozen product, and shall be readily available for inspection by United States Department of Agriculture or other authorized state or federal personnel.~~

~~4. Establish a record keeping system that will:~~

~~a. Track finished products to fruit used in production.~~

~~b. Tie products to specific periods of production.~~

~~c. Enable a recall procedure for unwholesome/unsafe products.~~

~~5. Upon a finding of a pertinent pathogenic microorganism associated with a product in distribution immediate notice shall be made to the United States Department of Agriculture or other agencies as provided by law.~~

~~(e) Personnel and Sanitary Facilities: Plant shall take all reasonable measures and precautions to ensure that good manufacturing practices are followed with respect to cleanliness and disease control.~~

~~(7) Imported Juices: Fresh squeezed, non-pasteurized, single strength citrus juices imported from locations outside the state of Florida for further manufacturing or repackaging shall not be packaged, sold, or blended with other citrus products in this state unless such imported juices are first tested, after arrival in Florida, at a minimum, for the presence~~

~~of Salmonella, pathogenic E. coli, i.e., E. coli 0157:H7, to ensure freedom from potential pertinent human pathogenic microorganisms.~~

~~Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.44, 601.53, 601.54 FS. History—Formerly 105-1.19(5), Revised 1-1-75, Formerly 20-64.20, Amended 2-20-96, 6-8-97, 5-14-00.~~

~~NAME OF PERSON ORIGINATING PROPOSED RULE: Mia L. McKown, General Counsel~~

~~NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel~~

~~DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2000~~

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

**DEPARTMENT OF CORRECTIONS**

**RULE TITLE:** Employee Grooming, Uniform and Clothing Requirements **RULE NO.:** 33-208.101

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to specify requirements for the wearing of department uniforms.

**SUMMARY:** The proposed rule defines the types of uniforms to be worn by correctional officers for different functions, clarifies the responsibility for laundering issued clothing items, and reorganizes existing rule provisions for clarity.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** None.

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

**SPECIFIC AUTHORITY:** 944.09 FS.

**LAW IMPLEMENTED:** 20.315, 944.09 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:** Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

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

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) through (2) No change.

(3) The following are conditions and requirements for wearing department uniforms:

(a) No change.

(b) The uniform, when required of the position, shall be worn in a complete or full manner at all times while an employee is performing official duties. Uniforms are to be

issued as soon as possible after employment. Correctional officers may be issued class A, B, C, D, E, F or G uniforms depending upon their assignment. The uniform or any parts of it furnished by the department are not to be worn during off-duty hours or when an employee is not acting in an official capacity except when traveling directly to and from work. No part of the uniform may be duplicated by an employee for any purpose.

(c) At all times, uniforms are to be in serviceable condition, neat in appearance, clean and properly worn as provided in this rule. Uniforms will be starched and neatly pressed. All foot wear shall be shined to a high gloss, except that medical staff are authorized to wear shoes that present a clean white appearance that may have a flat finish.

(d) Employees are solely responsible for alterations to and the care of uniforms and clothing issued by the department. Instructions for care which are attached to each item of clothing should be followed. Unless specified otherwise, the laundering and cleaning of clothing items issued to employees is the responsibility of the employee. The laundering and cleaning of correctional officer class A, B, C, D, F, and G uniforms is the responsibility of the employee; ~~however, the laundering and cleaning of clothing items issued to other employees is the responsibility of the department.~~ The department shall be responsible for the cleaning of the class E or battle dress utility uniforms issued to correctional emergency response teams, confrontation control force, shotgun and chemical agent teams, ~~and for the cleaning of other required items of clothing furnished by the department,~~ but the cleaning shall not be performed at the institution. Any items of department issued clothing, including correctional officer uniforms, which have been contaminated by blood or other body fluids shall be left at the institution to be laundered at an outside facility to prevent contamination outside the work area. All contaminated items shall be kept together apart from non-contaminated laundry and shall be clearly marked as contaminated for transmission to a professional laundering service. Contaminated items shall be placed in a water soluble bag and then placed in a yellow plastic bag labeled "Contaminated Linen" and sealed shut. Personnel handling the yellow bag during transport to the commercial laundry shall wear disposable latex gloves and shall inform personnel at the commercial laundry that the items in the bag are contaminated. Employees shall bear the cost of replacements of items lost or damaged due to improper use, care or maintenance of the item. ~~Instructions for care which are attached to each item of clothing should be followed.~~ Restitution is to be in the amount equal to the cost of the articles of clothing lost or damaged, or equal to the cost of replacement, whichever is less.

(e) Uniforms and clothing issued by the department are the property of the state and must be returned to the department upon termination of employment. Employees shall be allowed to retain issued uniforms and clothing when transferring to

another institution of the department. The transferring employee must submit a list of department issued clothing in his possession and must make restitution for any lost or missing clothing which was issued prior to transfer. Unserviceable clothing shall be rendered unwearable by shredding after the removal of all patches destroyed by incineration.

(f) Jewelry. No necklaces, chains or medallions shall be worn around the neck such that they are visible while in uniform. The only visible jewelry allowed shall be wrist watches, wedding bands, engagement rings and earrings (females only). Female staff shall be allowed to wear post or clip-on earrings on the earlobes only. Only one pair of earrings will be worn at a time. For safety purposes, earrings shall not be hooped or dangling.

(g) Fingernails. Fingernails will be neatly trimmed and clean with no designs. Fingernails shall be rounded at the tips and shall not extend more than 1/4 inch past the end of the finger. Polish, if worn, shall be clear or solid in color. Only female officers are authorized to wear nail polish.

(h) Sunglasses with green, brown, black or gray lenses are authorized for wear out of doors. No neon (day glow) frames will be allowed. No mirrored sunglasses will be allowed.

(i) Hair length. Male correctional officers shall adhere to standards outlined in (2)(a). Female correctional officers will not wear their hair beyond the shoulders or yoke of the shirt. When wearing a hat, female officers will wear their hair in a manner so as not to interfere with the fit or proper wearing of the hat.

(j) Hair style. Hair will be clean, neat and present a groomed appearance. If the hair is dyed, only natural shades will be permitted. Hair clips or barrettes for female correctional officers shall blend in with the hair, i.e., gold, silver, black or brown of solid color.

(k) Safety equipment and clothing. Correctional officers shall wear safety equipment and apparel which is compatible with the needs of the officer's assignment.

(l) The following uniform accessories shall be provided by the correctional officer:

1. Shoes;

2. Boots (except for Rapid Response Teams, Canine, Boot Camp staff, and extended day staff.

3. Belts;

4. Socks or stockings;

5. Thermal gloves.

(4) The following provisions shall apply to employees in the positions of correctional officer colonel, correctional officer major, correctional officer captain, correctional officer lieutenant, correctional officer sergeant and correctional officer. For the purposes of this rule, "correctional officer" is used to refer to the individual position or the class which includes all of the above-listed positions.

(a) Class A Uniform. The correctional officer class A uniform issued by the department shall be worn only while performing official duties as determined by the warden. The class A uniform will be mandatory for all court appearances. The class A uniform will consist of:

1. Brown wool blend trousers with black stripes. One pair of correctional officer class A uniform wool blend trousers will be issued to be worn for official court appearances or other authorized functions.

2. White long sleeve shirt for correctional officer lieutenant and above and long sleeve silver tan shirt for correctional officers and sergeants. Hash marks to denote years of service will be worn on the left sleeve of the class A shirt. Each hash mark will denote three cumulative years of service with the agency. The hash marks will be affixed to the left sleeve with the lowest point one inch above the cuff seam angling backward and up at a forty five degree angle. The rear of the hash mark will align with the pressed crease of the shirt. The class A shirt ~~These shirts will be worn fully buttoned at all times with the exception of the top button which will not be buttoned except when a tie is worn.~~

(b) Class B Uniform. The correctional officer class B uniform shall consist of brown poly cotton trousers with a black stripe and white uniform shirt for lieutenant and above and silver tan uniform shirt for correctional officer and sergeant. The class B uniform will be worn for general institutional duties. The class B uniform will not be worn for court appearances.

(c) Class C Uniform. The correctional officer class C uniform issued by the department shall consist of poly cotton blend brown Battle Dress Utility (BDU) trousers and white uniform shirt for lieutenant and above and silver tan uniform shirt for correctional officer and sergeant. BDU trousers will be bloused military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDUs will not be worn with low cut shoes.

(d) Class D Uniform. The correctional officer class D uniform issued by the department shall consist of poly cotton blend brown Battle Dress Utility (BDU) trousers and white polo type shirt for lieutenant and above and silver tan polo type shirt for correctional officer and sergeant. POLO type shirts may only be worn with BDU trousers. Polo type shirts will include an embroidered correctional officer badge over the left shirt pocket. The badge will include the rank of the staff member. BDU trousers will be bloused military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDUs will not be worn with low cut shoes.

(e) Class E Uniform. The correctional officer class E uniform issued by the department shall be issued only to C.E.R.T and to the Rapid Response Team members which are baton squads, shotgun and chemical agent teams. The Class E uniform shall consist of a brown battle dress utility uniform for

baton squads, shotgun and chemical agent teams and black for C.E.R.T. with military style black jump or combat boots. These uniforms are only to be worn when the teams are responding to an emergency or during training. During training, the battle dress utility shirt is optional. T shirts can be worn for training. The department uniform cap shall be worn during training and other events when the helmet is not being worn. The caps and T shirts will be provided by the department and will match the battle dress utility pants which will be worn during training.

(f) Class F Uniform. The Class F uniform shall be issued to tracking canine officers and shall consist of:

1. Brown or camouflage BDU or brush pants. The camouflage color shall be appropriate for the surrounding terrain as determined by the warden.

2. Brown or camouflage battle dress utility shirt with:

a. Sleeves appropriate for the weather;

b. The correctional officer's first and last name embroidered (in gold for the brown shirt and in black for the camouflage shirt) above the right pocket;

c. K-9 embroidered on the back in gold on the brown shirt, optional in black for the camouflage shirt;

d. A department patch on the left shoulder with "Tracking Unit" embroidered underneath in gold for the brown shirt and in black for the camouflage; the department patch is not mandatory for the camouflage shirt.

e. A cross flags patch on the right shoulder for the brown shirt. The cross flags patch is not mandatory for the camouflage shirt.

f. During actual escape and recapture situations, canine staff may remove any reflective uniform items or any items that would interfere with the stealth of the camouflage uniform.

3. T-shirt (optional for field work only), khaki in color or camouflage to match the pants, with "K-9" embroidered on the back in gold for the khaki T-shirt and in black for the camouflage T-shirt;

4. A brown, green or camouflage (color appropriate for surrounding terrain as determined by the warden) field jacket (M-65 military battle dress utility);

5. A black (brown, green or sand option for camouflage) nylon or cloth pistol belt with handcuff case, glove pouch and holster;

6. Military-style combat, jump, or Hi-tech boot;

7. Brown or camouflage uniform cap (optional);

8. Brown or camouflage chaps may be issued to wear over pants legs;

9. Leather badge holder;

10. Heavy duty cut resistant utility gloves;

11. Tactical ballistic vest.

12. Black snakebite boots will be provided to K-9 program officers. Brown snakebite boots will be provided only when black is not available.

13. Components of the uniform shall not be mixed, i.e., camouflage pants, shirt and hat will be worn together as will the brown uniform. There will be no color mixing.

14. Wardens shall issue each officer assigned to the K-9 program a minimum of five pairs of pants, three long sleeve shirts and five short sleeve shirts.

(g) Class G Uniform. The Class G uniform will be issued to narcotic K-9 handlers and shall consist of blue six-pocket BDU style pants, which shall be worn bloused inside the boot. Blue polo style shirt. Insignias will be consistent for all handlers as determined by the Inspector General. Black nylon duty belt. Only department issued or approved items shall be worn on the belt. Black military-style jump boot (Hi-tech, Rocky, Bates); Black cut-resistant search gloves. Gloves will be full-fingered. Leather badge holder. Blue baseball-style cap with department insignia.

(h) The following items may be worn with the correctional officer uniform as defined below:

1.3. Brown outerwear coat – authorized for wear with class A, B, C, D, E, F, and G uniforms. Rank may be worn on the coat epaulettes.

2.4. Brown tie authorized for wear with the class A uniform only. Tie clasps or tie tacks shall either be plain or have a department emblem or insignia and must match the nameplate and rank insignia in color. The service pin shall be permitted to be worn as a tie tack.

3.5. Hat – authorized for wear with the class A, B, and C uniform. The hat is no longer a mandatory part of the Class A uniform. Officers who have been issued hats are authorized to wear them, but additional hats will not be ordered for issuance by the department. Excessive rolling of hats will not be permitted.

4. Uniform cap – authorized for wear with the Class A, B, C, D, E, F, and G uniform. Caps shall not be worn for formal occasions such as court appearances or funerals. The uniform cap shall be solid brown with a departmental emblem embroidered on the center front above the bill of the cap. Additional lettering, logos or rank insignia are not authorized on caps. The uniform cap will be furnished by the department.

5.6. Correctional officer badges. Badges shall be issued to all certified correctional officers regardless of their work location. Correctional officer badges will be issued by the department to be worn as part of the class A, class B, and class C uniform. The badge will be worn approximately one-half inch above the left shirt pocket centered on the fashion seam and affixed through the pre-sewn holes, or for uniforms without pre-sewn holes, affixed through the fabric. Wearing the department issued badge carries a significant responsibility. The wearer is not only representing the Department of Corrections, but the law enforcement community and the State

of Florida. The badge shall be routinely cleaned and presented in a manner so as to reflect the pride and professionalism of the Department of Corrections. Use of the issued badges as credentials for personal purposes is prohibited. Only badges issued by the department shall be used to conduct officially designated duties. The badge shall be 2-1/4" x 1-15/16" in size, silver colored metal for correctional officers and sergeants and gold color for lieutenants and above with black lettering, and pre-numbered with a pin clasp for securing to the shirt. The badges shall be issued to certified officers upon employment and will be not be provided to uncertified officers until after certification is received. Correctional officers shall be responsible for reimbursing the department for any issued badge which is lost. Issued badges are considered state property and, except for retirement under specific conditions, shall be returned to the department upon the officer's termination of employment with the department or removal from a position within the correctional officer class series. Correctional officers who retire from the department under honorable conditions and are eligible to retire under the State of Florida retirement system, including retirement under medical disability, shall be authorized to retain their issued badges. Correctional officers of any rank who are promoted, transferred, or otherwise relocated shall return their badges to the warden of the institution the staff member is departing. The institution receiving the staff member will issue a new badge to the officer from that institution's inventory. Badges will not be issued to canines.

6.7. Sergeant pin for correctional officer sergeants shall be worn on the collar military style with Class A, B, C, F, and G uniforms.

7.8. Gold colored lieutenant's bar for correctional officer lieutenants shall be worn on the collar military style with Class A, B, C, F, and G uniforms.

8.9. Gold colored captain's bar for correctional officer captains shall be worn on the collar military style with Class A, B, C, F, and G uniforms.

9.10. Gold colored major's insignia for correctional officer major shall be worn on the collar military style with Class A, B, C, F, and G uniforms.

10.11. Gold colored colonel's insignia for correctional officer colonel shall be worn on the collar military style with Class A, B, C, F, and G uniforms.

11.12. Nameplate – gold or silver to match rank insignia, shall contain the employee's last name and first two initials (rank abbreviation optional) shall be worn above the right pocket with Class A, B, and C uniforms.

12.13. No change.

13.14. Chrome whistle, as authorized by the warden, worn with Class A, B, C, F, and G uniforms. Whistles will be furnished by the department.

14.15. The department service pin is authorized to be worn above the nameplate with Class A, B, and C uniforms.

15.16: Correctional officer supervisors assigned as shift supervisors are authorized to wear the shift supervisor patch with Class A, B, and C uniforms. When worn, the shift supervisor patch will be sewn directly above the flag patch on the right shirt-sleeve.

16.17: The meritorious service pin (quality award) is worn over the right shirt pocket, one half inch above the nameplate, centered on the military crease (vertical fashion seam) with class A, B, and C uniforms. For those staff members who have service in excess of five years and are presently displaying a regular service pin as part of their uniform dress, the regular service pin will be relocated one half inch to the left of the military seam and the meritorious service pin will be displayed one half inch to the right of the military seam. Both pins will be situated one half inch above the nameplate. When additional department issued pins are worn, they will be displayed using the following formula: odd numbers of pins one half inch above the first row of pins and centered on the military crease; even numbers of pins one half inch above and centered over lower rows of pins.

17.18: E.R.T. pin will be issued to C.E.R.T., emergency response teams and canine teams for wear with class A, B and C uniforms. The E.R.T. and K-9 pins shall will be worn one half inch above the left shirt pocket and centered on the military crease. When both pins are worn, the C.E.R.T. pin will be worn one half inch above the left shirt pocket and the K-9 pin will be worn one half inch above the C.E.R.T. pin, both being centered on the military crease. Drill instructor pins (for basic training program officers only) will be worn one half inch above the left shirt pocket and centered on the military crease. If worn along with the E.R.T. K-9 and C.E.R.T. pins, the drill instructor pin will be worn one half inch above the E.R.T. K-9 pin. K-9 or other squad pins will no longer be worn on the uniform.

18.19: Flag patches shall be sewn one inch below the shoulder crease on the right shirt sleeve of the uniform shirt. When worn, the institutional rocker emblem shall be sewn or otherwise affixed directly over the department emblem on the left shirt sleeve.

20. through 22. renumbered 19. through 21. No change.

22.23: Shoes shall be black, plain-toed military style. Boots, including Hi-Tech types are permissible with uniform pants but are mandatory with BDU pants. The boots must be, including Hi-Tech types, provided they are black with a plain toe, regular heel, and no decorative stitching. Black side webbing inserts are permissible. Heels shall not exceed one and one half inches in height. All footwear must be capable of maintaining a high gloss.

24. through 27. renumbered 23. through 26. No change.

27. Brown department windbreaker – authorized to be worn with class B, C, D, E, F, or G uniform.

(i) The standard department issue of uniforms will be as follows:

1. One class A shirt with hash marks;
2. One pair of wool blend class A trousers;
3. Two pair of BDU trousers;
4. Two pair of polyester/cotton class B trousers;
5. Three uniform shirts;
6. Two polo type shirts;
7. One jacket;
8. One cap;
9. One glove pouch.

~~(b) Class B Uniform. The correctional officer class B uniform shall consist of all items included in the correctional officer class A uniform, except that the trousers will be made of a material compatible with the needs of the employee's assignment. Five uniform shirts and three pairs of class B uniform trousers will be issued per officer.~~

~~(5)1. All staff officers except those assigned to community correctional centers shall wear the correctional officer class shall wear the correctional officer uniform, while assigned to or performing the following functions:~~

- ~~a. Assignments within the secure perimeter and on the secure perimeter such as housing officer, internal security, and perimeter patrol;~~
- ~~b. Supervising a squad of inmates working outside the institution or facility;~~
- ~~c. Managing and operating the canine program of the institution;~~
- ~~d. Manning the vehicular sally port gate of the institution.~~

~~2. The uniform cap can be worn for daily wear with the class B uniform within the institution at the option of the correctional officer. The uniform cap shall be solid brown with a departmental emblem embroidered on the center front above the bill of the cap. Additional lettering, logos or rank insignia are not authorized on caps. The uniform hat shall be mandatory for all public and official appearances. The uniform cap will be furnished by the department.~~

~~3. Officers shall be allowed to wear the brown department windbreaker with the class B uniform.~~

~~(e) Jewelry. No necklaces, chains or medallions shall be worn around the neck such that they are visible while in uniform. The only visible jewelry allowed shall be wrist watches, wedding bands, engagement rings and earrings (females only). Female staff shall be allowed to wear post or clip on earrings on the earlobes only. Only one pair of earrings will be worn at a time. For safety purposes, earrings shall not be hooped or dangling.~~

~~(d) Fingernails. Fingernails will be neatly trimmed and clean with no designs. Fingernails shall be rounded at the tips and shall not extend more than 1/4 inch past the end of the finger. Polish, if worn, shall be clear or solid in color. Only female officers are authorized to wear nail polish.~~



(e) Sunglasses with green, brown, black or gray lenses are authorized for wear out of doors. No neon (day glow) frames will be allowed.

(f) Hair length. Male correctional officers shall adhere to standards outlined in (2)(a). Female correctional officers will not wear their hair beyond the shoulders or yoke of the shirt. When wearing a hat, female officers will wear their hair in a manner so as not to interfere with the fit or proper wearing of the hat.

(g) Hair style. Hair will be clean, neat and present a groomed appearance. If the hair is dyed, only natural shades will be permitted. Hair clips or barrettes for female correctional officers shall blend in with the hair, i.e., gold, silver, black or brown of solid color.

(h) Safety equipment and clothing. Correctional officers shall wear safety equipment and apparel which is compatible with the needs of the officer's assignment.

(i) The following uniform accessories shall be provided by the correctional officer:

1. Shoes;
2. Belts;
3. Socks or stockings;
4. Thermal gloves.

(6)(5) No change.

(6) Wardens are authorized to issue brown brush trousers and dark plain or camouflaged shirt to officers working with the canine program. Snake bite boots shall be provided by the department to canine program officers; snake bite boots shall be brown only when black is not available.

(7) Members of the institution's confrontation control force, shotgun and chemical agent teams will be issued a correctional officer class C uniform consisting of a brown or black battle dress utility uniform with military style black jump or combat boots. Team members shall be dressed in either black or brown. No other colors are authorized. These are to be worn when the teams are responding to an emergency or during training. During training, the battle dress utility shirt is optional. T-shirts can be worn for training. The department uniform cap shall be worn during training and other events when the helmet is not being worn. The caps and T-shirts will be provided by the department and will match the battle dress utility pants which will be worn during training.

(8) Correctional Emergency Response Teams will be issued correctional officer class C uniforms consisting of a SWAT black BDU shirt, trousers, and cap and a camouflage BDU shirt, trousers, and cap. The uniforms shall not be mixed. The black shirts, trousers, and cap shall be worn together, and the camouflage shirt, trousers and cap shall be worn together. Team members are also authorized to wear the Hi-Tech type boot. The Hi-Tech boot will be issued by the department. During training, a t-shirt which matches the trousers can be worn in place of the shirt.

(7)(9) The following guidelines shall apply to those correctional officers assigned to boot camp facilities and those staff assigned to supervise the basic training program for youthful offenders.

(a) Correctional officers assigned to supervise boot camp facilities or the basic training program shall wear the class C uniform class B trousers and military style black jump boots. The jump boots will be furnished by the department. ~~The trousers shall be tucked into the jump boots in a bloused, military fashion.~~

(b) through (f) No change.

(g) ~~Ties shall be worn by all correctional officers in the basic training program except drill instructors, work squad officers and staff supervising drill instruction or physical training.~~

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

(8)(10) Correctional officers assigned to food service will be required to wear the correctional officer class B or C uniform in accordance with (4)(b) and (c) of this rule except for court and special occasions where the food service officer will be required to wear the class A uniform. Smocks will be issued and shall be worn over the uniform for protection. Smocks shall be casual cabana style, silver-tan in color, with the Department of Corrections' emblem on the left sleeve. ~~One pair of class A trousers shall be issued and worn in accordance with (4)(a).~~

(11) through (12) renumbered (9) through (10) No change.

(11)(13) Forms. The following forms used in implementing the provisions of this rule are hereby incorporated by reference:

(a) Individual Clothing Record, DC2-816, effective \_\_\_\_\_ DC2-009 (12/79).

(b) Authorization for Uniform Replacement, DC2-817, effective \_\_\_\_\_ DC2-010 (12/79). A copy of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel business office of any institution and from the Bureau of General Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope.~~

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History-- New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bill Thurber, Richard Dugger

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 17, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLE: Probation and Restitution Centers
RULE NO.: 33-504.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct technical errors and clarify procedures relating to probation and restitution centers.

SUMMARY: The proposed rule corrects grammatical errors and titles, clarifies procedures relating to revocation and removal from placement and increases room and board fees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.026, 921.187, 948.03, 958.04 FS.

LAW IMPLEMENTED: 944.026, 921.187, 948.03, 958.04 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-504.101 Probation and Restitution Centers.

(1) General Policy.

(a) Probation and restitution centers are short term residential facilities which provide the courts with an alternative to committing offenders to more secure correctional institutions and provide assistance in the supervision of probationers and community controllees. The centers provide a controlled setting designed to prepare offenders for advancement or return to community supervision and for eventual release from supervision.

(b) Probation and restitution centers house felony probationers and community controlees who have violated their terms or conditions of supervision and felony offenders assigned to pretrial intervention programs. These offenders reside in the centers while working, receiving treatment or attending school. Probation and restitution centers also provide out-patient substance abuse counseling for persons on felony probation or community control.

(c) The ~~Probation and Parole Program~~ Office of Program Services shall be responsible for the operation and contract management of program development and monitoring of the centers, and for providing technical assistance to the centers.

(d) ~~The regional administrator for each region shall be responsible for the operation of the region's centers and shall maintain close coordination with the Probation and Parole~~

~~Program Office and correctional probation administrators of probation and parole services.~~ Each probation and restitution center major chief shall be responsible for the management and supervision of the center, for supervising the probation and restitution center officers, and for ensuring the proper supervision, care and control of the center's offenders. The primary duty and responsibility of probation and restitution center officers is the care, supervision and control of the offenders at the center.

(2) Referrals. Offenders are referred to probation and restitution centers in the following manner:

(a) Referred directly from the courts as a result of the regular sentencing process with a special condition that the offender complete the probation and restitution center program prior to being placed in regular community probation or community control supervision.

(b) Referred by the courts after failing to make satisfactory progress on probation or community control.

(c) Referred by the department's probation and parole services office when it is determined that more structured supervision and control is needed. Before making this referral, a modification of probation shall be obtained from the court.

(d) Referred as graduates of the basic training program for youthful offenders when ordered by the court to complete the requirements of a probation and restitution center program as a condition of the offender's probation or community control.

(3) Guidelines for Referrals. When contacted by the court regarding the appropriateness of committing an offender to a probation and restitution center, the center staff shall consider the following guidelines in evaluating the case and making a recommendation. Individuals with the following characteristics shall be considered to be inappropriate for probation and restitution center referral:

- 1. Conviction for sexual battery pursuant to §794.011, F.S. or any other crime involving serious personal injury.
2. Severe alcohol or drug addiction requiring detoxification services or crisis stabilization services.
3. Physically unable to work.
4. Currently being treated with psychotropic medication.
5. Charged with a capitol or life felony pursuant to §775.081, F.S.

(4) Referral Responsibilities.

(a) The correctional probation officers are responsible for assuring the probation and restitution center is included in the pre-sentence investigation as a possible alternative recommendation to imprisonment when more structured structural control is needed than what regular probation can provide.

(b) The correctional probation administrators in the judicial circuit where the center is located are responsible for assuring that cases are referred by the Department of Corrections when individuals are identified as needing structured supervision as provided in the centers.

## (5) Intake.

(a) Offenders with special conditions requiring that they enter and successfully complete the probation and restitution center program shall be placed on the waiting list. When bed space is available at the program, the offender shall be instructed to report to the facility. Transportation shall be the responsibility of the offender unless the offender is in jail. In such cases, transportation shall be coordinated by center staff with the county sheriff's department.

(b) The staff at the probation and restitution center shall be responsible for supervision, monitoring of case records and the general administration of the case.

## (6) Revocation.

(a) The staff at the probation and restitution center shall be responsible for revocation recommendations and processes.

(b) Affidavit of Violation of Probation forms shall be approved and initiated by the center supervisor or designee prior to submission to the court.

~~(c) A copy of the Affidavit of Violation of Probation, warrant, order of revocation, or any other court order shall be provided to the originating circuit office.~~

(7) Termination or Transfer From Program. Recommendations for termination, transfers or other types of removal from the program shall be a decision of center staff. Offenders shall be considered for removal ~~removed~~ from the program for violation of the conditions of probation or community control, violation of a ~~any~~ center regulation, inability to complete program requirements, or where such removal is deemed to be in the best interest of the offender, the department, or the community.

## (8) Room and Board Fees.

(a) All offenders shall be charged room and board fees at the rate of ~~\$8.00~~ ~~\$6.00~~ per day beginning ~~on the first day they enter upon entering~~ the program.

(b) Payment shall be made on each offender's payday with these fees having first priority in meeting financial obligations.

(c) Payments for room and board fees shall be made in the form of money orders, certified checks, or personal checks. No cash will be accepted and center staff are responsible for maintaining accurate and up-to-date records concerning these fees on an individual basis.

(d) The offenders shall be responsible for their own funds with only financial counseling provided by the staff. In no cases are the staff authorized to hold offender funds in trust.

(9) Cost of supervision. Offenders in the probation and restitution center shall be responsible for paying monthly supervision costs in accordance with guidelines for any other probationer or community controlee. Payments shall be remitted directly to the probation and restitution center and then forwarded to the nearest state depository.

## (10) Dress Code for Staff and Offenders.

(a) The dress and appearance of all staff members at the centers shall be in accordance with Rule 33-208.101, F.A.C.

(b) The offenders shall be well groomed and fully clothed including shirts and shoes at all times when not in sleeping quarters. Offenders shall adhere to Department Rule 33-602.101(11), F.A.C. regarding haircuts and shaving.

(11) Center Rules. Center rules governing conduct, program rules and regulations, and possible disciplinary actions shall be clearly posted in each center and all offenders are expected to maintain compliance. Clarification of center rules shall be part of the orientation program.

## (12) Program Completion Requirements.

(a) Room and board shall be paid in full, cost of supervision shall be current.

(b) Employment on a full-time basis is required or part-time employment with a supplemental plan such as school.

(c) Suitable residential plan that has been approved by center personnel shall be required.

(d) A restitution plan, if applicable, shall be developed.

(e) Shall be making regular payments toward all other court-ordered financial obligations.

(f) Must have served a minimum period of time as outlined by center operating procedures.

(g) Recommendations for graduation based on the above outlined criteria shall be made by the offenders treatment team and approved by the major ~~correctional officer chief~~.

(13) Community Control. Offenders who are accepted into a probation and restitution center as a condition of community control are subject to the rules of the center and the sanctions of community control including house arrest.

(a) Caseloads are restricted to a maximum of 25 cases per officer to ensure an adequate level of staffing.

(b) Community controlees are restricted to the center except during regular employment, public service work, or participation in self-improvement programs approved by center personnel.

(c) There is no such thing as "free time" or furloughs for community controlees. Time away from the center shall be handled like any other community controlee and shall only be granted for a specific and legitimate purpose. Some of these may be for limited shopping trips, essential personal or business matters, or necessary family visits. These shall be given during daylight hours and for only the amount of time to accomplish the purpose. For community controlees the probation and restitution center is the residence of confinement for house arrest.

Specific Authority 944.026, 921.187, 948.03, 958.04 FS. Law Implemented 944.026, 921.187, 948.03, 958.04 FS. History—New 10-26-92, Amended 9-4-95, Formerly 33-24.020, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard Nimer  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Michael W. Moore  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 18, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 1, 2000

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Final Order Indexing  
RULE NO.: 53-1.0175

PURPOSE AND EFFECT: The proposed rule is being promulgated to set forth the provisions for indexing and maintaining the Department’s final orders in accordance with Section 120.53, Fla. Stat., and Rule 1S-6, F.A.C.

SUMMARY: The rule sets forth provisions for indexing and maintaining the Department’s final orders.

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: 24.105(10), 120.53 FS.

LAW IMPLEMENTED: 120.53 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., November 6, 2000

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-1.0175 Final Order Indexing.

(1) Procedure.

(a) Pursuant to Section 120.53, F.S., the Lottery shall make final orders accessible and available to the public by sequentially numbering and indexing all final orders. The Lottery shall make the final orders and subject matter index available to the public.

(b) The agency clerk of the Lottery shall be designated as the indexing clerk who shall assist the public in obtaining information pertaining to final orders. The clerk is located in the Office of General Counsel, Florida Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32301,

(850)487-7724. The office is open to the public between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

(c) The indexing clerk shall index all final orders, receive all requests for copies of final orders, shall search the index for the location of the requested final orders, and shall retrieve and copy the final orders in accordance with the provisions of this rule.

(2) Public Inspection and Duplication. The following shall be made available for public inspection and copying, at no more than cost:

(a) All final orders.

(b) A current subject-matter index identifying all final orders which are indexed.

(3) Final Orders Required to be Indexed. All final orders issued by the Lottery pursuant to Chapter 120, F.S., shall be indexed. As used herein, final orders shall include declaratory statements, as well as final orders arising from proceedings held pursuant to Chapter 120, F.S.

(4) Numbering of Final Orders.

(a) All final orders shall be sequentially numbered.

(b) The sequential number shall be a two (2) part number separated by a dash, with the first part before the dash indicating the year and the second part indicating the numerical sequence of the order issued for that year beginning with number one (1) each new calendar year (i.e. 00-1). The assigned agency designation prefix, LOT, for the Florida Department of the Lottery shall precede the two (2) part number. There shall be a suffix to the identification number which shall indicate the type of order designated, as follows:

DS – Declaratory Statement

FOI – Final Order Informal Proceeding

FOF – Final Order Formal Proceeding

S – Settlement

(5) System for Indexing Final Orders.

(a) The index shall be arranged alphabetically by main subject headings taken from the Florida Statutes index, when applicable. The applicable titles of citations of the Florida Statutes construed within the final order may determine the main subject headings and subheadings in the index. Main subject headings shall be all capital letters and shall be flush left on the page followed by relevant subheadings which shall be initial caps and lower case letters indented. Subheadings and sub-subheadings may be taken from the text of the Florida Statutes being construed. Subheadings and sub-subheadings at equal indentations shall be alphabetized. The numbers of the final orders shall be listed sequentially in an indentation immediately below the applicable subheading. Cross-references shall be used to direct the user to subject headings which contain the relevant information. Related key words (specific words, terms, and phrases) and common and colloquial words shall be listed and cross-referenced to the appropriate main subject headings.

(b) The main subject headings shall be referred to by the agency's indexer and subsequent similar entries shall be indexed under the existing appropriate heading. The index shall be cumulative and shall be updated and made accessible to the public at least every one hundred twenty (120) days. New main subject headings will be added when necessary. The index shall be cumulative for each calendar year.

(6) Maintenance of Records. Final orders pursuant to this chapter shall be permanently maintained by the Lottery pursuant to the retention schedule approved by the Department of State, Division of Library and Information Services.

Specific Authority 24.105(10), 120.53 FS. Law Implemented 120.53 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE TITLES:	RULE NOS.:
Application Deadlines	61-11.001
How to Apply	61-11.002
Certification of Eligibility	61-11.004
Notification of Applicants	61-11.005
Examination Administration	61-11.006
Conduct at Test Site, and Notice of Protection Privileges by and to the Department	61-11.007
Licensure Examination Format and Procedures for Candidates with Disabilities	61-11.008
Practical Examinations	61-11.009
Grading of Examinations and Grade Notification	61-11.010
Petitioning for a Formal Administrative Hearing and Requesting a Pre-hearing Review	61-11.012
Non-standard Administrations; Reexaminations at No Charge	61-11.013
Security and Monitoring Procedures for Licensure Examination	61-11.014
Definition of a National Examination	61-11.015
Guidelines for Sharing Department-Developed Examinations with Other States' Licensing Authorities	61-11.016
Candidates' Post Exam Review of Examination Questions, Answers, Papers, Grades and Grading Key	61-11.017
Translations	61-11.018
Use of Pilot Test Items in Examinations	61-11.019

PURPOSE AND EFFECT: The purpose and effect by the Department in amending these rules in the above referenced rule chapter is for the purpose of making changes necessary based on recent legislation, public comment, the implementation of computer-based testing, and the need to update and streamline procedures.

SUMMARY: The rule changes implement computer-based testing, update and streamline procedures, provide for examination review, and revise requirements related to requests for accommodations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 455.203(5), 455.217(1)(e), 455.229(2) FS.

LAW IMPLEMENTED: 119.07(3)(a), 120.60, 455.213(1), 455.217, 455.229 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: Tom Thomas, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULES IS:

61-11.001 Application Deadlines.

(1) Unless otherwise provided below or in board rule, completed applications for licensure examinations shall be submitted to the Department at least 60 days prior to the scheduled examination.

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

~~(c)(3)~~ Applications to sit as an extended or conditioned candidate shall be made in writing to the Department. Such written request and application fee shall be postmarked or filed with the Department no later than March 1 for the May examination and September 1 for the November examination.

~~(4)(a) Applicants applying for the engineer examination shall submit their applications 120 days prior to scheduled examination.~~

~~(b) Completed applications will be reviewed by the Board or its designee, to determine eligibility, 90 days prior to scheduled examination.~~

~~(e) Applicants applying for Engineer Intern (EI) examination shall submit their completed applications 90 days prior to scheduled examination.~~

~~(3)(5)(a)~~ Applicants applying for the land surveyors examination shall submit their applications 120 days prior to scheduled examination.

(b) Completed applications will be reviewed by the ~~b~~Board or its designee, to determine eligibility, 90 days prior to scheduled examination.

(c) Applicants applying for the Surveyor-in-Training (SIT) examination shall submit their completed application 90 days prior to scheduled examination.

~~(6) Applications for the Massage licensure examination must be submitted seventy-five (75) days prior to the date of the administration of the examination.~~

~~(4)(7)~~ Application for the national funeral director and embalmer licensure examinations must be submitted ninety (90) days prior to the date of the administration of the examination.

~~(5)(8)~~(a) An applicant will be rescheduled for until the next available examination if the applicant is unable to sit for the originally scheduled examination by reason of military service and submits to the board, or the DDepartment where there is no board, or to the computer-based testing vendor, a copy of the applicant's military orders or a letter from the applicant's commanding officer.

(b) An applicant's examination sitting will be rescheduled if the applicant demonstrates to the board, or to the DDepartment where there is no board, or to the computer-based testing vendor, that there was a death in the immediate family, serious injury, illness, or other physical impairment prevented the candidate from taking the examination. Any such request to reschedule sitting for an examination shall include a copy of a death notice or death certificate or a statement from the applicant's treating physician which attests includes:

- ~~1. A description of the injury, illness, or physical impairment;~~
- ~~2. The dates of treatment and/or confinement; and~~
- ~~3. An attestation that such injury, illness, or physical impairment prevented the applicant from taking the examination.~~

(c) Any requests for rescheduling of an examination under this section shall be submitted to the board, or the DDepartment where there is no board, or to the computer-based testing vendor, in writing no later than 21 days following the last day of the applicable examination.

Specific Authority 455.203(5) FS. Law Implemented 455.213(1) FS. History--New 9-25-80, Amended 1-30-83, Formerly 21-11.01, Amended 11-29-89, 6-9-91, 6-18-91, Formerly 21-11.001, Amended 9-18-96,\_\_\_\_\_.

61-11.002 How to Apply.

The application will be accompanied by the required fee for application and examination and all documents and other material that are to be considered in support of the application. In addition, two photographs of the applicant's face and head, size two (2) inches by two (2) inches, not more than twelve (12) months old, will be included. Any photograph which is not identifiable will be returned to the applicant and will delay

the processing of the application. For examinations administered by a computer-based testing vendor, only one photograph shall be required.

Specific Authority 455.203(5) FS. Law Implemented 455.213(1) FS. History--New 9-25-80, Formerly 21-11.02, 21-11.002, Amended\_\_\_\_\_.

61-11.004 Certification of Eligibility.

(1) The Department, or its designee, will review all applications for licensure by examination to determine completeness of the application.

(2) ~~When T~~he Department shall determine determines that an application is complete within or thirty (30) days after receipt, ~~whichever comes first~~, The DDepartment, where there is no board, shall determine whether the applicant is qualified to take the licensure examination, ~~or W~~where there is a board, the application shall be scheduled for the next available meeting of the appropriate bBoard for the bBoard to determine whether the applicant is qualified to take the licensure examination. The board may delegate authority to Department staff to make this determination. If Tthis eligibility determination shall be is not made within the time requirements of section 120.60(1), Florida Statutes ninety (90) days from the receipt of the application or within sixty (60) days after receipt of timely requested additional information or correction of errors, the Board or the department where there is no board must approve the application for licensure subject to passage of the required licensure examination.

(3) If the DDepartment or board determines that the applicant is not qualified to take the examination the applicant may petition for a hearing before an administrative law judge hearing officer under Section 120.57, Florida Statutes.

(4) For Department administered examinations, unless otherwise specified by board rule, the board, or the Department when there is no board, shall provide the Bureau of Testing a certified list of candidates eligible or pending determination of eligibility to take an examination. The certified list shall be provided to the Bureau of Testing at least 45 days prior to each examination administration. Candidates who are identified as pending eligibility may be changed to certified eligible up to 18 days prior to the examination administration date. Candidates who are not identified on the original certified list shall not be permitted to take the examination unless approved by the Chief of the Bureau of Testing.

(a) The Barbers' Board shall provide a certified list of eligible candidates to the Bureau of Testing at least 21 days prior to the examination administration date. The list must be final and shall not include any candidates who are pending determination of eligibility.

(b) The Division of Certified Public Accounting shall provide the Bureau of Testing with site rosters and copies of admission slips at least 21 days prior to the examination admission date.

Specific Authority 455.203(5) FS. Law Implemented 120.60, 455.213(1) FS. History—New 9-25-80, Amended 2-3-81, Formerly 21-11.04, 21-11.004, Amended 9-18-96, \_\_\_\_\_.

#### 61-11.005 Notification of Applicants.

(1) For Department administered examinations, unless otherwise specified by Board rule, after a decision is made that an applicant meets the lawful requirements for the licensure examination or ninety (90) days after receipt of a complete application, the Department will schedule the applicant for the next examination for which space is available that begins at least forty-five (45) days after the applicant is certified eligible or after ninety (90) days from receipt of a complete application.

(2) If all certified candidates cannot be scheduled for the next subsequent examination due to space, time, or other limitations beyond the control of the Department, the candidates will be scheduled chronologically according to the date the candidate application was certified as eligible or the date the scheduling request was received by the computer-based testing (CBT) vendor completed, including but not limited to all documentation and credentials required by statute.

(3) The Department or CBT vendor will notify applicants of the time, place, and date of the examination and provide the applicant with an official admission card or confirmation number, which will be required for admission to sit for the examination. The notice will also inform the applicant what material, if any, should be taken to the examination. The Department or CBT vendor shall inform the candidate of the length of the examination, subject content of the examination, and any special equipment or materials needed for the examination.

Specific Authority 455.203(5) FS. Law Implemented 455.217(1), 420.60 FS. History—New 9-25-80, Formerly 21-11.05, 21-11.005, Amended 9-18-96, \_\_\_\_\_.

#### 61-11.006 Examination Administration.

(1) During the examination, the candidates will follow the instructions of the examination supervisor. The instructions shall be provided to the candidates in written form and shall be read to the candidates by the examination supervisor. The candidates will be permitted to ask reasonable questions of the Department's or computer-based testing (CBT) vendor's examination supervisor and proctors relating to the instructions.

(2) The Department's valid admission slip for the specified examination and a government-issued, signature bearing photo I.D. such as driver's license, must be presented in order to gain admission to the examination. This identification A valid government issued photo I.D. such as a driver's license, shall be acceptable in the absence of the admission slip provided the candidate's name appears on the examination admission roster that has been prepared by the Department for the specific

examination. All CBT examination candidates will be required to provide two forms of signature identification, one of which must be photo bearing.

(3) If the candidate arrives at the designated testing location after the designated starting time for an examination administered by the Department, the candidate will be permitted to take the examination only after the candidate has signed a statement clearly indicating the candidate's late arrival time, and agreeing that the candidate will have only the remaining designated time in the examination to complete the examination. Any candidate who refuses to sign such a statement will be disqualified from the examination and may apply to the Department for scheduling for the next available examination. If, when the late candidate arrives, any other candidate has already finished the examination and left the examination room, the late candidate will not be permitted to sit for the examination and must apply to the Department for scheduling for the next available examination. For CBT examinations and national examinations, late candidates shall comply with the CBT vendor's or the national examination organization's policies and procedures.

(4) All Department administered examinations will be administered in accordance with the "General Administration Manual for Examinations Volume II, copyright 2000, 1994" incorporated herein by reference and made available by the Bureau of Testing, which may be obtained by writing to the Department of Business and Professional Regulation, Attention: Examination Administration, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0791. Administration requirements set forth by national boards and councils will be complied with in the administration of the specific examination.

(5) All examination items booklets, answer sheets, and other examination papers, computer files, and materials are the sole property of the Department of Business and Professional Regulation or the national provider. No candidate shall take any of the examination questions booklets, answer sheets, and other examination papers, computer files, and materials from the examination room; or retain, reproduce, or compromise the materials in whole or in part by any means or method whatsoever.

(6) For CBT examinations, candidates may be permitted to test out of state. The CBT vendor may charge an additional fee to the candidates for this service and other examination related services if approved in advance by the Department.

(7) The CBT vendor may with prior approval from the Department charge a fee to a third party for examination related services. Such services may include, but are not limited to, alternate site testing and statistical reporting.

Specific Authority 455.203(5) FS. Law Implemented 455.217(1) FS. History—New 9-25-80, Amended 2-3-81, 12-7-81, 10-28-82, Formerly 21-11.06, Amended 6-22-88, 7-10-90, Formerly 21-11.006, Amended 9-18-96, \_\_\_\_\_.

61-11.007 Conduct at Test Site, and Notice of Protection Privileges by and to the Department.

(1) The examination supervisor, ~~and~~ proctors, ~~and~~ computer-based testing vendor are the Department's designated agents in maintaining a secure and proper examination administration.

(2) through (4) No change.

Specific Authority 455.203(5) FS. Law Implemented 455.217(1) FS. History—New 9-25-80, Formerly 21-11.07, Amended 6-22-88, Formerly 21-11.007, Amended 9-18-96, \_\_\_\_\_.

61-11.008 Licensure Examination ~~Examinations~~ Format and ~~Examination~~ Procedures for ~~Handicapped~~ Candidates with Disabilities.

(1) The Department of Business and Professional Regulation, ~~Office of Examination Services,~~ will provide reasonable and appropriate accommodations ~~special assistance~~ to candidates with physical, mental, ~~or specific~~ learning disabilities ~~or physical handicapped conditions~~ to the ultimate extent permitted by possible. It is understood that in some instances the Department's capabilities may be affected and limited by cost, administration restraints, security considerations, and availability of resources. ~~The Department recognizes that little is known about how much time and type of examination setting people with different handicapping conditions will need. It is also recognized that time and setting will~~ Accommodations made will vary depending upon the nature and the severity of the impairment. Each case will be dealt with on an individual basis within the limits prescribed herein. In the instances of National examinations, guidance will be sought from the National provider. Reference information and guidelines regarding the process for documenting disabilities are contained in the document titled "Request for Test Accommodations for Examinees with Disabilities," made available by the Bureau of Testing, which may be obtained by writing the Department of Business and Professional Regulation, Attention: Special Testing, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-0791.

(2) ~~A candidate~~ Candidates requesting special accommodation ~~assistance~~ must file the request in addition to his or her completed application for licensure examination by the final application deadline of the assigned examination. The candidate must provide documentation of his or her disability ~~completed be certified as handicapped~~ by a ~~an~~ appropriate professional. The application and documentation required by this subsection must be provided on form number 2002-064, incorporated herein by reference and dated March 2000. This form can be obtained by writing the Department of Business and Professional Regulation, Attention: Special Testing, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-0791 ~~psychologist, physician or learning disability specialist.~~ The candidate's documentation ~~Candidate's certification~~ shall include:

(a) ~~The Name of the test used,~~ the diagnosis; and length of time with the condition;

(b) The name and the results of the test(s) used for diagnosis ~~Recommended time per regular hour of examination including rest periods;~~ and

(c) Recommended accommodations ~~and~~ testing environment; ~~and~~

~~(d) Recommended format of the examination.~~

(3) Reasonable and appropriate accommodations will be made for qualifying candidates. All accommodations must be directly linked to the amelioration of the identified functional limitations caused by the asserted disability and must be reasonable and effective. Permissible accommodations ~~The Department may modify the test instrument and test administration procedures. Such modifications may include:~~

(a) Flexible Time. Candidates requiring extra time for the examination must submit a recommendation of such from an appropriate professional. ~~will be provided with the examination time recommended by a psychologist, physician or learning disability specialist. Time allocation will be based on candidate's certification and doctor's recommendations.~~ The Department recognizes that reading Braille ~~or~~ and using a cassette recorder ~~or a live~~ reader takes longer than reading regular print. Additional rest periods will be given to avoid mental fatigue when extended time periods are allowed. Untimed examinations will not be provided.

(b) Flexible Setting. Individual and small group setting examination administrations shall be available to candidates test takers when requesting such a service is recommended by an appropriate professional. Requests shall be accompanied by documentation provided by a psychologist, physician or learning disability specialist justifying such a service. Consideration should be given to sites with handicapped areas and special lighting for visually impaired candidates.

(c) Flexible Recording of Responses. The candidate's Test takers' responses can be recorded by a proctor, a tape recorder, a typewriter, a Braille writer, or marked on the test booklet, or other method approved by the Department. Test takers will be allowed also to point to the correct response. The proctor may transcribe the candidate's responses onto a machine scannable answer sheet. In these instances, the candidate will verify that the answers he or she indicated were marked. ~~In instances where the proctor is required to mark the responses on behalf of the candidate there will be a tape recording of the candidate's selected responses.~~

(d) Flexible Format. The test booklet may be produced in large print, high quality regular print, Braille, or the test may be tape recorded, ~~or~~ read aloud, ~~or signed by an interpreter.~~ For hearing impaired candidates, considerations should be given to written, spoken language or an interpreter that signs and interprets instructions or examination questions simultaneously.



(e) Assistive Devices. The candidate, upon approval of the department, will be allowed to use appropriate assistive devices, such as lights, magnifiers, or special computer screens.

(4) The Department shall request further evidence on the necessity of the accommodation when the evidence substantiating the need for the accommodation is not complete. The Department shall request that the applicant submit to another professional evaluation to verify the disability or to determine what accommodations are most appropriate and effective when the initial evaluation is inconclusive, unclear, or does not substantiate the need for the requested accommodation.

(5)(4) In no case shall any time modifications authorized herein be interpreted or construed as an authorization to provide a candidate with assistance in determining the answer to any test item. No accommodation or modification shall be made that adversely affects the integrity of the examination.

(6)(5) Definition of Terms.

(a) A handicapped person with disabilities means any person who:

1. Has a physical, ~~or~~ mental, or specific learning disability impairment which presently substantially limits one or more major life activities;

2. Has a record of such a disability an impairment; or

3. Is regarded as having such a disability an impairment.

(b) Major life activities are activities that an average person can perform with little or no difficulty including walking, talking, hearing, breathing, learning, working, caring for one's self, and performing manual tasks.

(c) A person with a physical disability means any person physically handicapped constitutes a wide diverse group of individuals who has a have permanent or temporary physical or psychomotor disability disabilities. Examples of a disability under this section include those disabilities that require the use of These candidates may be in a wheelchairs, wear braces, or use crutches. It also includes candidates with a hearing or sight disability, or those who they may need special accommodation assistance to move about.

(d)(e) A person with a learning disability means any person who has a Learning disabled constitutes a group of individuals with permanent or temporary mental disability disabilities such as brain damage, brain dysfunction, dyslexia, or a perceptual disorders, or language disorder.

(e) For purposes of this rule, "an appropriate professional" means a physician licensed pursuant to chapters 458 (Medical Practice) or 459 (Osteopathic Medicine), Florida Statutes; a professional licensed pursuant to chapters 460 (Chiropractic), 461 (Podiatric Medicine), 463 (Optometry), 468, Part I (Speech-Language Pathology and Audiology), or 490 (Psychological Services), Florida Statutes; or appropriately licensed in the state in which the certification of disability was performed. Any certification, documentation, or

recommendation relating to a candidate's disability provided by an appropriate professional pursuant to the requirements of this rule must not be beyond the scope permitted by law for that professional or that which the professional knows or has reason to know that he or she is not competent to perform.

Specific Authority 455.203(5) FS. Law Implemented 455.217(1) FS. History—New 9-25-80, Formerly 21-11.08, Amended 6-22-88, Formerly 21-11.008, Amended \_\_\_\_\_.

61-11.009 Practical Examinations.

(1) No change.

(2) In the event that professional examiners are employed to evaluate candidate performance in practical examinations, no less than two examiners shall independently evaluate the performance of each candidate, ~~and~~ The independent grades of the examiners shall be averaged to produce the final score for each candidate unless computed in accordance with a formula approved formulated by the appropriate board.

(3) through (5) No change.

Specific Authority 455.203(5) FS. Law Implemented 455.217 FS. History—New 9-25-80, Amended 2-3-81, 8-5-85, Formerly 21-11.09, 21-11.009, Amended 4-27-94, 9-18-96, \_\_\_\_\_.

61-11.010 Grading of Examinations and Grade Notification.

(1) Pursuant to section 455.217, Florida Statutes, grading of all examinations shall be processed only as follows:

(a) National Examinations shall be graded solely and exclusively by the National examination provider or its designee. National examinations shall include those developed by or for national boards, councils, associations, or societies.

(b) Departmentally developed objective, multiple choice examinations shall be graded by the Department or its designee. ~~After an examination has been administered the Board shall reject any questions which do not reliably measure the general areas of competency specified in the rules of the Board.~~ The Department shall review the item analysis and any statistically questionable items after the examination has been administered. Based upon this review, the Department shall adjust the scoring key by totally disregarding the questionable items for grading purposes; or by multi-keying, giving credit for more than one correct answer per item question. All items questions which do not adequately and reliably measure the applicant's ability to practice the profession shall be rejected. The Department or its designee shall calculate each candidate's grade utilizing the scoring key or adjusted scoring key, if applicable, and shall provide each candidate with a grade report. The only paper that shall be graded is the official answer sheet. No credit shall be given for answers written in a candidate's examination booklet.

(c) Departmentally developed practical examinations shall be graded by the Department or its designee. ~~After an examination has been administered, the Board may reject, credit, or give partial credit for any procedure or question which is inappropriately weighted or not consistent with~~

~~examiner grading criteria.~~ The Department shall review the item analysis, if applicable, ~~and~~ examiner agreement report, and any procedure judged to be statistically questionable after the examination has been administered. Based upon this review, the Department may adjust the scoring criteria key by rejecting, crediting, or giving partial credit for any procedure or question which does not adequately and reliably measure the applicant's ability to practice the profession. The Department or its designee shall calculate each candidate's grade using the scoring criteria key or adjusted scoring criteria key, if applicable, and shall provide mail each candidate with a grade report.

(d) If, after the distribution mailing of grades for a particular administration there are ~~additional~~ adjustments to the scoring key due to mechanical or clerical miscalculations, amended grade reports shall be mailed to all failing candidates whose scores are increased and to all candidates whose pass/fail status changes due to the adjustment unless the candidate has taken and passed a subsequent administration of the examination.

(e) Examinations developed or administered for the Department by professional testing companies other than national examination providers shall be graded by the testing company or by its designee. Grading procedures shall be in compliance with the provisions of this rule.

(2) The Department shall notify the candidate of the results of the candidate's examination no later than sixty (60) days after the examination date, except when the grades, or portions thereof, are computed by the national board, council, association, or society responsible for a national examination in Florida. The grades for an examination containing a of the national portion examination shall be sent to the candidate no later than thirty (30) days after the receipt of the grades by the Department from the national board, council, association, or society responsible for the national examination in Florida. For Harbor Pilots, final results of the examination will be released 60 days after the reviews are completed.

(3) The Department or its designee shall inform each passing candidate of the candidate's status and provide necessary instructions for obtaining the receipt of a license.

(4) Any candidate who does not failing to receive a passing score on a licensure or certification examination will be notified of the test(s) subject areas failed, the requirements for re-examination, and review and appeal rights and procedures and that denial of licensure is due to failure to achieve a passing score on the applicable examination.

Specific Authority 455.203(5) FS. Law Implemented 120.60, 455.217(1), 455.229 FS. History—New 9-25-80, Formerly 21-11.10, Amended 10-27-92, 5-27-93, Formerly 21-11.010, Amended 9-18-96, \_\_\_\_\_.

61-11.012 Petitioning for a Formal Administrative Hearing and Requesting a Pre-hearing Review.

Pursuant to Section 120.57(1), Florida Statutes, a candidate may petition for a formal hearing before the Division of Administrative Hearings under the following terms and conditions:

(1) ~~Two (2) copies of~~ The petition shall be filed with the Department of Business and Professional Regulation. ~~If the examination being challenged is an examination developed by or for a national board, council, association, or society (hereinafter referred to as national organization), the Department shall accept the development and grading of such examination without modification.~~

(2) Except as noted in (3) below, all petitions for formal hearings shall be received by the Department filed no later than twenty-one (21) days after the date on the Department's grade notification.

(3) If the any candidate ~~elected to~~ reviewed the examination pursuant to 61-11.017(3), Florida Administrative Code, the request for a hearing must be received by the Department ~~filed with the Chief, Bureau of Testing~~ no later than twenty-one (21) days after the post-examination review or from the date on the letter notifying the candidate of the Department's decision regarding his or her challenges, if any.

(4) No petition received more than twenty-one (21) days from the date specified in paragraph (2) or (3), as applicable, will be accepted. The petition must clearly identify state all disputed procedural or substantive facts and items which the candidate believes are ambiguous or solutions which the candidate believes are incorrect in issue.

(5) After the petition has been filed, the candidate, ~~and~~ the candidate's attorney, and no more than one expert witness will be permitted to review the examination items questions and answers for the purpose of preparing for the Administrative Hearing. The request for such a pre-hearing review will be submitted to the Department in writing. In order to preserve the security and integrity of the examination, such candidate shall be permitted to review only the questions and answers listed in the petition.

(6) If the candidate did not exercise his or her right for the post-examination review and elects to request an administrative hearing, he or she will be required to pay the post-examination review fee, as specified by bBoard rule; or by Department rule when there is no bBoard, before a pre-hearing review is scheduled. In order to preserve the security and integrity of the examination, such candidate shall be permitted to review only the questions and answers missed on the examination.

(7) Any comments made during the pre-hearing review will not be responded to by the Department. All pre-hearing reviews shall be conducted at a location determined by the Department the Department's headquarters in Tallahassee. All security procedures outlined in Rule 61-11.007 and 61-11.017, Florida Administrative Code, shall apply to the candidate, ~~or the candidate's attorney, and the candidate's expert witness agents~~ for all review sessions.

(8) In preparation for a hearing, if it is discovered by the Department that credit should be awarded for one or more items outlined in the candidate's petition, an amended grade notice shall be issued reflecting his or her amended score.

~~(9)(8)~~ If a candidate cannot appear at the scheduled Administrative Hearing, the candidate must file a motion for continuance in accordance with Rule ~~28-106.210~~ 60Q-2.017, F.A.C., at least five (5) days prior to the scheduled hearing.

~~(10)(9)~~ Except in cases of demonstrated extreme emergency, the candidate who does not attend the scheduled hearing shall be considered in default and shall be liable to the Department for the following costs incurred in the five (5) day period preceding the scheduled hearing:

- (a) Attorney's and expert witness fees.
- (b) All travel costs incurred by the Department for attorneys, staff, and expert witnesses; and all costs incurred by the Department in support of the hearing.
- (c) All related court costs, including costs billed to the Department by the Division of Administrative Hearings and the court reporter.

Specific Authority 455.203(5), 455.229 FS. Law Implemented 120.60, 455.217, 455.229 FS. History–New 9-25-80, Amended 2-3-81, 12-7-81, Formerly 21-11.12, Amended 6-14-89, 5-2-91, 7-28-92, 10-27-92, 5-27-93, Formerly 21-11.012, Amended 9-18-96, \_\_\_\_\_.

61-11.013 Miscellaneous Non-standard Administrations; Reexaminations at No Charge.

(1) If it is determined that a candidate's examination or a portion thereof cannot be scored through no fault of his ~~or~~her own, he ~~or~~she shall be permitted to retake at the next available regularly scheduled examination that portion of the examination at no charge.

(2) If in the event of unforeseen circumstances affecting the administration of the examination ~~If through some mechanical fault of the Department,~~ the candidate does not have sufficient time to complete the examination, additional time may be allowed upon approval ~~by~~ of the Bureau of Testing examination supervisor.

(3) In the event of ~~If through some unforeseen circumstances affecting the administration of the examination mechanical fault of the Department,~~ ~~insufficient time is allowed for completion of a procedure, materials are lost by the Department or other problems occur which are due to the Department's inaction or negligence,~~ the Bureau of Testing Department or its vendor shall outline the conditions under which the examination will be administered. ~~If the candidate~~

accepts the non-standard conditions, he or she will not be permitted to challenge the results of the examination based on the non-standard administration conditions nor will he or she be allowed a free reexamination. If he or she does not accept the non-standard conditions, and elects not to sit for the examination, a permit reexamination will be permitted in those areas at no charge at the next available regularly scheduled examination.

Specific Authority 455.203(5) FS. Law Implemented 455.217(1) FS. History–New 9-25-80, Formerly 21-11.13, 21-11.013, Amended 9-18-96, \_\_\_\_\_.

61-11.014 Security and Monitoring Procedures for Licensure Examination.

Specific Authority 455.217(1)(d) FS. Law Implemented 455.217(1)(d) FS. History–New 12-20-81, Amended 10-28-82, Formerly 21-11.14, 21-11.014, Amended 9-18-96, Repealed.

61-11.015 Definition of a National Examination.

(1) In compliance with Section 455.217(1)(d)~~(e)~~, Florida Statutes, the Department shall use any national examination, which is available and approved by the bBoard. ~~To ensure compliance, the following definition of a national examination shall be applied when using a national examination.~~

(2) A national examination is an examination developed by or for a national or multi-state professional association, board, council, or society (hereinafter referred to as organization) and administered for the purpose of assessing entry level skills necessary to protect the health, safety, and welfare of the public from incompetent practice and meets the following standards:-

- (a) the purpose of the examination shall be to establish entry level standards of practice that shall be common to all practitioners;-
- (b) the practice of the profession at the national level must be defined through an occupational survey with a representative sample of all practitioners and professional practices; and-
- (c) the examination for licensure must assess the scope of practice and the entry skills defined by the national occupational survey.

(3) The ~~national~~ organization must be generally recognized by practitioners across the nation in the form of representatives from the State Boards or shall have membership representing a substantial number of the nation's or states' practitioners who have been licensed through the national ~~organization~~ examination.

(4) The ~~national~~ organization shall be the responsible body for overseeing the development and scoring of the national examination.

(5) The ~~national~~ organization shall provide security guidelines for the development and grading of the national examination and shall oversee the enforcement of these guidelines.

(6) Review of examinations developed by or for a national council, association, or society shall be conducted.

Specific Authority 455.203(5), 455.217(1)(d) FS. Law Implemented 455.217(1)(c) FS. History—New 6-14-89, Formerly 21-11.015, Amended \_\_\_\_\_.

61-11.016 Guidelines for Sharing Department-Developed Examinations with Other States' Licensing Authorities.

(1) The ~~D~~department may, under conditions listed below, and with the concurrence of the appropriate board, share department-developed examinations with other state licensing authorities.

(2) Upon receipt of an expressed interest from another state's licensing authority that a department-developed examination be shared, the ~~D~~department shall require completion of a questionnaire that will gather specific and pertinent information concerning the other state's need for an examination and the resources available to the other state for sharing the department examination.

(3) An agreement shall be entered into that will require the state licensing authority to adhere to the requirements listed in ~~the following rules, operating procedures, and test administration manuals:~~

~~(a) Chapter 61-11, Florida Administrative Code, and any other applicable laws and rules as it relates to security for examinations.~~

~~(b) Department of Professional Regulation, Bureau of Examination Services, Test Administration Manual copyright 1989.~~

~~(c) Department operating procedures relating to security, test administration, scheduling candidates for examination, grade notification, and post examination review procedures.~~

(4) Absent a board and ~~D~~department agreed-upon exception, the other state's licensing authority may not be permitted to use security procedures and operating procedures that are less stringent or specific than those required and utilized by the ~~D~~department.

~~(5) The agreement with the other state's licensing authority shall be monitored by the department to ensure full compliance with the department's requirements.~~

Specific Authority 455.203(5) FS. Law Implemented 455.217(1)(f) FS, Chapter 91-137, Section 2, Laws of Florida. History—New 2-17-92, Formerly 21-11.016, Amended \_\_\_\_\_.

61-11.017 Candidates' Post Exam Review of Examination Questions, Answers, Papers, Grades and Grading Key.

(1) Subsections (1) through (7) shall apply to all examinations other than those given pursuant to chapter 475, Florida Statutes, and the Division of Real Estate. Pursuant to section 455.217(3)(1)(d), Florida Statutes, a candidate who has taken and failed a departmentally developed objective multiple choice examination, a departmentally developed practical examination, or an examination developed for the ~~D~~department by a professional testing company shall have the right to

review the examination ~~items~~ questions, answers, papers, grades, and ~~grading grade~~ keys for the parts of the examination failed or the questions the candidate answered incorrectly only. Review of examinations developed by or for a national council, association, or society (herein after referred as national organization) shall be conducted in accordance with national examination security guidelines and timeframes.

(2) Those candidates who elect to exercise their right to review must submit a request in writing to the Department or the computer-based testing (CBT) vendor.

(a) Unless otherwise provided in board rule, written requests must be received no later than twenty-one (21) days after the release date on the original grade notification. The issuance of an amended grade notice, if applicable, will not extend the deadline for a candidate to request a post-examination review, unless the amended grade notice affects the pass/fail status of the candidate.

(b) No request received past the specified deadline in (2)(a) will be accepted.

~~(3)(2)~~ Examination reviews shall be conducted in the presence of a representative of the Department or CBT vendor at the Department's its Tallahassee headquarters or in the same city where the candidate sat for the exam during regular working hours which are defined as 8:00 a.m. through 4:30 p.m., Monday through Friday, excluding official state holidays.

(a) All examination reviews shall be conducted in accordance with that examination's administration procedures to the extent possible and feasible.

(b) All security rules defined in Rules 61-11.006 and Rule 61-11.007, Florida Administrative Code, shall apply to all review sessions. Any candidate violating any provision of said rules rule shall be dismissed from the review session and may be subject to other sanctions as determined by the ~~b~~Board or Department when there is no board.

(c) Unless specified otherwise in board rule, aAll examination reviews by candidates shall be scheduled and completed no later than ninety (90) sixty (60) days after subsequent to the release date on the original grade notification. However, a candidate may not participate in a review reviews will not be conducted during the twenty-one (21) thirty (30) day period immediately prior to his or her the next examination attempt.

(d) A representative ~~of from~~ the ~~Department Bureau of Testing or the CBT vendor~~ shall remain with all candidates throughout all examination reviews. ~~The representative shall inform~~ Candidates shall be informed that the representative cannot defend the examination or attempt to answer any examination questions during the review. Prior to the review, candidates shall be provided written instructions ~~itled "Review Candidates Instructions" form number BPR-TLT-002 incorporated herein by reference and dated 08/01/96 and "Guidelines Governing Examination Reviews" form number BPR-TLT-001, incorporated herein by reference and dated~~

08/01/96, concerning the conduct, rules, and guidelines for the review. Prior to any review, all candidates shall acknowledge receipt of these instructions rules and affirm in writing to abide by all such instructions rules in writing.

(e) Candidates will be given an examination review time of one-half the time provided for the examination administration of the part failed.

(f) Test booklets used by the candidate during the examination are not retained. Candidates reviewing the examination will be provided with a clean, exact copy of the original test questions. They will not be given the actual test booklets they used during the examination. Consequently, any marks or notes made by candidates during the examination will not be available during the review.

(g) Unless prohibited by board rule or national guidelines, candidates have the right to challenge any question which they believe may be ambiguous or any solution which they believe may be incorrect and to request a hearing if the challenge is found to be without merit. The challenges must be submitted in writing during the review. Any challenges or supporting documentation submitted after the candidate has left the review room shall not be accepted.

(h)(e) Upon completion of all reviews, all candidates shall acknowledge in writing the review review's start time, the review review's end time, all materials reviewed, and other relevant review information (Acknowledgment of Grade Review).

(4)(3) In addition to the provisions of subsection (3)(2)(a) through (2)(e), examination candidates shall be prohibited from leaving the any review with any written challenges, grade sheets, or any other examination materials, unless the respective Board determines by rule that examination security will not be undermined by doing so.

(5)(4) For a practical examination, unless examination security is involved, a candidate may obtain by mail a copy of his or her grade sheets resulting from a practical examination. The request must be made in writing to the Department, adhere to provisions set forth subsection (2), be signed by the candidate, and state the address to which the grade sheets are to be mailed. This shall constitute a review of the practical examination.

(6) Unless otherwise specified in board rule, the review fee shall be \$75, in addition to any fee charged for review by the national organization, if there is one.

(7) If a successful challenge results in a regrade of an examination, that regrade shall be limited to the candidate who filed the successful challenge.

#### (8) Division of Real Estate Examination Reviews

(a) Each candidate who has taken a Division of Real Estate (DRE) examination for licensure or certification shall have the right to review the candidate's most recent examination within

two years from the date of the examination. The candidate shall be permitted to review only those questions the candidate answered incorrectly.

(b) The candidate or the candidate's attorney shall make a request to the examination vendor, by telephone, facsimile, or in writing, for an appointment to review the candidate's examination. The examination review, consisting of not more than one hour, shall be conducted at the examination vendor's examination site during normal working hours.

(c) An employee of the examination vendor (examination review monitor) or authorized representative of the Department shall remain with the candidate and the candidate's attorney during the reviewing process. Neither the examination review monitor nor authorized Department representatives are permitted to defend the examination or attempt to answer or refute any questions.

(d) Only the candidate and the candidate's attorney shall be permitted to attend the examination review and only one review of the candidate's examination will be allowed. Neither the candidate nor the candidate's attorney will be permitted to copy questions from the test but may write on a separate paper, in the presence of the examination review monitor or authorized Department representative, any objections or questions the candidate has to the examination.

(e) The candidate and the candidate's attorney shall leave the written objections and questions with the examination review monitor or authorized Department representative when the candidate and the candidate's attorney leave the review room.

(f) If desired, a review by the appropriate Validation Committee may be requested, in writing to the Division, within 30 days from the date of the examination review.

(g) The candidate or the candidate's attorney shall notify the Division, in writing, within 60 days from the date of the failure notice, if the candidate desires a hearing as provided by ss. 120.569 and 120.57, Florida Statutes. The candidate or the candidate's attorney shall state with specificity the grounds of appeal, particular examination question(s) or procedures objected to and the objections.

(h) The review fee shall be \$75.

(i) If a successful challenge results in a regrade of an examination, that regrade shall be limited to the candidate who filed the successful challenge.

Specific Authority 455.203(5) FS. Law Implemented 455.217(2), 119.07(3)(c), 455.229 FS. History--New 10-26-92, Amended 5-27-93, Formerly 21-11.017, Amended 11-16-95, 9-18-96, \_\_\_\_\_.

61-11.018 Translations.

In authorizing the translation of licensure examinations to an applicant's native language, the Legislature has determined that translated licensure examinations pose no inherent threat to the public health, safety, and welfare.

(1) To allow the Department sufficient time to translate an examination, an applicant for licensure in of a profession directly regulated by the department wishing to take the examination in a language other than English or Spanish shall:

(a) File a written request with the Department at least six months on or before the 90th day prior to the date of the scheduled examination.

(b) Submit, in addition to all other applicable fees, the required translation fee as defined in subsection (2) of this rule on or before the 60th day prior to the date of the scheduled examination.

(2) The Department shall notify the applicant of the amount of the translation fee on or before the 75th day prior to the applied for scheduled examination. The amount of the fee for each applicant for the translated examination shall be a pro rata share for all applicants applying to take the scheduled translated examination to cover the Department's full direct and indirect costs of the development, preparation, administration, grading and evaluation of the applied for scheduled translated examination.

(3) Unless otherwise specified in board rule or prohibited by national guidelines, in lieu of a translated examination, candidates may elect to use a translation dictionary. This dictionary must consist of only word or phrase translations and must remain as published. Dictionaries containing definitions of words, explanations of words or handwritten notes will not be permitted. Testing center staff will inspect and approve the dictionary before it can be used during the examination. Any dictionary that does not meet these criteria will be rejected.

Specific Authority 455.203(5) FS. Law Implemented 455.217(6) FS. History—New 1-4-94, Amended \_\_\_\_\_.

61-11.019 Use of Pilot Test Items in Examinations.

Written examinations developed by or for the Department may include pilot test or experimental questions for the purpose of evaluating the statistical and/or psychometric qualities of new or revised questions prior to their use in an examination. Pilot test or experimental questions will not be identified to the candidates as pilot test questions on the examination.

(1) The maximum number of pilot test questions included in a single examination shall not exceed 20 percent of the number of questions on the examination which are not pilot test questions, or ten (10) questions, whichever is greater.

(2) Pilot test questions shall not be counted toward the candidate's score on the examination. Answers to pilot test questions shall not be subject to review by the candidates during the candidate's review process.

Specific Authority 455.203(5) FS. Law Implemented 455.217(1) FS. History—New 8-28-95, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Thomas, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2000

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE TITLE: Board of Employee Leasing Citations

RULE NO.: 61-32.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to add additional violations of the employee leasing practice act to those which a citation may be issued in lieu of other discipline.

SUMMARY: The proposed rule adds additional violations of the employee leasing practice act to those which a citation may be issued in lieu of other discipline. These violations include late filing of quarterly reports, late filing of statements of total gross Florida payroll along with copies of all Florida Unemployment Compensation Tax Returns, and failure to submit annual assessment fees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 455.201, 455.203(5), 455.224, 455.225 FS.

LAW IMPLEMENTED: 455.224, 455.225, 468.530, 468.532 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: Tom Thomas, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61-32.002 Board of Employee Leasing Citations.

(1) As used in this rule, "citation" means an instrument which meets the requirements set forth in Section 455.224, F.S., and which is served upon a licensee for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section 455.225, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint that is the basis for the citation. The citation shall be

issued to the subject and shall contain the subject's name and address, ~~his~~ license number if applicable, a brief factual statement, the sections of law allegedly violated, and the penalty imposed. If a violation for which a citation may be issued is discovered during the course of an investigation for an unrelated violation, the citation must be issued within 6 months from the discovery of the violation and filing of the uniform complaint form by the investigator.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) Conducting a business under a name other than the licensed name of the employee leasing company, in violation of s. 468.530(3), F.S. The fine shall be \$500.00.

(b) Failure to notify the Board of change of address, in violation of s. 468.532(1)(j), F.S. The fine shall be \$100.00.

(c) Failing to post in a conspicuous place in the principal place of business the license of the employee leasing company in violation of s. 468.530(2), F.S. The fine shall be \$100.00.

(d) Failure to submit quarterly reports when due but which are submitted and postmarked:

1. more than 7 days, but less than 30 days after the due date, in violation of Rule 61G7-10.001, F.A.C. The fine shall be \$500.00;

2. 30 days or more, but less than 60 days after the due date, in violation of Rule 61G7-10.001, F.A.C. The fine shall be \$750.00;

3. 60 days or more, but less than 90 days after the due date, in violation of Rule 61G7-10.001, F.A.C. The fine shall be \$1,000.00;

4. 90 days or more, but less than 120 days after the due date, in violation of Rule 61G7-10.001, F.A.C. The fine shall be \$1,250.00.

(e) Failure to submit a statement of total gross Florida payroll along with copies of all Florida Unemployment Compensation Tax Returns postmarked:

1. more than 7 days, but less than 30 days of the due date, in violation of Rule 61G7-5.002(2), F.A.C. The fine shall be \$500.00;

2. 30 days or more, but less than 60 days after the due date, in violation of Rule 61G7-5.002(2), F.A.C. The fine shall be \$750.00;

3. 60 days or more, but less than 90 days after the due date, in violation of Rule 61G7-5.002(2), F.A.C. The fine shall be \$1,000.00;

4. 90 days or more, but less than 120 days after the due date, in violation of Rule 61G7-5.002(2), F.A.C. The fine shall be \$1,250.00.

(f) Failure to submit annual reports when due but which are submitted and postmarked more than 7 days, but less than 30 days of the date in violation of Rule ~~61G7-10.001~~ 61G7-10.001, F.A.C. The fine shall be \$500.00.

(g) Failure to submit annual assessment ~~fees reports~~ when due but which are submitted and postmarked:

1. more than 7 days, but less than 30 days of the due date, in violation of Rule ~~61G7-5.002(1)~~ 61G7-5.002(1), F.A.C. The fine shall be \$500.00;

2. 30 days or more, but less than 60 days after the due date, in violation of Rule 61G7-5.002(1), F.A.C. The fine shall be \$750.00;

3. 60 days or more, but less than 90 days after the due date, in violation of Rule 61G7-5.002(1), F.A.C. The fine shall be \$1,000.00;

4. 90 days or more, but less than 120 days after the due date, in violation of Rule 61G7-5.002(1), F.A.C. The fine shall be \$1,250.00.

(4) If the subject does not dispute the matter in the citation in writing within 30 days after the citation is served by personal service or within 30 days after receipt by certified mail, restricted delivery, the citation shall become a final order of the Board of Employee Leasing Companies. The subject has 30 days from the date the citation becomes a final order to pay the fine and costs. Failure to pay the fine and costs within the prescribed time period constitutes a violation of Section 468.532(1)(i), F.S., which shall result in further disciplinary action. All fines and costs are to be made payable to "Board of Employee Leasing Companies."

(5) Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected.

(6) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 455.225, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of Section 455.225, F.S., shall apply.

~~(7) A citation must be based on a violation of a particular provision covered by this rule which has occurred more than 3 years after the date of the issuance of a previous citation for the same offense.~~

~~(7)(8)~~ Notwithstanding subsection (6), if a subject has not received discipline for an additional violation of the particular provision covered by this rule within the preceding one ~~3~~ year period, then any subsequent violation of the particular provisions after one year ~~three years~~ shall be treated as a citation offense, unless the violation occurs in conjunction with a violation not described herein.

Specific Authority ~~455.204, 455.203(5), 455.224, 455.225~~ FS Law Implemented 455.224, 455.225, 468.530, 468.532 FS. History—New 6-26-95, Amended 2-19-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Tom Thomas, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLE: Penalty Guidelines for Class I and V Drug Violations  
 RULE NO.: 61D-6.011

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to implement Florida Statutes which grant the Division the authority to adopt rules establishing penalty guidelines for Class I, II, III, IV and V drug violations.

SUMMARY: This proposed rule amendment implements Florida Statutes necessary to establish penalty guidelines for Class I, II, III, IV and V drug 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 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: 550.0251(3), 550.2415(13) FS.

LAW IMPLEMENTED: 550.0215, 550.235(2) 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. – 4:00 p.m., November 7, 2000

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Room 312, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Written comments or suggestions on these proposed rules may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-6.011 Penalty Guidelines for Class I ~~IV~~ and V Drug Violations.

(1) The presence of a Class I ~~IV~~ or V foreign substance, as defined by the Uniform Classification Guidelines for Foreign Substances, revised January 7, 2000 ~~February 14, 1995~~, as promulgated by the Association of Racing Commissioners International, Inc., in the bodily fluids of an animal collected either immediately prior to or immediately after the racing of that animal constitutes a violation of Chapter 550, Florida Statutes.

(2) Pursuant to Rule 61D-6.002, Florida Administrative Code, the trainer of record is the absolute insurer of the condition of an animal he or she enters to race. Consequently, when evidence of the presence results of an impermissible Class IV or V substance, or substances, is presented either to the Division or to a panel of stewards or judges, the Division or the stewards or judges, absent aggravating or mitigating circumstances, must impose on the trainer of record one or more of the following penalties on the trainer of record in accordance with the class of impermissible substance, following schedule: Provided, however, that any discipline imposed by the stewards or judges shall not exceed their authority pursuant to Section 550.1155, Florida Statutes.

(a) Class I impermissible substances:

- 1. First violation \$500 to \$1,000 fine, suspension or revocation of license;
- 2. Any subsequent violation \$1,000 to \$5,000 fine, suspension or revocation of license.

(a) A \$100 to \$250 fine for the first violation in any twelve (12) month period.

(b) Class II impermissible substances:

- 1. First violation \$100 to \$1,000 fine, suspension of license up to 30 days;
- 2. Second violation within 36 months of a previous violation \$250 to \$1,000 fine, suspension or revocation of license;
- 3. Third violation within 36 months of a second violation, or a fourth or any subsequent



violation without regard to the time past since the third violation \$500 to \$1,000 fine, suspension or revocation of license.

~~(b) A \$250 to \$500 fine for the second violation in any twelve (12) month period.~~

(c) Class III impermissible substances:  
 1. First violation \$100 to \$500 fine;  
 2. Second violation within 12 months of a previous violation \$250 to \$750 fine, suspension of license up to 30 days;

3. Third violation within 24 months of a second violation, or a fourth or any subsequent violation without regard to the time past since the third violation \$500 to \$1,000 fine, suspension of license up to 60 days.

~~(e) A \$500 to \$1,000 fine and a fifteen (15) to thirty (30) day suspension for the third or any subsequent violation in any twelve month period.~~

(d) Class IV or V impermissible substances:  
 1. First violation Reprimand, \$100 to \$250 fine;  
 2. Second violation in a 12 month period \$250 to \$500 fine;  
 3. Third or subsequent violation in a 12 month period \$500 to \$1,000 fine, suspension of license up to 30 days.

(3) Nothing in this rule modifies the provisions of Rule 61D-6.008 or Rule 61D-3.002, Florida Administrative Code, or rules promulgated under Section 550.2415(16), Florida Statutes.

Specific Authority 550.0251(3), 550.2415(13), ~~(14)~~ FS. Law Implemented 550.0251, 550.1155, 550.2415(14) ~~550.0215, 550.235(2)~~ FS. History—New 1-5-98, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul F. Kirsch, Director, Division of Pari-Mutuel Wagering  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000, May 12, 2000, and July 7, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Board Approved Training Programs as Alternative Eligibility Requirements for Examination  
 RULE NO.: 61G19-7.001

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule to set forth the training program criteria for standard certificate holders who seek additional certification.

SUMMARY: Standard certificate holders who seek additional certification shall be required to complete specified training programs.

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: 468.606 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: 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:

61G19-7.001 Board Approved Training Programs as Alternative Eligibility Requirement for Examination.

(1) Applicants currently holding a standard certificate as a building, one and two family dwelling, electrical, mechanical, or plumbing inspector and seeking an additional category of inspector certification shall satisfactorily complete an inspector training program of not less than 200 hours in the certification category sought.

(2) Applicants currently holding a standard certificate as a building, electrical, mechanical, or plumbing plans examiner and seeking an additional certification in one of these categories shall satisfactorily complete a plans examiner training program of not less than 200 hours in the certification category sought.

(3) Applicants currently holding a standard certificate as a building, electrical, mechanical, or plumbing inspector and seeking certification as a one and two family dwelling inspector shall satisfactorily complete a one and two family training program of not less than 500 hours.

Specific Authority 468.606 FS. Law Implemented 468.609(2)(c)4. FS. History—New \_\_\_\_\_.

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: September 7, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Training Program Providers  
RULE NO.: 61G19-7.002  
PURPOSE AND EFFECT: This new rule governs the criteria required for those training program providers who seek training program approval for inspectors or plans examiners.  
SUMMARY: Program providers must meet specific eligibility requirements to be approved as a training program for inspectors or plans examiners.  
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: 468.606 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: 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:

61G19-7.002 Training Program Providers.

Training program providers who satisfy the continuing education requirement of 61G19-9.002(1) and (2), may apply for approval of a training program for inspectors or plans examiners who meet eligibility requirements established in 61G19-7.001.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New \_\_\_\_\_.

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: September 7, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Registration of Training Program Providers  
RULE NO.: 61G19-7.003  
PURPOSE AND EFFECT: This new rule elucidates the requirements of specific providers who wish to be approved as a training program for inspectors or plans examiners.  
SUMMARY: Certain providers must meet specific eligibility requirements to be approved as a training program for inspectors or plans examiners.

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: 468.606 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: 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:

61G19-7.003 Registration of Training Program Providers.  
Any Provider approved or registered pursuant to 61G19-9.003 may apply for approval of a training program for inspectors or plans examiners who meet eligibility requirements established in 61G19-7.001.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New \_\_\_\_\_.

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: September 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Approval of Training Programs

RULE NO.: 61G19-7.004

PURPOSE AND EFFECT: This new rule is being promulgated to set forth the requirements for the approval of a training program.

SUMMARY: The Board proposes to set specific directives for the approval of a training program.

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: 468.606 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: 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:

61G19-7.004 Approval of Training Programs.

(1) A training program shall be comprised of a minimum of 200 combined classroom and on-the-job training (OJT) hours, of which no less than 20 hours shall be OJT and no less than 20 hours shall be Board-approved classroom hours related to the category sought. The application for approval shall contain the total number of hours and the program syllabus, except that a training program for one and two family dwelling inspector shall be comprised of a total of 500 combined hours, of which no less than 50 hours shall be OJT and no less than 50 hours shall be Board-approved classroom hours related to the category sought.

(2) The Board shall approve training programs which have educational and OJT content sufficient to bring the certificate-holder's inspection or plans examiner skills and

technical skills to a level sufficient to qualify the individual for examination in the category sought. Training programs shall be supervised and certified by personnel qualified in accordance with 61G19-9.005, and shall otherwise fulfill the requirements of this part. Classroom hours as required herein shall be approved pursuant to 61G19-9 for continuing education courses.

(3) The Board shall approve or deny any application for program approval at the first Board meeting held more than thirty days after the date the application is received by the Board.

(4) A training program which has been rejected by the Board may be resubmitted with modifications.

(5) The Board shall not deny or withdraw approval of a training program on the basis that another program provider is conducting the same or a similar Board-approved training program.

(6) If a training program is approved, the Department shall assign the program a number. The Department shall print the Department-assigned number on the program syllabus, on all printed material used in connection with the program, and in all written advertising used in connection with the program.

(7) After a training program has been approved by the Board, any substantive changes in the program content must be submitted to and approved by the Board.

(8) Of the required fourteen (14) continuing education hours, up to twelve (12) hours credit may accrue toward biannual certificate renewal.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New

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: September 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Qualifications of Program Instructors

RULE NO.: 61G19-7.005

and Trainers for OJT

PURPOSE AND EFFECT: The Board proposes to define the qualifications of program instructors and on-the-job trainers.

SUMMARY: Specific criteria must be met before program instructors and trainers qualify as on-the-job trainers.

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: 468.606 FS.

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

61G19-7.005 Qualifications of Program Instructors and Trainers for OJT.

Program instructors and trainers shall meet the qualifications of 61G19-9.005.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New

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: September 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Program Syllabus RULE NO.: 61G19-7.006

PURPOSE AND EFFECT: The Board has determined to set forth a new rule requiring each program provider furnish a program syllabus, with specific information, and distributed to those who register for the program.

SUMMARY: Each program provider must prepare a program syllabus and must furnish it to each person who registers for the program.

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: 468.606 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: 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:

61G19-7.006 Program Syllabus.

(1) Each program provider shall prepare a program syllabus for each training program to be provided. The syllabus shall state the name of the provider of the program, the program number assigned by the Department, the name and address of the program provider, and a listing or outline of the Board-approved continuing education course or courses, the classroom/OJT schedule, achievement benchmarks, qualifications of OJT trainers, and method of documentation of training.

(2) Prior to the program, the program provider shall give a program syllabus to each person who registers for the program.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New

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: September 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Records Required to be Maintained by Program Providers RULE NO.: 61G19-7.007

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule specifying the requirements of a program provider's maintenance of records for each program.

SUMMARY: This rule stipulates the criteria of record maintenance by program providers.

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: 468.606 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: 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:

61G19-7.007 Records Required to be Maintained by Program Providers.

Program providers shall maintain the following records with respect to each program:

- (1) The original application for program admission.
- (2) The name, address, and qualifications of each individual who supervises or conducts OJT or who signs the Certificate of Satisfactory Completion on behalf of an approved provider.
- (3) All other records resulting in a transmittal of a Certificate of Satisfactory Completion to the Board.
- (4) Course sponsors shall maintain the required records for each course at least three (3) years following the date the course is completed.
- (5) 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 468.606 FS. History—New \_\_\_\_\_.

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: September 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Certificates of Satisfactory Completion  
 RULE NO.: 61G19-7.008

PURPOSE AND EFFECT: This new rule sets forth the criteria of showing proof an applicant has met the requirements of an approved training program that will qualify the applicant to sit for the examination in the category sought.

SUMMARY: An approved program provider must complete a Certificate of Satisfactory Completion as evidence that an applicant fulfilled the training program successfully.

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: 468.606 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: 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:

61G19-7.008 Certificates of Satisfactory Completion.

(1) The Board shall accept from approved program providers a Certificate of Satisfactory Completion of an approved training program.

(2) A Certificate of Satisfactory Completion submitted by an approved program provider shall constitute evidence that the applicant meets the requirements in 61G19-7.001 and, within a period of thirty-six (36) calendar months, has successfully completed the training program.

(3) A Certificate of Satisfactory Completion shall qualify the applicant, pursuant to 468.609(2)(c)4., F.S., for examination in the category sought.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New \_\_\_\_\_.

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: September 7, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Advertising of Training Programs  
RULE NO.: 61G19-7.009

PURPOSE AND EFFECT: The Board proposes to promulgate this new rule to set forth the advertising requisites of training programs.

SUMMARY: This rule sets the advertising standards of training programs.

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: 468.606 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: 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:

61G19-7.009 Advertising of Training Programs.

(1) Providers shall not advertise a training program as one approved by the Board until such approval is officially granted by the Board.

(2) Providers shall not include any false or misleading information regarding any program approved under this rule.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New

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: September 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Training Program Provider Fees  
RULE NO.: 61G19-7.010

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule setting fees for training program providers.

SUMMARY: This new rule sets the fees for government agencies, approved program providers, and the review of each training program application.

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: 468.606 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: 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:

61G19-7.010 Training Program Provider Fees.

(1) Program providers who are qualified and approved to provide continuing education courses under 61G19-9 shall pay no fee for provider approval under this part.

(2) The fee for reviewing each training program approval application shall be \$25.00 per one hundred (100) program hours; the minimum fee shall be \$25.00, the maximum shall be \$100.00.

(3) Government agencies providing training programs shall pay no fee for program or program provider approval.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History—New

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: September 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance Boards**

RULE CHAPTER TITLE: Standardized Credentialing  
 RULE CHAPTER NO.: 64B-8

RULE TITLE: Fee to Access Core Credentials Data File  
 RULE NO.: 64B-8.006

PURPOSE AND EFFECT: To charge a fee to access the practitioner's core credentials data from the Standardized Credentials Verification Program. Said fee may not exceed the actual cost for developing and operating the program.

SUMMARY: These rules set forth the fees for the Standardized Credentials Verification Program. They will not exceed the actual cost for developing and operating the program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Has not been prepared regarding these proposed rules.

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: 456.047(8) FS.

LAW IMPLEMENTED: 456.047(3)(b)3. FS.

THE DEPARTMENT OF HEALTH WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULE AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Monday, October 23, 2000  
 PLACE: Betty Easley Conference Center, 4075 Esplanade Way (Room 166), Tallahassee, Florida 32399

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 5 calendar days before the meeting by contacting Michele Bryant at (850)245-4226. If you are hearing or speech impaired, please contact the agency by calling (850)245-4474.

All written material received by the Department within 21 days of the date of publication of this notice shall be made a part of the official record.

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they 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 based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-1703

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-8.006 Fee to Access Core Credentials Data File.

(1) A health care practitioner must complete, sign, and return to the department, Form DH-MQA 1028 (Practitioner Participation Agreement Comprehensive Release Form), in order to grant access to health care entities and credentials verification organizations.

(2) Each health care entity and credentials verification organization (hereinafter known as "subscriber") as defined in Section 456.047, Florida Statutes, shall pay in advance, a subscription fee to access information from each health care practitioner's core credentials data file. Such per-file subscription fee shall be valid for a twelve (12) month period beginning on the date the subscriber accesses the practitioner's file, and ending twelve (12) months from the date of such first access. Once a health care practitioner's file has been accessed by a subscriber, the subscription fee entitles the subscriber to unlimited access during this twelve (12) month period. A subscription fee paid, but not used during a twelve (12) month period, shall expire twenty-four (24) months after the date the fee is paid.

(3) Beginning July 1, 2000, and ending June 30, 2001, the twelve (12) month per-file subscription fee shall be as follows:

<u>Number of practitioner files</u>	<u>Cost per file</u>
<u>1 – 500</u>	<u>\$20</u>
<u>501 – 1000</u>	<u>\$15</u>
<u>1001 – unlimited</u>	<u>\$10</u>

(4) Beginning July 1, 2001, the twelve (12) month per-file subscription fee shall be as follows:

<u>Number of practitioner files</u>	<u>Cost per file</u>
<u>1 – 500</u>	<u>\$25</u>
<u>501 – 1000</u>	<u>\$20</u>
<u>1001 – unlimited</u>	<u>\$15</u>

Specific Authority 456.047(8) FS. Law Implemented 456.047(3)(b)3. FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-1703

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin # C10, Tallahassee, Florida 32399-1703

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: May 19, 2000

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Application for Permit
RULE NO.: 64B5-14.005

PURPOSE AND EFFECT: The Board proposes to update the rule text to clarify to all dentists that they must possess a permit in order to administer anesthesia.

SUMMARY: The Board is amending this rule to inform all dentists in a practice and who perform any type of anesthesia, that they must possess an individual permit.

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: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 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: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.005 Application for Permit.

(1) No dentist shall administer, supervise or permit another health care practitioner, as defined in subsection 455.01, F.S., to perform the administration of general anesthesia, deep sedation, parenteral conscious sedation or pediatric conscious sedation in a dental office for dental patients, unless such dentist possesses a permit issued by the Board. A permit is required even when another health care practitioner, as defined in subsection 455.01, F.S., administers general anesthesia, deep sedation, parenteral conscious sedation, or pediatric conscious sedation in a dental office for a dental patient. The dentist holding such a permit shall be subject to review and such permit must be renewed biennially. Nothing herein shall be read to authorize the administration of any anesthesia by a health care practitioner who is permitted to administer anesthesia pursuant to their own professional license. All dentists in a practice who perform the administration of general anesthesia, deep sedation, parenteral conscious sedation or pediatric conscious sedation shall each possess an individual permit.

(2) through (7) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History--New 4-7-86, Amended 1-29-89, 11-16-89, 11-8-90, 4-24-91, Formerly 21G-14.005, Amended 12-20-93, Formerly 61F5-14.005, Amended 8-8-96, Formerly 59Q-14.005, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Patient Records; Copying Charges; Timely Release
RULE NO.: 64B5-17.009

PURPOSE AND EFFECT: The Board proposes to amend this rule to change the rule title and to properly describe the procedure for obtaining records, copying charges, and the timely release of such records.

SUMMARY: The Board proposes to amend the rule text which will further clarify the release of a patient's records and defines "timely" manner. In addition, the rule title is being changed.

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: 466.004(4) FS.

LAW IMPLEMENTED: 455.674 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: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-17.009 Patient Records; Copying Charges; Timely Release Copying Charges for Patient Records.

(1) through (2) No change.

(3) A dentist shall comply with a patient's request for copies of records and report in a timely manner. In the absence of unusual circumstances, "timely" shall mean 15 days for records kept at the office, and 30 days for records kept at a storage facility.

Specific Authority 466.004(4) FS. Law Implemented 455.674 FS. History--New 4-26-87, Amended 6-20-89, Formerly 21G-17.009, 61F5-17.009, 59Q-17.009, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry



NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE TITLE: Health Care Surrogate or Proxy  
 RULE NO.: 65E-5.2301  
 PURPOSE AND EFFECT: The above rule is being revised to bring it into compliance with chapter 765, F.S.

SUMMARY: The rule currently requires two physicians to determine the competency of a person to consent to treatment before a health care surrogate may temporarily provide consent to treatment until a guardian advocate is appointed. This conflicts with s. 765.204(2), F.S., which requires only one physician to determine the competency of a person to consent to treatment. Revision of the above rule will bring it into compliance with existing statutory language. In addition, a statutory citation is added to existing language to clarify the law implemented.

SPECIFIC AUTHORITY: 394.457(5) FS.

LAW IMPLEMENTED: 394.4598, 765 FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not requested nor prepared for this rule.

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

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

TIME AND DATE: 10:00 a.m., Monday, November 6, 2000  
 PLACE: Winewood Office Complex, Building 6, Second Floor, Conference Room "A", 1317 Winewood Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Vince Smith, Operations and Management Consultant II, Mental Health Program Office, 1317 Winewood Blvd., Building 6, Room 209, Tallahassee, Florida 32399-0700, telephone (850)413-0932

Persons with disabilities requiring accommodations in order to participate in this event should contact Linda Henshaw, Department of Children and Family Services, Mental Health Program Office, 1317 Winewood Blvd., Building 6, Room 227, Tallahassee, Florida 32399-0700, (850)921-5724 (Voice) or (850)921-8880 (TDD) by phone or in writing by close of business (5:00 p.m.) on October 30, 2000.

THE FULL TEXT OF THE PROPOSED RULE IS:

65E-5.2301 Health Care Surrogate or Proxy.

(1) During the interim period between the time a patient is determined by ~~a two~~ physicians, as defined in s. 394.455(21), F.S., to be incompetent to consent to treatment and the time a guardian advocate is expeditiously appointed by a court, pursuant to s. 394.467(6)(d), F.S., to provide express and informed consent to the patient's treatment, a health care surrogate designated by the patient, pursuant to chapter 765, part II, F.S., may provide such consent to treatment.

(2) through (5) No change.

Specific Authority 394.457(5) FS. Law Implemented 394.4598, 765 FS. History--New 11-29-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vince Smith

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John N. Bryant, Director of Mental Health

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2000

Purchase Order No: D10722

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

**DEPARTMENT OF STATE**

**Division of Historical Resources**

RULE NOS.:	RULE TITLES:
1A-43.007	Application Requirements
1A-43.009	Application Review

**NOTICE OF CHANGE**

Notice is hereby given that proposed Rules 1A-43.007 and 1A-43.009, F.A.C., and proposed Department of State Forms HR2E570700 and HR2E580700 and incorporated by reference into proposed Rule 1A-43.007, F.A.C., and Form HR2E590700, F.A.C., incorporated by reference into proposed Rule 1A-43.009, F.A.C., published in the Florida Administrative Weekly, Volume 26, Number 33, on August 18, 2000, have been changed to reflect comments received from the Joint Administrative Procedures Committee.

When changed, proposed Rule 1A-43.007(1), F.A.C., shall read:

CHAPTER 1A-43  
 HISTORICAL MUSEUMS GRANTS-IN-AID  
 1A-43.007 Application Requirements.

(1) Applications for grant assistance from the Historical Resources Operating Trust Fund shall be signed by the person or persons with legal authority to obligate the applicant and shall be made on Historical Museums Grants-in-Aid Application Forms HR2E570700 and HR2E580700, effective 11-23-00, which are incorporated by reference. A copy of the application forms may be obtained from the Bureau of Historical Museums.

When changed, proposed Rule 1A-43.009(9), F.A.C., shall read:

(9) All grant awards which have been approved in accordance with this rule shall be formalized through a grant award agreement which shall contain conditions governing the grant award. The grant award agreement, Form HR2E590700, effective 11-23-00, is incorporated by reference and may be obtained from the Bureau of Historical Museums.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral and Cemetery Services**

RULE NO.:                   RULE TITLE:  
3F-5.0016                   Certificate of Authority; Financial Requirements  
NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 26, No. 21, May 26, 2000, issue of the Florida Administrative Weekly. In response to comments from the public a Notice of Public Hearing was held on July 18, 2000 and on August 29, 2000, the Board held a general Rules Committee meeting and a Board meeting was held on September 25, 2000. Based on comments from the public, the Board voted to file this notice of change.

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 Board voted to change subsection (3) and subsection (5). The Rule shall now read as follows:

3F-5.0016   Certificate of Authority; Financial Requirements.

(1) A Certificate of Authority holder or applicant must meet and maintain the following requirements on an annual basis, demonstrating its ability to discharge its liabilities as they become due in the normal course of business and must have sufficient funds available to perform its obligation under its existing preneed contracts.

(2) A Certificate of Authority holder or applicant must submit its most recent year-end financial statements (including a balance sheet and income statement), with the Certificate of Authority application and annually thereafter as provided in Section 497.407(1), F.S. The financial statements must be prepared in accordance with generally accepted accounting

principles (GAAP) as those principles have been defined by the Florida Board of Accountancy in Chapter 61H1-20, F.A.C. The financial statements may omit notes to financial statements and the statement of cash flows.

(3) For the purpose of this rule, total preneed contracts will mean the total retail value of all outstanding preneed contracts. Financial statements must demonstrate the following levels of net worth:

(a) Certificate of Authority holder that has total preneed contracts of \$100,000 or less – \$10,000 net worth;

(b) Certificate of Authority holder that has total preneed contracts of \$100,001 to \$200,000 – \$20,000 net worth;

(c) Certificate of Authority holder that has total preneed contracts of \$200,001 to \$400,000 – \$40,000 net worth;

(d) Certificate of Authority holder that has total preneed contracts of \$400,001 to \$600,000 – \$60,000 net worth;

(e) Certificate of Authority holder that has total preneed contracts of \$600,001 to \$800,000 – \$80,000 net worth.

(f) Certificate of Authority holder that has total preneed contracts in excess of \$800,000 – \$100,000 net worth.

(4) In the case of a Certificate of Authority holder or applicant offering preneed sales through a subsidiary agent, as provided in Rule 3F-5.0015, the Certificate of Authority holder or applicant shall execute a guarantee agreement with respect to any contract obligations resulting from preneed sales of such a selling agent.

(5) If the Certificate of Authority holder or applicant does not meet the financial requirements in (3) above, the entity may, ~~within thirty (30) days of notification by the Board,~~ voluntarily submit to the Board additional evidence or agree to additional oversight as to its meeting the requirements of (1) above and as a condition of receiving and retaining a Certificate of Authority. Such additional evidence or oversight agreement shall include as appropriate:

(a) Agreement to submit monthly financial statements of the entity,

(b) Agreement to submit quarterly financial statements of the entity,

(c) Appraisal of the entity's property or broker's opinion of value of entity's assets,

(d) Credit report of the entity or its principal owners,

(e) Subordination of debt agreement from the entity's principal owners,

(f) Indemnification/subrogation agreement binding the entity and principal owners,

(g) Guarantee agreement for the entity from its principal owners,

(h) Written explanation of past financial activity,

(i) Submission of a twelve month projected business plan which shall include:

1. Statement of cash flows,

2. Proforma income statement with sources of revenue identified, and

3. Marketing initiatives.

(j) Submission of previous Department examination reports,

(k) 100% voluntary trusting agreement by the entity,

(l) Provide a surety bond acceptable to the Department and the Board.

Upon the Board's review of such additional information or agreements, submitted as stated above, the Board may issue a Certificate of Authority if such information or agreement results in the Board determining that the applicant or certificate holder meets the requirements of Sections 497.405 and 497.407, F.S.

(6) As to all new applicants, this rule will become effective 20 days after filing with the Department of State. As to renewals of existing Certificates of Authority, this rule will become effective on April 1, 2001.

Specific Authority 497.103 FS. Law Implemented 497.405, 497.407 FS. History—New 5-21-95, Amended 12-7-98, 10-18-99,\_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
4-154.108	Severability
4-154.109	Effective and Operative Dates

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule(s), as noticed in Vol. 26, No. 32, August 11, 2000, of the Florida Administrative Weekly, have been withdrawn. The rules were previously repealed effective September 19, 2000.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
9B-44.003	Products, Standards and Test Methods

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with section 120.54(3)(d)1., F.S. The amendments to Rule 9B-44.003 were noticed and published in the Vol. 26, No. 21, May 26, 2000, issue of the Florida Administrative Weekly. The change is in response to comments received from the Joint Administrative Procedures Committee.

Subsection (3) of Rule 9B-44.003, F.A.C. shall now read:

(3) Showerheads; Test Method. Manufacturers of showerheads to be sold or installed in Florida that are covered by this rule shall cause the testing of samples of each model. Initial certification of showerheads mandated to occur by January 1, 1988, may contain testing reports developed by the manufacturers' test laboratory and certified by the manufacturer to be true and accurate. Certifications of showerheads made after January 1, 1990, shall contain results

of testing reports conducted by a test laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) or, where no laboratory accreditation category exists under this program for a covered product, testing shall be conducted by an independent test laboratory. The method of testing shall be in accordance with standard ASME A112.18.1-2000 ANSI A112.18.1M-1996, which is incorporated by reference herein and may be obtained from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212)642-4900. Showerheads shall be tested in the assembled configuration in which they are packaged and sold. Showerheads in which a flow restricting mechanism is not mechanically retained, as defined below, when packaged and sold shall be tested with the flow restricting mechanism removed. Mechanically retained shall mean that the insert cannot be shaken out of the showerhead, but would require a force of at least eight pounds to remove the insert. All showerheads with the flow restrictors mechanically retained at the point of manufacture shall be tested with the flow restrictor mechanism in place. Showerheads with a radially drilled hole which is sealed when the flow restricting mechanism is in position, but which sprays water out of the side of the showerhead when the flow restricting mechanism is removed shall also be tested with the flow restricting mechanism in place.

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

If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

**DEPARTMENT OF TRANSPORTATION**

<b>RULE CHAPTER NO.:</b>	<b>RULE CHAPTER TITLE:</b>
14-66	Relocation Assistance Regulations
<b>RULE NO.:</b>	<b>RULE TITLE:</b>
14-66.007	Relocation Assistance Program

**CHANGE NOTICE**

SUMMARY OF CHANGE: The following changes are being made in response to a review by the Joint Administrative Procedures Committee:

1. 14-66.007(6)(a) is changed to replace the words "Within a reasonable period of time prior to displacement, adequate" with the word "Comparable" as follows:

(a) ~~Comparable~~ ~~Within a reasonable period of time prior to displacement, adequate~~ replacement dwellings shall be available or provided for each displaced person and such determination shall be accompanied by an analysis of all relocation issues involved and a specific plan to resolve such issues; and

2. 14-66.007(6)(b) is changed to delete the word “adequately” as follows:

(b) The relocation program ~~adequately~~ provides orderly, timely, and efficient relocation of displaced persons, including, when appropriate, Housing of Last Resort as required in 49 C.F.R., Part 24, and these regulations.

3. In 14-66.007(b) “Department” is changed to “Agency” as follows:

(b) Prior to moving personal property for a residential move, performed by a commercial mover, or any non-residential move, when the move is expected to exceed \$10,000, at least two estimates of move costs shall be obtained by the ~~Agency Department~~ or the displaced person(s). The amount of the payment is limited to the lower of the two estimates. When a move is expected to cost less than \$10,000, a single move estimate prepared by a commercial mover or a qualified ~~Agency Department~~ employee shall be sufficient.

4. 14-66.007(7)(c) is substantially reworded and split into a (7)(c) and (7)(d) as follows:

(c) Moves which require special handling of items to be moved, or subcontracted labor, will be monitored by the Department. In moves of specialty operations, such as plant nurseries or industrial plants, a specialist may be hired to provide the required monitoring. A detailed monitoring report will include:

1. Date and time of report;
2. Location, such as acquired or replacement site;
3. Number and types, such as general laborer, foreman, of personnel actually involved in the move, including time period each worked;
4. Equipment being used in the move;
5. Quantity of inventory moved during the monitoring period;
6. Special services performed, such as electrical, plumbing, etc., with breakdown as to work done per item, per length of time;
7. Unusual circumstances or special conditions affecting the move during the reporting period; and
8. Advisory services provided during the monitoring period.

~~(d) In the event the Agency requires a move to be monitored~~ When a move is monitored, eligibility for payment shall be contingent on a written agreement between the Agency and the displaced person(s) as to:

1. The date and time the move is to begin;
2. The items that are listed as part of the realty in the appraisal report and which are not eligible for moving expense reimbursement; and
3. The displaced person’s list of items to be moved.

5. 14-66.007(7)(d) through (7)(n) are renumbered as (7)(e) through (7)(o).

6. 14-66.007(7)(n) [renumbered to (7)(o)] is changed to delete “, as defined in 40 C.F.R. Parts 261.1 and 262.11, must” and replace with “, which is required to” and to add “shall be disposed of” after the reference to “Title 40 C.F.R. Part 262” as follows:

~~(o)(#)~~ Any individual or business which generates solid waste shall make a hazardous waste determination pursuant to the Resource Conservation and Recovery Act (RCRA), and the Florida Resource and Management Act. All hazardous waste, ~~as defined in 40 C.F.R. Parts 261.2 and 262.11, must~~ which is required to be disposed of in accordance with Chapter 403, Florida Statutes, and Title 40 C.F.R. Part 262, shall be disposed of at the sole cost of the individual or business before the subject site is vacated.

Notice of Rulemaking was published in *Florida Administrative Weekly*, Vol. 26, No. 25, dated June 23, 1999.

NOTE: The add/delete (underline/strike through) coding refers to changes from the proposed language as set out in the original notice.

**DEPARTMENT OF CORRECTIONS**

RULE NOS.:	RULE TITLES:
33-601.602	Community Release Programs
33-601.606	Placement of Inmates into Community Release Programs

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing on the above referenced proposed Rules, as noticed in the Florida Administrative Weekly, Vol. 26, No. 36, date September 8, 2000, will be held at 1:00 p.m., on Tuesday, October 24, 2000, at the Department of Corrections Central Office located at 2601 Blair Stone Road, Tallahassee, Florida 32399.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:	RULE TITLE:
33-601.820	Maximum Management

**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. 29, July 21, 2000, issue of the Florida Administrative Weekly:

33-601.820 Maximum Management.

(1) General. Maximum Management is a temporary status for an inmate who, through a recent ~~current~~ incident or a series of recent ~~current~~ incidents, has been identified as being an extreme security risk to the Department and requires an immediate level of control beyond that available in close management or death row.

(2) Definitions.

(a) through (b) No change.

(c) Maximum Management (MM) – refers to a temporary status for an inmate who, through a recent current incident or series of recent current incidents, has been identified as being an extreme security risk to the Department and requires an immediate level of control beyond that available in close management or death row. The Secretary shall designate which institutions are authorized to house maximum management inmates, based upon the needs of the department.

(d) Maximum Management Cell – a single-cell housing type that has two doors, a grille front with and door, ~~a solid door external to the grille and~~ a securable opening for feeding and cuffing, and a solid door in close proximity of the external grille door.

(e) through (h) No change.

(3) Maximum Management Placement Criteria.

(a) An inmate shall have, at a minimum, met the criteria for placement in Close Management I or death row and participated in a recent current incident or series of recent current incidents which demonstrate:

1. through 4. No change.

(b) through (e) No change.

(4) Conditions of Placement in Maximum Management.

(a) During initial placement of an Any inmate initially placed into maximum management will be provided the following will be provided:

1. No change.

2. Bedding – (one mattress, one pillow, one pillow case and one blanket);

3. Solid Door – Should an inmate's behavior require that the solid door be closed for security reasons, the Shift Supervisor may authorize this immediate restriction. The Shift Supervisor shall notify the ICT the following day and the ICT shall approve, disapprove or modify this restriction. The ICT shall notify the State Classification Office Chairperson for final approval, disapproval or modification of the ICT decision as described in (5) of this rule.

~~4.3. Reading materials – (a bible, or religious testament or other reading material specifically related to the inmate's faith only);~~

~~5.4. Out-of-doors recreation – (limited to once every 30 days);~~

~~6.5. Meals shall be served on paper or styrofoam products only;~~

~~7.6. Legal materials;~~

~~8.7. Inmate Grievance forms;~~

~~9.8. Legal Visits; with attorney or emergency visits as approved by the warden;~~

10. Mail correspondence as provided for Close Management inmates for the purpose of conducting legal business only.

(b) Inmates in maximum management status shall not be allowed to make routine bank transactions or canteen purchases, with the exception of stamp purchases for ~~legal~~ mail.

(c) The conditions set forth in (a) and (b) above shall be reviewed at least weekly by the ICT, and when the ICT determines the inmate has sufficiently demonstrated positive adjustment, consideration shall be given to adjusting the inmate's conditions to the extent authorized for Close Management I inmates. The Institutional Classification Team shall document their justification for adjustment on Form DC6-101, Referral for Maximum Management. The State Classification Office, upon their review, may also consider adjusting the inmate's conditions. Any adjustment to the conditions made by the State Classification Office shall be documented on Form DC6-101.

(5) Maximum Management Conditions After Initial Placement. Should the inmate's behavior require alteration of initial placement conditions or previously relaxed conditions as described in (4)(a) and (b), the Institutional Classification Team shall make the recommendation to the State Classification Office chairperson on Form DC6-101, Referral for Maximum Management. The State Classification Office chairperson shall approve, disapprove or modify the recommendations.

~~(d) If, based on the inmate's overall adjustment, a relaxed condition needs additional review, the Institutional Classification Team or State Classification Office shall follow the procedure set forth in Rule 33-601.820(9).~~

(5) through (8) renumbered (6) through (9) No change.

~~(9) Maximum Management Conditions After Initial Placement. Should the inmate's behavior require alteration of previously relaxed conditions as described in (4)(a), the Institutional Classification Team shall make the recommendation to the State Classification Office Chairperson on Form DC6-101, Referral for Maximum Management. The State Classification Office chairperson shall approve, disapprove or modify the recommendations.~~

(10) through (11) No change.

(12) Other Conditions Of Confinement.

(a) No change.

(b) Religious services shall be delivered by institutional chaplaincy staff or approved volunteers only.

(c) through (d) No change.

(e) Inmates who are housed in Maximum Management will have health care services to the same extent as all other close management inmates. Monitoring of inmates will be as described in 33-601.809, Close Management – Case Management Responsibilities.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard Dugger ~~Stan Czerniak~~

The rule shall now read as follows:

61G6-9.007 Qualifications of Course Instructors.

(4) A course provider may request approval by the board regarding the qualifications of a particular instructor for a particular course.

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40E-7	Miscellaneous Provisions
RULE NOS.:	RULE TITLES:
40E-7.523	Access to Management Areas; Closures
40E-7.527	Hunting; Possession and Use of Firearms
40E-7.534	Special Use Licenses
40E-7.538	Establishment of South Florida Water Management District Management Areas Open to the Public

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.:	RULE TITLE:
61H1-33.003	Continuing Professional Education NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 26, No. 29, July 21, 2000, issue of the Florida Administrative Weekly. Based on comments received from the Joint Administrative Procedures Committee, the rule is being changed to read as follows.

Section (1)(b) shall read as follows:

(b) Licensees who do not meet the requirements by June 30th will be granted an automatic extension until September 15th provided the licensee submits an additional 8 hours in Accounting and Auditing subjects. An automatic extension will be granted until December 1st provided the licensee submits an additional 16 hours in Accounting and Auditing subjects. Licensees utilizing the automatic extension must submit the required information postmarked by September 15th or December 1st.

Subsection (2) now reads as follows:

(2) Educational instruction or training in public accounting subjects or courses of study is hereby defined as formal programs of learning, as defined below, which contribute directly to professional competency following licensure to practice public accountancy. Unless otherwise approved by the Board pursuant to section 120.542, F.S., subjects or courses of study qualifying an individual for the purpose of this rule shall be limited to:

- (a) Accounting and auditing subjects to consist of:
  - (a) through (b) renumbered 1. through 2. No change.
  - (b) Technical business subjects to consist of:
    - 1. through 2. No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha Willis, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite #1, Gainesville, FL 32607

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 30, July 28, 2000 issue of the Florida Administrative Weekly:

The changes were made in response to comments received from The Florida Legislature Joint Administrative Procedures Committee and District staff.

In the first sentence in subsection 40E-7.527(1), F.A.C. "and regulations" has been deleted.

In the first sentence in subsection 40E-7.534(7), F.A.C. the spelling of "purpose" has been corrected.

In the first sentence in section 40E-7.538, F.A.C. has been changed so that when adopted it will read: "The South Florida Water Management District does hereby establish the following areas as Management Areas that are open to the public under the General and Specific Rules of the District, located in Chapter 40E-7, F.A.C., and under Rules and Ordinances of cooperating management entities."

Subsection 40E-7.538(2), F.A.C. has been deleted.

Subsection 40E-7.538(3) through 40E-7.538(23), F.A.C. has been renumbered to read: 40E-7.538(2) through 40E-7.538(22), F.A.C.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.:	RULE TITLE:
61G6-9.007	Qualifications of Course Instructors 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. 36, September 8, 2000, issue of the Florida Administrative Weekly. The change is in response to comments received from the Joint Administrative Procedures Committee.

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-13.300                      RULE TITLE:                      Reactivation of Inactive License

**NOTICE OF CORRECTION**

The above-proposed rule was published in the September 22, 2000 issue of the Florida Administrative Weekly, Vol. 26, No. 38., on page 4394. The date of the hearing, which was originally published as November 10, 2000, has been changed and will now be November 9, 2000. The foregoing change does not affect the substance of the proposed rule. The person to be contacted regarding the above change 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 Nursing Home Administrators**

RULE NO.: 64B10-14.004                      RULE TITLE:                      Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

**NOTICE OF CORRECTION**

The above-proposed rule was published in the September 22, 2000 issue of the Florida Administrative Weekly, Vol. 26, No. 38, on page 4394. The date of the hearing, which was originally published as November 10, 2000, has been changed and will now be November 9, 2000. The foregoing change does not affect the substance of the proposed rule. The person to be contacted regarding the above change is, John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

**Section IV  
Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 318, LUCKY 7'S                      RULE NO.: 53ER00-41

SUMMARY OF THE RULE: This emergency rule describes Instant Game 318, "LUCKY 7'S," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-41 Instant Game Number 318, LUCKY 7'S.

(1) Name of Game. Instant Game Number 318, "LUCKY 7'S."

(2) Price. LUCKY 7'S tickets sell for \$1.00 per ticket.

(3) LUCKY 7'S 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 LUCKY 7'S 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 LUCKY 7'S lottery ticket, the VIRN number under the latex shall prevail over the bar code.

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

INSERT SYMBOLS

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

INSERT SYMBOLS

(6) The legend is as follows:

INSERT SYMBOLS

(7) Determination of Prize Winners. The holder of a ticket having three "7's" exposed in the play area in any one row, column or diagonal shall be entitled to the prize shown in the PRIZE BOX play area. Prize amounts which may appear in the PRIZE BOX play area are \$1, \$2, \$4, \$7, \$17, \$27, \$77, \$277, and \$777. If "TICKET" is shown in the PRIZE BOX play area, the holder shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a LUCKY 7'S lottery ticket which entitles the holder to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(8) The value, number of prizes, and odds of winning in Instant Game Number 318 are as follows:

GET THREE 7'S IN ANY ROW, COLUMN OR DIAGONAL WITH PRIZES OF:	WIN	NUMBERS IN WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL	ODDS
TICKET	\$1 TICKET	1,209,600	1 in 8.33
\$1	\$1	470,400	1 in 21.43
\$2	\$2	302,400	1 in 33.33
\$4	\$4	201,600	1 in 50.00
\$7	\$7	100,800	1 in 100.00
\$17	\$17	67,200	1 in 150.00
\$27	\$27	33,600	1 in 300.00
\$77	\$77	1,568	1 in 6,428.57
\$277	\$277	280	1 in 36,000.00
\$777	\$777	56	1 in 180,000.00

(9) The over-all odds of winning any prize in Instant Game Number 318 are 1 in 4.22.

(10) For reorders of Instant Game Number 318, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(11) By purchasing a LUCKY 7'S lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a), (b),(c) FS. History—New 10-2-00.

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

EFFECTIVE DATE: October 2, 2000

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 316, TOUCHDOWN      RULE NO.: 53ER00-42

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 316, "TOUCHDOWN" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the number and size of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-42 Instant Game 316, TOUCHDOWN.

(1) Name of Game. Instant Game Number 316 "TOUCHDOWN."

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

(3) TOUCHDOWN 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 TOUCHDOWN 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 TOUCHDOWN lottery ticket, the VIRN number under the latex shall prevail over the bar code.

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

INSERT SYMBOLS

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

INSERT SYMBOLS

(6) The legends are as follows:

INSERT SYMBOLS

(7) Determination of Prize Winners. There are 10 games on each ticket.

(a) The holder of a ticket having a total of 10 or more yards for all 4 downs in a game shall be entitled to a prize of the corresponding amount shown. Prize amounts which may appear in the prize area are: \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$7.00, \$10.00, \$15.00, \$30.00, \$50.00, \$250, \$500, \$1,000, \$5,000, and \$10,000.

(b) The holder of a ticket having a total of 10 or more yards for all 4 downs in a game and a "TICKET" exposed as the corresponding prize shall be entitled to a prize of one \$2.00 instant ticket, or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a TOUCHDOWN lottery ticket which entitles the holder to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(c) The holder of a ticket having a "TD" exposed in the play area of a game shall be entitled to a prize of double the corresponding prize amount shown.



(8) Number and Size of Prizes. The value, number of prizes, and odds of winning in Instant Game Number 316 are as follows:

IF THE TOTAL OF 4 DOWNS EQUAL 10 OR MORE, OR GET A "TD" TO DOUBLE THE PRIZES OF: TICKET	WIN \$2 TICKET	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL	ODDS
\$2	\$2	982,800	1 in 7.69
\$2 (TD)	\$4	176,400	1 in 42.86
\$4	\$4	252,000	1 in 30.00
\$2 + \$2 (TD) + \$1	\$7	100,800	1 in 75.00
\$3 + \$2 (TD)	\$7	50,400	1 in 150.00
\$7	\$7	50,400	1 in 150.00
\$1 x 10	\$10	50,400	1 in 150.00
\$2 + \$3 + \$5	\$10	50,400	1 in 150.00
\$10	\$10	25,200	1 in 300.00
\$2 x 10	\$20	25,200	1 in 300.00
\$2 x 3 + \$4 + \$5 (TD)	\$20	50,400	1 in 150.00
\$10 (TD)	\$20	25,200	1 in 300.00
\$3 x 10	\$30	17,724	1 in 426.54
\$15 (TD)	\$30	17,682	1 in 427.55
\$4 x 10	\$40	8,400	1 in 900.00
\$30 + \$5 (TD)	\$40	8,400	1 in 900.00
\$2 + \$3 x 2 + \$5 x 3 + \$7 + \$10 (TD) + \$50	\$100	840	1 in 9,000.00
\$10 x 10	\$100	840	1 in 9,000.00
\$250 (TD)	\$500	84	1 in 90,000.00
\$500	\$500	84	1 in 90,000.00
\$1,000 x 10	\$10,000	2	1 in 3,780,000.00
\$5,000 (TD)	\$10,000	2	1 in 3,780,000.00
\$10,000	\$10,000	2	1 in 3,780,000.00

(9) The over-all odds of winning any prize in Instant Game Number 316 are 1 in 3.94.

(10) For reorders of Instant Game Number 316, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

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

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History--New 10-2-00.

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

EFFECTIVE DATE: October 2, 2000

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Promotional Event Drawings

RULE NO.: 53ER00-43

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for promotional drawings that involve the purchase of a lottery ticket or tickets in exchange for entry into the promotional drawings.

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:

53ER00-43 Promotional Event Drawings.

(1) The Lottery is authorized to conduct various promotional drawings associated with the promotion of lottery games. This rule sets forth the provisions for promotional drawings that involve the purchase of a lottery ticket or tickets in exchange for entry into the promotional drawings.

(2) The following information, if applicable, shall be made readily available to the participants at the time and location of entry into the promotional drawing:

- (a) Date and time of the drawing;
- (b) Price and method of entry into the drawing;
- (c) Deadline for entry into the drawing;
- (d) Number and description of prizes to be awarded;
- (e) Any drawing restrictions (e.g. must be present to win);
- (f) Drawing procedures;
- (g) Determination of prize winners;
- (h) Method of claiming prizes;
- (i) Prize delivery provisions.

(3) A person designated by the Lottery shall conduct promotional drawings. Promotional drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm who shall certify that all drawing procedures have been followed.

(4) Odds of winning a prize are dependent upon the number of entries received.

(5) All promotional drawing participants must be at least 18 years of age.

(6) Persons prohibited by section 24.116, Florida Statutes, from purchasing a Florida lottery ticket are not eligible to win a promotional prize.

(7) Entry into any promotional drawing constitutes permission for the Florida Lottery to photograph and/or videotape and record the prize winner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prize winner for advertising or publicity purposes without additional compensation.

(8) All entries and prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder. Entry into a promotional drawing constitutes agreement to abide by the official rules of the promotion.

(9) If the value of the promotional prize equals \$600 or more, the value will be reported to the Internal Revenue Service as income. Payment of any federal income tax and any additional federal, state and/or local taxes is the responsibility of the winner.

Specific Authority 24.109(1), 24.105(10)(a),(c),(d),(e), 24.107(1) FS. Law Implemented 24.105(10)(a),(c),(d),(e) FS. History--New 9-29-00.

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

EFFECTIVE DATE: September 29, 2000

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

### **PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN that on August 22, 2000, the Florida Public Service Commission received a petition from Florida Power & Light Company, Docket No. 001199-EI, seeking a waiver of certain requirements of Rule 25-6.0437(3), (6) and (7), Florida Administrative Code (F.A.C.). Subsections (1), (6) and (7) of Rule 25-6.0437, F.A.C., require each investor-owned electric utility in Florida which had gross annual retail sales of 500 GWH or more in 1983 to (a) submit a current, revised sampling plan to the Commission no less than every two years after its initial sampling plan is approved by the Commission; and (b) perform a complete load research study not less often than every two years after December 31, 1985, submitting the results of the study to the Commission within 120 days of its completion. Subsection (3) of the Rule mandates a plus or minus 10% relative accuracy at the 90% confidence level.

A copy of the Petition may be obtained from the Commission's Division of Records and Reporting, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0850, or by calling (850)413-6770.

Comments on the petition should be filed with the Commission's Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice.

For additional information, please contact Deborah D. Hart, Senior Attorney, Division of Legal Services, at the above address or telephone (850)413-6199.

### **WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on September 15, 2000, the South Florida Water Management District (SFWMD) received a petition for waiver from Charles Rich on behalf of Palm Beach County, for utilization of works or land of the SFWMD known as the Browns Farm road, Palm Beach County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs public roadways located within the District's right of ways.

A copy of the petition may be obtained from Jan Sluth, (561)682-6299 or e-mail at [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov). The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on September 15, 2000, the South Florida Water Management District (SFWMD) received a petition for waiver from the Florida Department of Transportation, for utilization of works or land of the SFWMD known as the Oakland Park Boulevard Bridge, Broward County. The petition seeks relief from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which establishes low member elevation for future bridge widening within the District's right of way.

A copy of the petition may be obtained from Jan Sluth, (561)682-6299 or e-mail at [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov). The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection gives notice of its intent to grant a variance (File No. 0169205-003-EV) to Martin County, from Rule 62-4.244(5)(c), Florida Administrative Code (F.A.C.) to establish an alongshore mixing zone 1500 meters from the point of sand discharge onto the beach within an area of Class III Waters of the Atlantic Ocean. The variance is associated with the proposed beach restoration project at Hutchinson Island (File No. 0169205-001-JC). The activity is located along four miles of Atlantic Coast beaches on Hutchinson Island between the north county line and Stuart Beach, Sections 32, 31, 30, and 19, Township 37 South, Range 42 East, and Sections 24 and 13, Township 37 South, Range 41 East, Martin County, Atlantic Ocean, Class III Waters.

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

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

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

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(1), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S.

In accordance with rule 28-106.201, F.A.C., a petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the

petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

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

This intent to grant variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under section 120.68, F.S., by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department. The applicant, or any party within the meaning of section 373.114(1)(a), F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under section 373.114(1), F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the final order is filed with the Clerk of the Department.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Office of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201.

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NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on September 29, 2000, a petition from MRI Funding, Incorporated, seeking a waiver of certain record-keeping requirements of 376.3071, Florida Statutes, and/or Chapter 62-773, Florida Administrative Code. The petition has been assigned OGC case number 00-1107.

Copies may be received from, and written comments submitted to: Inguna Varlavane-Callahan, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Comments must be received no later than 14 days from the date of publication of this notice.

The Department of Environmental Protection gives Notice of Its Intent to issue a variance to AquaSource Utility, Inc., 9494 Placida Road, Placida, Florida 33946 from the 100:1 dilution ratio under critical conditions of Rule 62-4.244(3)(b)1., Florida Administrative Code (F.A.C.), for the receiving waters of the demineralization concentrate disposal from the Rotonda West Reverse Osmosis Water Treatment Plant, (WTP). A consent order (OGC Case No. 00-0566-08-IW) executed by the Department and AquaSource Utility, Inc. on June 16, 2000 requires the facility to eliminate the discharge or comply with all the requirements of the F.A.C. The petition for variance was made under Section 403.201(1)(b), F.A.C., and the extent of cost and coordination to meet the requirements of the consent order must be spread over a period of time. Accordingly, the variance will expire on June 16, 2002. AquaSource Utility, Inc., operates an existing potable water treatment plant which has a design demineralization concentrate maximum day flow of 0.500 million gallons per day (MGD), and discharges the potable water byproduct via an existing outfall (D-001) to the West Branch of Coral Creek, which is a Class III water body. The point of discharge is 25 feet from shore and is at the bottom of the creek @ a depth of approximately 3 feet. The outfall is located at latitude 26° 51' 40" N and longitude 82° 16' 56" W. The existing Rotonda West Reverse Osmosis WTP is located at 3560 Haitian Road, Rotonda West, Charlotte County Florida. The Department has assigned file No. FL0025780-001-IWF to the petition.

The Department file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Department of Environmental Protection, South District, Division of Water Resource Management, 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33902-2549. The Department will issue the variance unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. A person whose substantial interests are affected by the Department's proposed decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions by the applicant or any of the parties listed below must be filed within fourteen

days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the notice or within fourteen days of receipt of the written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department case identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding,

in accordance with the requirements set forth above. Mediation under section 120.573 of the Florida Statutes is not available for this proceeding.

The Department of Environmental Protection has taken action on a petition for variance received from Parsons Engineering Science, Inc., on May 9, 2000. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 26, No. 21, dated May 26, 2000. No public comment was received. The petition requested a variance from the zone of discharge prohibition for discharges through wells under rule 62-522.300(2)(a) of the Florida Administrative Code for the use of a remediation product for a pilot study to clean up a site at Hangar K at Cape Canaveral Air Force Station that is contaminated with chlorinated ethenes in ground water. Specifically the petition requested an area in which the groundwater target cleanup level (GTCL) for total recoverable petroleum hydrocarbons and the secondary drinking water standard for color would not have to be met. That area would be a 15-foot radius from the point of discharge, and its duration would be one year. On June 28, 2000, the Department granted a variance to Parsons Engineering Science, Inc., in a final order, OGC File No.: 00-1015. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of chapter 62-528 of the Florida Administrative Code; that the extent of the area in the ground water in which the GCTL for total recoverable petroleum hydrocarbons and the secondary drinking water standard for color does not have to be met shall be a 15-foot radius from the point of injection with a duration of one year; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifer; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions. For a copy of the final order or amended final order write or call Cynthia Christen, Department of Environmental Protection, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, telephone (850)921-9610.

The Department of Environmental Protection has taken action on a petition for variance received from Global BioSciences, Inc., on April 27, 2000. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 26, No. 20, dated May 19, 2000. No public comment was received. The petition requested a variance from the zone of discharge prohibition for discharges through wells under rule

62-522.300(2)(a) of the Florida Administrative Code for the use of the remediation product, Butane Biostimulation Technologies, to clean up sites contaminated with chlorinated solvents, MTBE, and other petroleum products. Specifically the petition requested an area in which the ground water clean up target level (GCTL) for butane would not have to be met to be a 100-foot radius from the point of discharge for a duration of two years. On June 9, 2000, the Department granted a variance to Global BioSciences, Inc., in a final order, OGC File No.: 00-0939. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of chapter 62-528 of the Florida Administrative Code; that the extent of the area in the ground water in which the GCTL for butane does not have to be met shall be a 100-foot radius from the point of injection for a duration of two years; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifer; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions. For a copy of the final order or amended final order write or call Cynthia Christen, Department of Environmental Protection, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, telephone (850)921-9610.

The Department of Environmental Protection has taken action on a petition for variance received from Environmental Remediation Consultants, Inc., on May 5, 2000. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 26, No. 21, dated May 26, 2000. No public comment was received. The petition requested a variance from the zone of discharge prohibition for discharges through wells under rule 62-522.300(2)(a) of the Florida Administrative Code for the use of the remediation product called BIO-INTEGRATION (has a trademark) to clean up sites contaminated with chlorinated hydrocarbons, petroleum, and other suitable contaminants. Specifically the petition requested a zone of discharge for foaming agents, chloride, TDS, pH (all with secondary drinking water standards) and nitrate and sodium (both with primary drinking water standards) of a 50-foot radius from the point of discharge for a duration of one year. On July 17, 2000, the Department granted a variance to Environmental Remediation Consultants, Inc., in a final order, OGC File No.: 00-0986. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4

underground injection control well which meets all applicable requirements of chapter 62-528 of the Florida Administrative Code; that the extent of the zone of discharge for foaming agents, chlorides, TDS, pH, nitrate, and sodium shall be a 50-foot radius from the point of injection for a duration of one year; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifer; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions. For a copy of the final order or amended final order write or call Cynthia Christen, Department of Environmental Protection, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; telephone (850)921-9610.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on September 26, 2000, the Florida Housing Finance Corporation (the "Corporation") received a Petition from Florida Development Enterprises Corporation (Mangonia Gardens Assisted Living Facility) seeking a permanent variance from or waiver of Rule 67-38.002(21)(a), Florida Administrative Code. The rule relates to the Corporation's Year 2000 Predevelopment Loan Program (PLP). Subsection (21)(a) defines "Minimum Set-Aside Requirement" and requires, among other things, for an applicant to be considered for PLP funding for rental developments, that a minimum of 60% of the completed housing units must be rented to persons whose income does not exceed 60% of the median income for the area, as determined by HUD, with adjustments for family size.

Comments on this Petition should be filed with the Corporation's Deputy Development Officer, Gwen Lightfoot, at the Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, within fourteen (14) days of the publication of this Notice.

For additional information, or for a copy of the Petition, please contact Ms. Lightfoot at the above address, or by calling (850)488-4197.

**Section VI**

**Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles

- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection
- DATE AND TIME: October 24, 2000, 9:00 a.m.
- PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida
- PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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## DEPARTMENT OF STATE

The **Historic Preservation Advisory Council** announces three public meetings to which all persons are invited.

**DATES AND TIME:** Tuesday, November 14, 2000; Wednesday, November 15, 2000; Thursday, November 16, 2000, 9:00 a.m.

**PLACE:** R. A. Gray Building Auditorium, 500 South Bronough Street, Tallahassee, Florida

**PURPOSE:** To review applications submitted to the Bureau of Historic Preservation by August 31, 2000 for Federal and State grant assistance for historic preservation projects and to recommend priority ranking and funding levels for grant awards.

A copy of the agenda may be obtained by writing: Mr. Frederick Gaske, Chief, Bureau of Historic Preservation, Department of State, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250 or calling (850)487-2333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he 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, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Bureau of Historic Preservation, (850)487-2333 or by Fax (850)922-0496.

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The **Department of State** announces a public meeting of the Florida State Historical Records Advisory Board which all interested persons are invited:

**DATE AND TIME:** November 14, 2000, 11:00 a.m. – 3:00 p.m.

**PLACE:** St. Augustine Historical Society, 271 Charlotte St., St. Augustine, FL

**PURPOSE:** The Board will develop and finalize grant application review procedures for the Florida Local Historical Records Grant Program.

For further information contact: Mr. Jim Berberich, Coordinator, Florida State Historical Records Advisory Board, Department of State, Bureau of Archives and Records Management, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)487-2073, Suncom 277-2073.

Pursuant to Chapter 286.26, Florida Statutes, any persons with handicaps wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Florida Elections Commission** announces a meeting. Parts of the meeting are confidential.

DATES AND TIME: Tuesday, October 24, 2000; Wednesday, October 25, 2000, 8:30 a.m. – 5:00 p.m.

PLACE: The Knott Building, Room 117, South of the Capitol Building, on St. Augustine Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes, and to the late filing of campaign treasurer's reports.

For a copy of the agenda call: Steve Christensen, (850)922-4539.

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

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

**DEPARTMENT OF LEGAL AFFAIRS**

The Research Committee of the **Florida Commission on the Status of Women** will hold a telephone conference.

DATE AND TIME: October 24, 2000, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of a 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 Nominating Committee of the **Florida Commission on the Status of Women** will hold a telephone conference.

DATE AND TIME: October 25, 2000, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of a 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 Resources Committee of the **Florida Commission on the Status of Women** will hold a telephone conference.

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

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of a 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 Women's Hall of Fame/Women's History Committee of the **Florida Commission on the Status of Women** will hold a telephone conference.

DATE AND TIME: October 30, 2000, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of a 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 telephone conference.

DATE AND TIME: October 31, 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 a 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 regular business meeting of the Florida Coordinating Council on Mosquito Control to which all persons are invited. This meeting will be held in conjunction with the Florida Mosquito Control Association meeting which meets November 12-15, 2000.

DATE AND TIME: November 12, 2000, 8:00 p.m. (Eastern Standard time)



PLACE: Edgewater Beach Resort & Conference Center, 11212 Front Beach Road, Panama City Beach, Florida, (850)235-4044

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Welcome and Introductions

Approval of Minutes from Previous Meeting

General Comments and Business Items, to include:

- Report from the Subcommittee on Managed Marshes
- Report and recommendations from Subcommittee on Aerial Spray
- Other items to be announced

Questions and Comments may be directed to, (850)921-4177 or T. Wayne Gale, Chairman and Chief of the Bureau of Entomology and Pest Control.

The **Citrus Canker Technical Advisory Task Force** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, November 9, 2000, 9:30 a.m.

PLACE: University of Florida Institute of Food and Agricultural Sciences, Citrus Research and Education Center, 700 Experiment Station Road, Room 2, Lake Alfred, Florida

PURPOSE: To conduct an ongoing review of the Citrus Canker Eradication Program to recommend the most appropriate course of action to stop the spread and ultimately eradicate, citrus canker from the state of Florida.

If you need a special accommodation in order to attend this meeting because of a disability, please let us know by November 1, 2000.

A copy of the agenda may be obtained by writing: Mr. Richard Gaskalla, Director, Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100, telephone (352)372-3505.

The **Department of Agriculture and Consumer Services** announces a meeting of the Citrus Production Research Advisory Council.

DATE AND TIME: November 2, 2000, 9:30 a.m.

PLACE: Highlands County Agricultural Center, 6400 Highway 27, South, Sebring, Florida

PURPOSE: For the Research Council to review citrus research project pre-proposals for the year 2001-2002, decide which will move to the full proposal step and address other issues as needed.

If special accommodations are needed to attend this meeting because of a disability, please contact Pleas Strickland, (850)488-5831.

**DEPARTMENT OF EDUCATION**

CLOSED DOOR SESSION – The **Occupational Access and Opportunity Commission** announces a closed-door attorney client meeting as follows:

DATE AND TIME: October 19, 2000, 10:15 a.m., immediately following the opening of the regular meeting scheduled for October 19, 2000, 10:00 a.m., but not to begin before 10:15 a.m.

PLACE: Hyatt Regency Orlando Airport, Ballroom, 9300 Airport Boulevard, Orlando, FL 32891-8378

PURPOSE: Attorney-Client Session pursuant to Florida Statute Section 286.01(8)(1993) to discuss settlement negotiations or strategy related to litigation expenditures in Gulfstream Goodwill v. Occupational Access and Opportunity Commission.

ATTENDEES: Wayne Pierson, Trevor Smith, Suzanne Hutcheson, Nancy Koepke, Warren Jernigan, Sandra Furches, Dennis Celorie, Peter Manheimer, Robert Manning, Christine Phillips, Jim McDowell, Pat Hardman, Marion Smith, Drew Batavia, Bill Thompson, Dick Heckler, Carl Miller, Vocational Rehabilitation Services Director, J. Stephen Menton, Esq.

The subject matter shall be confined to pending litigation. At the conclusion of the session, the OAOC Meeting shall be re-opened.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record.

Transcript of the attorney-client session shall be made part of the public record upon conclusion of the litigation.

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, October 28, 2000, 9:00 a.m.

PLACE: Wilson Music Building Auditorium, FSDB campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind including a workshop on Rule 6D-6.003, Use of School Facilities and Equipment and a public hearing on Rule 6D-5.003, Other Personnel.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, or by calling (904)827-4000.

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 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 conference call to which all persons are invited.

DATE AND TIME: October 27, 2000, 3:00 p.m. – 4:00 p.m.

PLACE: Room 1414, Turlington Building, 325 W. Gaines Street, Tallahassee, Florida (The telephone number to call (850)488-5776 or Suncom 278-5776)

PURPOSE: For the Nominating Committee to make nominations for the Chairman and Vice-Chairman of the State Board of Community Colleges for the period from November 2000-November 2001.

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, Tallahassee, Florida 32399-0400.

The Florida Community College Distance Learning Consortium of the **State Board of Community Colleges** announces the following public meeting to which all persons are invited to participate:

DATE AND TIME: Tuesday, October 31, 2000, Meeting, 10:00 a.m. – 5:00 p.m.

PLACE: Sheraton World Resort (FACC Convention Site), 10100 International Drive, Orlando, FL 32821-8095

PURPOSE: Regular Quarterly Business Meeting.

NOTE: If you need additional information or special services to participate in the meeting, please contact: Florida Community College Distance Learning Consortium, University Center, Building C, Suite C-1100, Tallahassee, FL 32306-2732, (850)645-4826.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Governor’s Growth Management Study Commission** announces the following meeting to which all interested parties are invited:

DATES AND TIME: Tuesday – Thursday, October 24-26, 2000, 9:00 a.m. – 9:00 p.m.

PLACE: Coral Gables War Memorial Youth Center, 405 University Drive, Coral Gables, Florida

PURPOSE: The full Commission will meet on October 25-26, 2000 to discuss issues related to Growth Management in Florida and hear from invited speakers. Certain sub-committees may meet on October 24, 2000.

A copy of the agenda for the Commission meeting with specific times for sub-committee meetings 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, 1(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**, Housing and Community Development announces the following public meeting:

COMMITTEE: RCMP Advisory Council-Subcommittee Meeting

DATE AND TIME: October 27, 2000, 1:00 p.m. – 3:00 p.m.

PLACE: Department of Community Affairs, Conference Room 250L, 2555 Shumard Oak Blvd., Tallahassee, FL 32390

PURPOSE: To discuss wind mitigation research.

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 LAW ENFORCEMENT**

The Region XV, Training Advisory Council of the Florida **Criminal Justice Standards and Training Commission** announces a public meeting to which all interested persons are invited:

DATE AND TIME: October 11, 2000, 8:30 a.m.

PLACE: Pat Thomas Law Enforcement Academy, U.S. Highway 90, 14 miles West, Tallahassee, Florida

PURPOSE: This is a regularly scheduled meeting of the Region XV Training Advisory Council of the Florida Criminal Justice Standards and Training Commission. The primary business of the meeting will be to discuss training issues. A vice-chairperson for the council will also be elected.

A copy of the agenda for the above meeting may be obtained by writing: Chief Jim Howell, Florida Highway Patrol Training Academy, 2908 Ridgeway Street, Tallahassee, FL 32308.

The Florida **Department of Law Enforcement**, Missing Children Information Clearinghouse Advisory Board announces a public meeting to which all persons are invited.

DATE AND TIME: October 12, 2000, 9:00 a.m.

PLACE: Florida Sheriff's Association Building, 2617 Mahan Drive, Tallahassee, FL

PURPOSE: Quarterly MCIC Advisory Board Meeting.

A copy of the agenda may be obtained by writing: The Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Hyatt Sudano, Missing Children Information Clearinghouse.

A meeting, for the purpose of notice herein, is limited to a gathering for the purpose of conducting public business by members of a collegial body constituting the agency head.

#### DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation** announces the final meeting of the 2020 Florida Transportation Plan Update Steering Committee meeting to which all persons are invited.

DATE AND TIME: October 20, 2000, 8:30 a.m.

PLACE: Holiday Inn Capital East, 1355 Apalachee Parkway, Tallahassee, Florida

PURPOSE: To review comments received from the public, the Metropolitan Planning Organization Advisory Council and the Florida Transportation Commission on the public input draft document, to discuss recommended changes, and to adopt final Steering Committee consensus advisory recommendations on the updated Florida Transportation Plan for review by the Secretary.

A copy of the agenda may be obtained by writing: Florida Department of Transportation, Office of Policy Planning, 605 Suwannee Street, MS 28, Tallahassee, Florida 32399-0450.

If you would like to participate in this meeting and require special assistance may contact us, (850)414-4800, at least two business days in advance to make appropriate arrangements. Any person who is hearing or speech impaired should contact the Department by using the Florida Relay Service, 1(800)955-8771.

The Florida **Department of Transportation** announces five public meetings of the Transportation Outreach Program Advisory Council to which all interested persons are invited.

DATE AND TIME: October 19, 2000, 10:00 a.m. – 2:00 p.m.

PLACE: Jacksonville Transit Authority, Board Room, 100 N. Myrtle Avenue, Jacksonville, Florida 32204

DATE AND TIME: October 20, 2000, 10:00 a.m. – 2:00 p.m.

PLACE: Florida Department of Transportation, Auditorium, 605 Suwannee Street, Tallahassee, Florida 32399

DATE AND TIME: October 26, 2000, 2:00 p.m. – 6:00 p.m.

PLACE: Metroplan, Board Room, Landmark One Building, 315 E. Robinson Street, Orlando, Florida 32801

DATE AND TIME: October 27, 2000, 10:00 a.m. – 2:00 p.m.

PLACE: Florida Department of Transportation District 7, Auditorium, 11201 N. McKinley Drive, Tampa, Florida 33612

DATE AND TIME: November 6, 2000, 10:00 a.m. – 2:00 p.m.

PLACE: Port of Miami, Terminal 12, Miami, Florida 33132

PURPOSE: These meetings are being held to solicit public comment and stakeholders' input into the Transportation Outreach Program process and needed transportation improvements.

A copy of the agenda may be obtained one week in advance by writing: Lorenzo Alexander, Manager, Seaport Office, Florida Department of Transportation, M.S. 68, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in the meetings should advise Lorenzo Alexander, (850)414-4500.

The **Department of Transportation**, District 3 announces a public hearing to which all persons are invited.

DATE AND TIME: November 16, 2000, 5:00 p.m. (CST)

PLACE: Sunland Center, SR-71 North, Marianna, Florida

PURPOSE: This public hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is also being held in accordance with the Federal-Aid Highway Act of 1968, as amended, 23 U.S.C. 128.40 C.F.R. 1500-1508, 23 C.F.R. 771 and Section 339.15, Florida Statutes, and is also consistent with the Americans With Disabilities Act of 1990.

Anyone needing special accommodations should write to the address given below or call (850)638-0250, Ext. 510. Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing. This hearing is also in compliance with Title IV of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968, as amended.

This public hearing is being conducted exclusively to give all interested parties an opportunity to comment on the proposed access management classification, location, conceptual design, social, economic and environment effects of F.M. Item No. 2193631 (Work Program Item No. 3114698); otherwise known as SR-71 from SR-10 (US-90) to North City Limits of Greenwood, Jackson County, Florida.

A copy of the agenda may be obtained by writing: Ms. Regina Battles, P. E., District Environmental Management Engineer, Florida Department of Transportation, P. O. Box 607, Chipley, Florida 32428.

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**STATE BOARD OF ADMINISTRATION**

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public workshop to which all persons are invited.

DATE AND TIME: Monday, October 30, 2000, 9:00 a.m. – 4:00 p.m.

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: At this meeting, the State Board of Administration (SBA) will provide general information to the unbundled and bundled vendor community on the product design, the selection procedures and proposed selection and evaluation criteria for both unbundled and bundled providers. The SBA will be soliciting information from the unbundled and bundled vendor community on the proposed selection and evaluation criteria for the investment product providers who will be engaged by the SBA to provide investment products for participants in the Public Employee Optional Retirement Program.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail at: lazar\_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

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**DEPARTMENT OF CITRUS**

NOTICE OF CANCELLATION – The **Department of Citrus** announces a public meeting of the subcommittee to the Legal and Accounting Committee of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: October 19, 2000, 1:00 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review Inspector General and audit reports.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

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The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATES AND TIMES: October 24, 2000, 1:00 p.m., Committee Meetings; October 25, 2000, 9:00 a.m., Regular Monthly Meeting

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

A copy of the agenda may be obtained by contacting: Florida Department of Citrus, Attention: Executive Office, P. O. Box 148, Lakeland, Florida 33802.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

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**PUBLIC SERVICE COMMISSION**

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

Docket No. 000061-EI – Complaint by Allied Universal Corporation and Chemical Formulators, Inc. against Tampa Electric Company for violation of Sections 366.03, 366.06(2) and 366.07, F.S., with respect to rates offered under commercial/industrial service rider tariff; petition to examine and inspect confidential information; and request for expedited relief.

DATE AND TIME: October 31, 2000, 9:30 a.m.

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

PURPOSE: To permit parties to present testimony and exhibits relative to the complaint by Allied Universal Corporation and Chemical Formulators, Inc. against Tampa Electric Company for violation of Sections 366.03, 366.06(2) and 366.07, F.S., with respect to rates offered under commercial/industrial service rider tariff; petition to examine and inspect confidential information; and request for expedited relief, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on July 6, 2000. All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S. and Chapter 25-28, FAC.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior

to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

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

Docket No. 000001-EI – Fuel and purchased power cost recovery clause and generating performance incentive factor.

Docket No. 000002-EG – Energy conservation cost recovery clause.

Docket No. 000003-GU – Purchased gas adjustment (PGA) true-up.

Docket No. 000007-EI – Environmental cost recovery clause.

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

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

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

The Florida **Public Service Commission** announces a public meeting in the following docket to which all persons are invited.

Docket No. 000295-WU – Application for increase in water rates in Highlands County by Placid Lakes Utilities, Inc.

DATE AND TIME: Tuesday, October 24, 2000, 6:00 p.m.

PLACE: Lake Placid High School, Commons Area, 202 Green Dragon Drive, Lake Placid, Florida 33852

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 comment 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 hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990649-TP – Investigation into pricing of unbundled network elements.

DATE AND TIME: October 20, 2000, 10:00 a.m.

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

PURPOSE: To permit parties to present testimony and exhibits relative to the issues scheduled to be addressed in this phase of this proceeding. This hearing was continued due to state office closing that prohibited its conclusion and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony. All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S. and Chapter 25-28, FAC.

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

NOTICE OF CHANGE – The Florida **Public Service Commission** announces the rescheduling of a prehearing Docket No. 991378-TL – Initiation of show cause proceedings against BellSouth Telecommunications, Inc. for violation of service standards.

DATE AND TIME: April 16, 2001, 1:30 p.m.

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

#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 19, 2000, 7:45 a.m. – 6:00 p.m.

PLACE: Ramada Inn, 2900 North Monroe Street, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governor's Manatee Summit. A limited number of presentations will be made to the panel in the morning. The afternoon will be dedicated to breakout sessions for the panel members.

A copy of the agenda may be obtained by contacting: Sherry Slattery, Executive Office of the Governor, Room 210, The Capitol, Tallahassee, Florida 32399, (850)488-5152.

If you need an accommodation because of disability in order to participate, please notify us in writing at least five days in advance at the Office of the Governor, Cabinet Affairs, Room 210, The Capitol, Tallahassee, FL 32399-0001 or fax request to (850)488-9578.

The **Executive Office of the Governor** announces the following public meeting to which all persons are invited.

DATE AND TIME: October 25, 2000, 1:00 p.m. – 5:00 p.m.  
 PLACE: Orange County Convention Center, Room 221 A and B, 9800 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: Commission on the Homeless Public Testimony will be held from 1:00 p.m. – 3:00 p.m.; General Commission Meeting will be held from 3:00 p.m. – 5:00 p.m.

Any person requiring special accommodations to participate in this meeting is asked to advise staff at least 48 hours before the meeting by contacting Kimberly Dale, (850)488-5000.

A copy of the agenda may be obtained by contacting: Kimberly Dale, Executive Office of the Governor, Room 208, The Capitol, Tallahassee, Florida 32399.

**REGIONAL PLANNING COUNCILS**

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: October 26, 2000, 6:00 p.m.

PURPOSE: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: October 26, 2000, 6:30 p.m.

PURPOSE: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: October 26, 2000, 8:00 p.m.

PURPOSE: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Holiday Inn, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal any decision of the Council or its committees with respect to any matter considered at the meeting, may need to ensure that a verbatim record of the proceedings is made.

A copy of any of these agendas may be obtained by writing: NCFRPC, 2009 N. W. 67th Place, Suite A, Gainesville, Florida 32653-1603.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

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

DATE AND TIME: Wednesday, October 18, 2000, 10:00 a.m.

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751 (Please call (407)623-1075, Ext. 304, to confirm date, time and place)

PURPOSE: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

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

DATE AND TIMES: Wednesday, November 15, 2000, 9:00 a.m., Finance Committee; 9:30 a.m. Executive Committee

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751 (Please call (407)623-1075, Ext. 304, to confirm date, time and place)

PURPOSE: Regular meeting of the Executive and Finance Committees.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

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

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

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751 (Please call (407)623-1075, Ext. 304, to confirm date, time and place)

PURPOSE: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

The District II, **Local Emergency Planning Committee** (LEPC) announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: October 25, 2000, 10:00 a.m. (Eastern Time), 9:00 a.m. (Central Time)

PLACE: Leon County Division of Emergency Management, 535 Appleyard Drive, Tallahassee, Florida 32304

PURPOSE: To hold the regularly scheduled LEPC meeting.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 314 East Central Avenue, Blountstown, FL 32424 or calling (904)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings. For such purpose, he/she will

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 **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: October 26, 2000, 10:30 a.m. (Eastern Time), 9:30 a.m. (Central Time)

PLACE: The Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

PURPOSE: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 314 East Central Avenue, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings. For such purpose, he/she will 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.

**REGIONAL TRANSPORTATION AUTHORITIES**

The **Central Florida Regional Transportation Authority (LYNX)** announces the following public meeting of the Governing Board of the Authority to which all persons are invited.

DATE AND TIME: October 26, 2000, 2:30 p.m.

PLACE: Educational Leadership Center, Board Room, 1st Floor, 445 W. Amelia Street, Orlando, FL 32801

PURPOSE: Regularly Scheduled Board Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order
2. Approval of Minutes
3. Chairman's Report
4. Action Consent (without discussion)
5. Action Discussion (with discussion)
6. Work session (presentations)
7. Information Items
8. Other Business

A copy of the detailed agenda may be obtained by contacting: Carol Frahn, Assistant Secretary, Central Florida Regional Transportation Authority, 445 W. Amelia Street, Suite 800, Orlando, Florida 32801, (407)841-2279.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, 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.

In accordance with the Americans With Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Ron Jones, (407)841-2279, at least 48 hours before the meeting. If hearing impaired, contact the Authority, (407)423-0787 (TDD).

**METROPOLITAN PLANNING ORGANIZATIONS**

The **Metropolitan Planning Organization** for the Orlando Urban Area announces the following public meeting of its Governing Board to which all persons are invited:

DATE AND TIME: Wednesday, October 11, 2000, 9:00 a.m.

PLACE: Metroplan Orlando Boardroom, 315 East Robinson Street, Suite 355, Orlando, FL 32801

PURPOSE: Regularly Scheduled Board Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order
2. Agenda Review
3. Approval of Minutes
4. Consent Items
5. Action Items
6. Presentations, if any
7. Other Business
8. Chairman's Report
9. Executive Director's Report
10. Legislative Report

A copy of the detailed agenda may be obtained by contacting: Virginia Lewis, Executive Assistant, Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, FL 32801, (407)481-5672, Extension 314.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, 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.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Metroplan Orlando, (407)481-5672, at least 48 hours before the meeting.

**DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces a conference call of its announces a Premiums and Benefits Committee to discuss general issues.

DATE AND TIME: Monday, October 16, 2000, 9:30 a.m.

PLACE: Call (850)487-2613 for instruction on participation

PURPOSE: To discuss issues of interest to the Premiums and Benefits Committee. A continuance to this meeting will be held if it is necessary.

For further information about this telephone conference, contact Carolyn Smith, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, telephone number (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. You may call (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).

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 TIMES: Tuesday, October 17, 2000, 9:30 a.m.; Thursday, October 26, 2000, 1:30 p.m.

PLACE: Call (850)487-2613 for instruction on participation

PURPOSE: To discuss issues of interest to the Fraud Committee. A continuance to either meeting may be held if necessary.

For further information about this telephone conference, contact: Carolyn Smith, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, (850)487-2613.

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. You may call (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).

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces a telephone conference of its Coordinating Committee to discuss general issues.

DATES AND TIME: Tuesday, October 17, 2000; October 24, 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 Carolyn Smith, 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. You may call (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).

The Florida **Department of Labor and Employment Security, Division of Workers' Compensation** announces a meeting/workshop to which all interested public is invited.

DATE AND TIME: October 24, 2000, 1:00 p.m. – 4:00 p.m.

PLACE: Hurston Building, State Regional Office Complex, 400 West Robinson Street, Conference Room C, South Tower, Orlando, Florida 32801

PURPOSE: The Department of Labor and Employment Security, Division of Workers' Compensation announces its intent to repeal section 38F-6.012(2)(c), Florida Administrative Code. The purpose of this public workshop is to collect public comment with regard to same.

For further information about this meeting or for a copy of the agenda, contact: Joyce Demato, Room 109, Montgomery Building, 2562 Executive Center Circle, East, Tallahassee, Florida 32399-0661, (850)488-2713, Extension 143.

Persons with a disability or handicap requiring reasonable accommodation should contact Joyce Demato in writing or by telephone at least three business days in advance of the meeting to make appropriate arrangements. People who are



hearing or speech impaired, please contact Joyce Demato by using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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### WATER MANAGEMENT DISTRICTS

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

DATE AND TIME: October 26, 2000, 10:00 a.m. (EDT)

PURPOSE: District Lands Committee meetings to discuss District issues.

DATE AND TIME: October 26, 2000, 11:00 a.m. (EDT)

PURPOSE: Governing Board Meeting. To consider District business.

DATE AND TIME: October 26, 2000, 11:15 a.m. (EDT)

PURPOSE: Public Hearing on Regulatory Matters. To consider regulatory matters.

DATE AND TIME: October 26, 2000, 11:30 a.m. (EDT)

PURPOSE: Public Hearing on Land Acquisition Matters. To discuss land acquisition matters.

DATE AND TIME: October 26, 2000, 11:45 a.m. (EDT)

PURPOSE: Public Hearing on the Regional Mitigation Plan Update. To discuss the regional mitigation plan update.

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

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

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

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

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The **St. Johns River Water Management District** announces a Land Acquisition and Management Committee Meeting and tour to which all persons are invited.

DATE AND TIME: Thursday, October 26, 2000, 9:30 a.m. – 3:30 p.m.

TOUR: Land Acquisition and Management Committee – Tour of properties at Newnan's Lake

DATE AND TIME: Thursday, October 26, 2000, 9:30 a.m. – 12:00 Noon

PLACE: Meet at Gum Root Swamp parking area located on SR 26, South of SR 222, Alachua County, FL

MEETING: Land Acquisition and Management Committee Meeting

DATE AND TIME: Thursday, October 26, 2000, 1:00 p.m. – 3:30 p.m.

PLACE: Morningside Nature Center, 3540 E. University Avenue, Gainesville, FL 32641, (352)334-2170 for directions

PURPOSE: To review land management and land acquisition activities.

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

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

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The **St. Johns River Water Management District** announces the following Facilities/Planning/Construction Committee telephone conference call:

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

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

PURPOSE: To discuss project construction and contractual matters of the District.

A copy of the agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Mrs. Sharon Whitener, Administrative Support Coordinator, Department of Operations and Land Resources, (904)329-4281.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

NOTE: If any person decides to appeal any decision with respect to any matter considered by the St. Johns River Water Management District's Governing Board, such person may need to ensure that a verbatim record of the meeting is made to include the testimony and evidence upon which appeal is to be based.

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The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

GOVERNING BOARD MEMBERS PLANNING MEETING

DATE AND TIME: Tuesday, October 24, 2000, 8:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Conference Rooms A and B, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Discuss plans for a Governing Board Workshop.

LAND ACQUISITION AD HOC COMMITTEE MEETING

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

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, N., Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Consideration of 2001 Save Our Rivers/Preservation 2000 Five-Year Acquisition Plan.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TTD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

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

DATE AND TIME: October 23, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Pompano Beach Civic Center, 1801 N. E. 6th Street, Pompano Beach, Florida

PURPOSE: A meeting of the Lower East Coast Regional Water Supply Advisory Committee to discuss water quality issues.

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

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

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

For more information, contact: John Mulliken, Senior Supervising Planner, (561)682-6649.

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

DATE AND TIME: October 24, 2000, 9:00 a.m. – 2:00 p.m.

PLACE: Biscayne National Park, Convoy Point Headquarters, Homestead, Florida

PURPOSE: A meeting of the Lower East Coast Regional Water Supply Advisory Committee to gain first-hand knowledge of the Biscayne Bay ecosystem.

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, Senior Supervising Planner, (561)682-6649.

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

DATE AND TIME: October 26, 2000, 6:30 p.m

PLACE: South County Civic Center, 16700 Jog Road, Delray Beach, Florida

DATE AND TIME: October 27, 2000, 9:00 a.m.

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

PURPOSE: To receive public comments on renewing the License Agreement for the Arthur R. Marshall Loxahatchee National Wildlife Refuge.

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

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

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

For more information, contact: Fred Davis, Director, Land Stewardship Department, (561)682-6636, e-mail address: fdavis@sfwmd.gov or mailing address: P. O. Box 24680, West Palm Beach, Florida 33416-9944.

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

GOVERNING BOARD MEETING

DATE AND TIME: November 9, 2000, 8:50 a.m.

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

**PURPOSE:** The acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan, which lands are further described as follows:

Part of the 8.5 Square Mile Area Project, Phase 1, comprised of one parcel referred to as SFWMD Tract No. GE 315-957 consisting of approximately 4.34 acres and lying in Section 16, Township 55, South, Range 38, East in Miami Dade County, Florida. FAW Reference No. 1063

Part of the Pal-Mar Project comprised of 3 parcel(s) referred to as SFWMD Tract No.(s) 108-472, 102-531 and 113-456 consisting of approximately 3.26 acres and lying in Sections 10 and 11, Township 40, South, Range 40, East in Martin County, Florida. FAW Reference No. 1064

Part of the CREW Project comprised of fourteen parcels referred to as SFWMD Tract Nos. 09-003-447, 09-003-525, 09-003-528, 09-003-263, 09-003-298, 09-005-055, 09-005-032, 09-005-025, 09-005-042, 09-005-052, 09-005-047, 09-005-048, 09-005-045, and 09-003-600 consisting of approximately 61.00 acres, and lying in Sections 25, 26, 27, 32 and 36, Township 47, South, Range 26, East, in Lee County, Florida. FAW Reference No. 1016

Part of the CREW Project comprised of twenty-eight parcels referred to as SFWMD Tract Nos. 09-003-418, 09-003-419, 09-003-420, 09-003-421, 09-003-422, 09-003-423, 09-003-424, 09-003-426, 09-003-437, 09-003-439, 09-003-442, 09-003-444, 09-003-445, 09-003-450, 09-003-452, 09-003-453, 09-003-455, 09-003-456, 09-003-458, 09-003-461, 09-003-462, 09-003-465, 09-003-468, 09-003-469, 09-003-471, 09-003-476 and 09-003-479 consisting of approximately 142.50 acres and lying in Section 25, Township 47, South, Range 26, East, Lee County, Florida. FAW Reference No. 1015

Part of the East Coast Buffer Project comprised of one parcel referred to as SFWMD Tract No. W9-201-058, consisting of approximately 10.00 acres, more or less and lying in Section 23, Township 50, South, Range 39, East in Broward County, Florida. FAW Reference No. 1022

Part of the East Coast Buffer Project comprised of one parcel referred to as SFWMD Tract No. W9-312-073, consisting of approximately 8.53 acres, more or less and lying in Section 10, Township 52, South, Range 39, East in Miami-Dade County, Florida. FAW Reference No. 1023

Part of the East Coast Buffer Project comprised of three parcels referred to as SFWMD Tract Nos. W9-305-977, W9-305-953 and W9-305-944, consisting of approximately 12.72 acres, more or less and lying in Section 8, Township 53, South, Range 39, East in Miami-Dade County, Florida. FAW Reference No. 1018

Part of the Kissimmee Chain of Lakes/Reedy Creek Project comprised of two parcels referred to as SFWMD Tract Nos. 18-001-050 and 18-001-051 consisting of approximately 0.739

acres, respectively, lying in Section 3, Township 31, South, Range 31, East, in Polk County, Florida. FAW Reference No. 1017

Part of the West Palm Field Station-Operations Center Project comprised of one parcel referred to as SFWMD Tract No. GK-100-002 consisting of approximately .67 acres and lying in Section 31, Township 43, South, Range 42, East in Palm Beach, County, Florida. FAW Reference No. 1021

Part of the East Coast Buffer Project being acquired under the terms of an Interlocal Agreement with Palm Beach County comprised of one parcel referred to as SFWMD Tract No. W9-100-085 consisting of approximately 626.94 acres and lying in Section 12, Township 41, South, Range 46, East in Palm Beach County, Florida. FAW Reference No. 1020

Part of the Ten Mile Creek Project comprised of one parcel referred to as SFWMD Tract No. GI-100-013 consisting of approximately 8 acres and lying in Section 25, 26, 35 and 36, Township 35, South, Range 39, East in St. Lucie County, Florida. FAW Reference No. 1019

Additional information concerning specific parcels or interests can be obtained from: Blair R. LittleJohn, III, South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680, (561)682-8800.

Appeals from any South Florida Water Management District Board decision requires 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.

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## REGIONAL UTILITY AUTHORITIES

The **Walton/Okaloosa/Santa Rosa Regional Utility Authority** announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 1, 2000, 2:00 p.m.

**PLACE:** Ft. Walton Beach City Hall, 107 Miracle Strip Parkway, S. W., Ft. Walton Beach, FL 32549

**PURPOSE:** To conduct general business of the Regional Utility Authority. The RUA-TAC will meet, 1:00 p.m., RUA.

A copy of the agenda may be obtained by contacting: Daniel F. Krumel, Executive Director, West Florida Regional Planning Council, P. O. Box 486, Pensacola, Florida 32593-0486.

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## DEPARTMENT OF ELDER AFFAIRS

The **State Long-Term Care Ombudsman Council** announces a public meeting for all districts in Florida to which all persons are invited.

DATE AND TIME: October 26, 2000, 9:00 a.m.  
 PLACE: District One, Pensacola, FL  
 DATE AND TIME: October 18, 2000, 10:00 a.m.  
 PLACE: District Two, Blountstown, FL  
 DATE AND TIME: October 19, 2000, 12:30 p.m.  
 PLACE: District Three-A, Gainesville, FL  
 DATE AND TIME: October 12, 2000, 1:00 p.m.  
 PLACE: District Three-B, Ocala, FL  
 DATE AND TIME: October 17, 2000, 12:00 Noon  
 PLACE: District Four, St. Augustine, FL  
 DATE AND TIME: October 19, 2000, 1:30 p.m.  
 PLACE: District Five A, Largo, FL  
 DATE AND TIME: October 12, 2000, 1:30 p.m.  
 PLACE: District Five B, New Port Richey, FL  
 DATE AND TIME: October 17, 2000, 10:00 a.m.  
 PLACE: District Six, Tampa, FL  
 DATE AND TIME: October 5, 2000, 12:30 p.m.  
 PLACE: District Seven, Orlando, FL  
 DATE AND TIME: October 3, 2000, 11:00 a.m.  
 PLACE: District Eight, Ft. Myers, FL  
 DATE AND TIME: October 16, 2000, 2:30 p.m.  
 PLACE: District Nine, West Palm Beach, FL  
 DATE AND TIME: October 10, 2000, 1:30 p.m.  
 PLACE: District Ten, Plantation, FL  
 DATE AND TIME: October 17, 2000, 1:15 p.m.  
 PLACE: District Eleven-South, S. Miami, FL  
 DATE AND TIME: October 12, 2000, 10:30 p.m.  
 PLACE: District Eleven-North, N. Miami, FL  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Issues related to the Long-Term Care Ombudsman Program.  
 You may contact the State Long-Term Care Ombudsman Office, (850)488-6190, for further information.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a meeting of the District 11, Managed Care Ombudsman Committee to which all interested parties are invited.  
 DATE AND TIME: Thursday, October 26, 2000, 12:30 p.m. – 2:30 p.m.  
 PLACE: AHCA Building, Room 216A, 8355 N. W. 53rd Street, Manchester Building, 2nd Floor, Miami, FL 33166, (305)499-2000  
 PURPOSE: Regular monthly meeting.  
 Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact us, (850)921-7200, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Attention: Rosalind J. Knight, Agency for Health Care Administration, Bureau of Consumer Protection, 2727 Mahan Drive, Ft. Knox, Building 1, 2nd Floor, Tallahassee, FL 32308.

**DEPARTMENT OF MANAGEMENT SERVICES**

The **Department of Management Services** announces a meeting of the Commission for Purchase from the Blind or Other Severely Handicapped to which all persons are invited.  
 DATE AND TIME: October 25, 2000, 10:00 a.m.  
 PLACE: Division of Blind Services, 2551 Executive Center Circle, West, Suite 200, Lafayette Building, Tallahassee, FL  
 PURPOSE: Industry Impact Review and Fair Market Price Determination and assignment of the following service contracts and products to qualified agencies for persons with disabilities through the provisions of Section 413.035, Florida Statutes: Laser Toner Cartridges, Department of Environmental Protection, Eden Gardens State Park, Grounds Maintenance Contract; Department of Juvenile Justice, Palm Beach Halfway House, Grounds Maintenance Contract; Miami International Airport, Wilcox Field Café, Taxi Lot Snack Bar and Employee Cafeteria East Satellite Food Services Contract; Miami-Dade Juvenile Justice Center, Janitorial Service Contract; Department of Transportation, Asset Management Contract, District Two and Three; drug testing kits, carsonite roadside warning delineator; and file folders.  
 Price adjustments of various service contracts and products, and other matters related to the business of the Commission are also on the agenda.  
 Written public comments relative to the above items are invited. Please mail comments to the address below prior to the scheduled meeting. A copy of the agenda may be obtained by contacting: RESPECT of Florida, 2475 Apalachee Parkway, Suite 205, Tallahassee, Florida 32301-4946, (850)942-0905.  
 SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at the meeting because of a disability should call RESPECT of Florida, (850)942-0905, at least five (5) workdays prior to the meeting. If you are hearing or speech impaired, please contact RESPECT by using the Florida Relay Service, 1(800)955-8771 (TDD).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Department of Business and Professional Regulation** announces a public meeting of the Regulatory Council of Community Association Managers, to which all persons are invited.  
 DATE AND TIME: Friday, October 27, 2000, 10:00 a.m. or soon thereafter  
 PLACE: Via telephone conference, to connect dial (850)921-2470 or Suncom 291-2470  
 PURPOSE: To conduct general business of the Council.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Regulatory Council of Community Association Managers, (850)488-2141. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771(TDD).

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

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The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIME: October 25, 2000, 9:00 a.m. and 11:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, FL 32301, (850)922-2708

PURPOSE: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: John Matthews, Lead Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, FL 32399-2202, or by phone at (850)922-2708.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

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The **Board of Professional Surveyors and Mappers** announces a General Business Meeting of the Board to which all persons are invited.

DATE AND TIME: November 14, 2000, 9:00 a.m. or soon thereafter

PLACE: The meeting will be conducted by telephone conference call (850)488-5778

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

A copy of the agenda may be obtained by writing: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida or by calling Sherry Landrum, Executive Director, (850)488-1470.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting Sherry Landrum, Executive Director, (850)488-1470. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

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

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The **Florida State Boxing Commission** announces an Official Commission Meeting to which all interested persons are invited.

DATE AND TIME: October 13, 2000, 10:00 a.m.

PLACE: Marriott at Orlando International Airport, 7499 Augusta National Drive, Orlando, FL 32822, (407)851-9000

PURPOSE: Official Commission Meeting.

A copy of the agenda may be obtained by writing: Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016.

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

For further information, contact: Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Kelly Harris, Florida State Boxing Commission, at least five calendar days prior to the meeting.

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## DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas, Florida Keys National Marine Sanctuary announces a public meeting to which all persons are invited:

DATE AND TIME: Tuesday, October 17, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Monroe County Government Center, 2798 Overseas Highway, Marathon, FL 33050

PURPOSE: The Florida Governor's Office, the Florida Department of Environmental Protection and the Florida Keys National Marine Sanctuary appointed nineteen people to serve as representatives on the advisory council for the Florida Keys National Marine Sanctuary. The Sanctuary Advisory Council, represents diverse business, fishing, conservation, research and

other public and private interests throughout Monroe County. They serve a vital two-way communication link between the community and resource managers of the Sanctuary. The Florida Keys National Marine Sanctuary Advisory Council meets every other month, on the third Tuesday.

The agenda for this meeting of the Sanctuary Advisory Council of the Florida Keys National Marine Sanctuary will include reports from the Sanctuary Superintendent, the Department of Environmental Protection and Advisory Council Working Groups and a series of panels on Sponging in the Florida Keys. The meeting will also contain an opportunity for public comment.

A copy of the full agenda may be obtained by contacting: June Cradick, P. O. Box 500368, Marathon, Florida 33050, (305)743-2437, Ext. 24.

If an accommodation is needed for an attendee with a disability to participate in this activity, please notify June Cradick, (305)743-2437, Ext. 24, prior to the event.

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The **Department of Environmental Protection** announces a public meeting of the Environmental Regulation Commission (ERC) to which all interested persons are invited.

DATE AND TIME: October 24, 2000, 8:00 a.m.

PLACE: Radisson Hotel, 1808 Australian Ave., South, West Palm Beach, Florida 33409

PURPOSE: The ERC will convene at the Radisson to tour the Everglades Agricultural Area (EAA). Members of the Everglades Protection District will accompany the ERC on this tour. The purpose of the tour is to see the Best Management Practice research efforts underway in the EAA.

For more information, contact: Jacqueline McGorty, Department of Environmental Protection, MS 35, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)921-9660.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey, (850)488-2996, 1(800)955-8771 (TDD), at least seven days prior to the event.

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The **Office of Beaches and Coastal Systems** announces a Workshop Meeting in conjunction with the 2nd Coastal Engineering Technical Advisory Committee Workshop to which all interested persons are invited.

DATE AND TIME: October 24, 2000, 1:30 p.m.

PLACE: Sea Turtle Inn, 1 Ocean Blvd., Atlantic Beach, Florida

PURPOSE: To discuss and receive comments and suggestions on developing a preliminary draft amending 62B-41, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Rosaline Beckham, Environmental Specialist III, The Florida Department of Environmental Protection, Office of Beaches and Coastal Systems, Mail Station 300, Tallahassee, Florida 32399-3000, (850)487-1262.

If an accommodation for a disability is needed to attend this meeting, please advise Rosaline Beckham, (850)487-1262, at least 48 hours before the meeting.

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

DATE AND TIME: Tuesday, October 31, 2000, 9:00 a.m. – 12:00 Noon

PLACE: Charlotte Harbor Environmental Center, 10941 Burnt Store Road, Punta Gorda, Florida

PURPOSE: This is a public meeting to discuss the Organic Recycling Facility Operator Training Course Outline being developed by Recycle Florida Today (RFT), FORA Division, under a Department contract. RFT and the Department will seek input from the public on what relevant topics needs to be included in a Florida Organic Recycling Facility Operator Training Course.

If accommodation for a disability is needed to participate in this activity, please notify Chris Snow, (813)276-8408, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the Department by using the Florida Relay service, 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing or calling Chris Snow, Hillsborough County Solid Waste Management Department, P. O. Box 1110, 24th Floor, Tampa, FL 33601, (813)276-8408.

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## DEPARTMENT OF HEALTH

The **Department of Health** announces a public meeting to which all persons are invited:

DATE AND TIME: October 25, 2000, 1:00 p.m. – 5:00 p.m.

PLACE: Sirata Hotel, 5300 Gulf Boulevard, St. Petersburg Beach, FL 33706

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Leadership Council Tobacco Control, Comprehensive tobacco prevention and control.

A copy of the agenda may be obtained by contacting: Adele Porta, (850)245-4330.

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The **Board of Clinical Laboratory Personnel** will hold the following duly noticed meetings to which all persons are invited to attend.

DATES AND TIMES: Thursday, October 26, 2000, Rules Committee, 9:00 a.m.; Thursday, October 26, 2000, Legislative Workshop, 1:15 p.m. or shortly thereafter; Friday, October 27, 2000, Full Board Meeting, 9:00 a.m.

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

PURPOSE: Discussion of Rule Chapter 64B3, Florida Administrative Code, Legislative issue and General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Clinical Laboratory Personnel, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board 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 from which the appeal is to be issued.

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

The **Department of Health, Board of Hearing Aid Specialists** announces a Probable Cause Panel meeting with reconsiderations to be held via telephone conference call. All interested parties are invited to participate, which is open to the public.

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

PLACE: Phone Number call (850)245-4474 to inquire about the meet me number

PURPOSE: Probable Cause Panel meeting with reconsiderations.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, by October 9, 2000.

The **Department of Health, Board of Hearing Aid Specialists** announces an official board meeting. Reconsiderations will also be held during the probable cause panel meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATES AND TIMES: November 16, 2000, Probable Cause Meeting, 2:00 p.m.; November 17, 2000, General Business meeting, 9:00 a.m.

PLACE: Holiday Inn Select, Orlando, 5570 T. G. Lee Blvd., Orlando, FL 32822, (407)851-6400

PURPOSE: Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, by November 6, 2000.

The Florida **Board of Medicine**, Ad Hoc Workgroup on Office Surgery Physical Plant Standards announces a meeting to which all persons are invited.

DATE AND TIME: October 23, 2000, 9:00 a.m.

PLACE: 400 West Robinson Street, Conference Room, South Tower, Room A, Orlando, FL 32801, (407)245-0803

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

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

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

The **Department of Health, Board of Opticianry** announces a General Business Meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

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

PLACE: Embassy Suites Ft. Lauderdale, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

PURPOSE: Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, by Monday, October 23, 2000.

The Florida Probable Cause Panel of the **Board of Osteopathic Medicine** announces a meeting:

DATE AND TIME: Friday, October 27, 2000, 1:00 p.m. or soon thereafter

PLACE: Sheraton Ft. Lauderdale Airport, 1825 Griffin Road, Dania, FL 33004, (954)920-3500

PURPOSE: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Randolph Collett, Senior Attorney, Agency for Health Care Administration, General Counsel, Palmer Building, P. O. Box 14229, Tallahassee, FL 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at P. O. Box 14229, Tallahassee, FL 32317-4229, (850)414-8126; 1(800)955-8771 (TDD) or 1(800)955-8770, via Florida Relay Service.

The **Department of Health** announces a meeting of the Research Review and Advisory Committee to which all persons are invited.

DATE AND TIME: November 1, 2000, 10:00 a.m.

PLACE: Hillsborough County Health Department, 1105 East John F. Kennedy Blvd., Tampa, Florida

PURPOSE: To discuss proposed and current research projects, including the review and comment on the draft "High Strength Waste Study, Part Two" (i.e.: Restaurant Waste).

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Water and Onsite Sewage Programs, 4052 Bald Cypress Way, BIN #A08,

Tallahassee, Florida 32399-1713. She can also be reached by phone, (850)245-4070 or by email at shirley\_kugelr@doh.state.fl.us.

The **Correctional Medical Authority** announces a Budget and Personnel Committee meeting to which all persons are invited.

DATE AND TIME: October 26, 2000, 10:00 a.m. – 2:00 p.m.

PLACE: Correctional Medical Authority, Conference Room 110P, E. Charlton Prather, MD Building, 2585 Merchants Row Boulevard, Capital Circle Office Complex, Tallahassee, Florida 32399, (850)245-4044

PURPOSE: Continued discussion of correctional health care budget and personnel issues.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

The **Correctional Medical Authority** announces a meeting of the Mental Health Committee to which all persons are invited.

DATE AND TIME: October 27, 2000, 10:00 a.m. – 2:00 p.m.

PLACE: State Office Complex, 4052 Bald Cypress Way, BIN #B-04, Conference Room 235, Second Floor, Tallahassee, Florida 32399

PURPOSE: Continued discussion of issues relating to mental health care in the Florida Department of Corrections.

Please note the above address is new – CMA is no longer located at Alexander Building.

A copy of the agenda may be obtained by writing: Kathy Pilkenton, Correctional Medical Authority, 4052 Bald Cypress Way, BIN #B04, Tallahassee, FL 32399-1732 or phone (850)245-4044.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Department of Children and Family Services**, Developmental Disabilities "Choice and Control Pilot Projects" announces a public meeting of the Technical Advisory Group to which all persons are invited.

DATE AND TIME: Friday, October 13, 2000, 10:00 a.m. – 3:00 p.m.

PLACE: Four Points Sheraton Hotel, 3835 McCoy Road, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recent developments of the choice and control pilot projects.



A copy of the agenda for this meeting may be obtained by contacting: Lafaye Hall, Administrative Assistant for the Choice and Control Pilot Projects, (850)488-4877, Ext. 168.

The **Department of Children and Family Services**, Developmental Services Program “Choice and Control Pilot Projects” District 4 announces a coalition meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 18, 2000, 11:00 a.m. – 1:00 p.m.

PLACE: The Department of Children and Family Services, Developmental Service Program, District Office, 3631-B Hodges Blvd., Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organization of Choice and Control Pilot Projects.

A copy of the agenda for this meeting may be obtained by contacting: Denese McGehee, Sr., Human Service Program Specialist, District Four, (904)992-2439.

The **Department of Children and Family Services**, District 5 announces the following public meeting to which all persons are invited:

COMMUNITY-BASED CARE PINELLAS TASK FORCE

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

PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Road, Largo, FL

PURPOSE: To discuss implementation of community-based care in District 5.

Agendas can be obtained seven days in advance of each meeting at: Mary Grizzle, State Office Building, Suite 414, 11351 Ulmerton Road, Largo, FL.

Persons needing accommodation to participate in these meetings should call at least 3 days in advance of the meeting at (727)588-7071 or TDD (727)588-6662, to arrange accommodations.

The Developmental Disabilities Program of the **Department of Children and Family Services** announces a meeting of the Interagency Quality Council to which all interested persons are invited.

DATES AND TIMES: October 26, 2000, 1:00 p.m. – 5:00 p.m.; October 27, 2000, 8:00 a.m. – 3:30 p.m.

PLACE: Safety Harbor Resort and Spa, 105 N. Bayshore Drive, Safety Harbor, FL, (727)726-1161

PURPOSE: A regularly scheduled quarterly meeting for the purpose of planning and review of quality assurance for Developmental Disabilities.

A copy of the agenda may be obtained by contacting: Linda Mabile, Developmental Disabilities Program Office, (850)488-4877, Ext. 148.

**FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation** announces a Workshop Meeting of the Board of Directors to which all interested parties are invited:

DATE AND TIME: October 26, 2000, 1:00 p.m.

PLACE: Embassy Suites Orlando, 225 E. Altamonte Dr., Altamonte Springs, FL 32701, (407)834-2400

PURPOSE:

1. Consider matters brought to the Fiscal Committee.
2. Consider matters to be brought to the Guarantee Committee.
3. Consider matters to be brought to the Professional Selection Committee.
4. Consider actions necessary for the sale of bonds of pending multifamily issues which have satisfied the requirements for funding.
5. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
6. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
7. Consider bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
8. Consider resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
9. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
10. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
11. Consideration of all necessary actions with regard to the Multifamily Bond Program.
12. Consideration of approval of underwriters for inclusion on approved master list and teams.
13. Consideration of all necessary actions with regard to the HOME Rental Program.
14. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
15. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
16. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
17. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.

18. Consideration of all necessary actions with regard to the Home Ownership Programs.
19. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
20. Consideration of Appeals from Combined Cycle ranking and grading with entry of final orders.
21. Consideration of workouts or modifications for existing projects funded by the Corporation.
22. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
23. Consideration of funding additional reserves for the Guarantee Fund.
24. Consideration of audit issues.
25. Evaluation of Professional and Consultant performance.
26. Such other matters as may be included on the Agenda for the September 22, 2000 Board Meeting.

A copy of the agenda may be obtained by contacting: Deanne Coughlin, Board Administrative Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Debbie L. Moran, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida 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 Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a public meeting of the Board of Directors to which all interested parties are invited:

Fiscal Committee; Guarantee Committee; Professional Services Selection Committee; Board Meeting

DATE AND TIME: October 27, 2000, 9:00 a.m.

PLACE: Embassy Suites Orlando, 225 E. Altamonte Dr., Altamonte Springs, FL 32701, (407)834-2400

PURPOSE:

1. Consider, review and take action on matters brought to the Fiscal Committee and to consider recommendations made by the Fiscal Committee to the Board.
2. Consider, review and take action on matters brought to the Guarantee Committee and to consider recommendations made by the Guarantee Program Committee to the Board.

3. Consider, review, and take action on matters brought to the Professional Selection Committee and to consider recommendations made by the Professional Services Selection Committee to the Board.
4. Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds of pending multifamily issues which have satisfied the requirements for funding.
5. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
6. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
7. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
8. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
9. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
10. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
11. Consideration of all necessary actions with regard to the Multifamily Bond Program.
12. Consideration of approval of underwriters for inclusion on approved master list and teams.
13. Consideration of all necessary actions with regard to the HOME Rental Program.
14. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
15. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
16. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
17. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
18. Consideration of all necessary actions with regard to the Home Ownership Programs.
19. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
20. Consideration of Appeals from Combined Cycle ranking and grading with entry of final orders
21. Consideration of workouts or modifications for existing projects funded by the Corporation

- 22. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida
- 23. Consideration of funding additional reserves for the Guarantee Fund
- 24. Consideration of audit issues
- 25. Evaluation of Professional and Consultant performance
- 26. Such other matters as may be included on the agenda for the September 22, 2000 Board Meeting.

A copy of the agenda may be obtained by contacting: Deanne Coughlin, Board Administrative Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Debbie L. Moran, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida 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 Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting of the Florida Panther Interagency Working Group to which all interested persons are invited:

DATE AND TIME: October 19, 2000, 10:00 a.m.  
 PLACE: Archbold Biological Station, Old State Road 8, Lake Placid, Florida

PURPOSE: To discuss issues and recent activities concerning Florida panthers. Seating may be limited to about 30, so admittance will be on a first-come, first-served basis.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise the Commission at least 5 calendar days prior by calling Andreea Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

The Florida **Fish and Wildlife Conservation Commission** (FWC) announces two open houses to provide information and solicit written public input regarding proposed changes to current gopher tortoise off-site relocation guidelines. This

notice announces the dates, times and places of these open houses and provides instructions for submission of written public comments.

DATE AND TIME: Tuesday, October 24, 2000, 4:00 p.m. – 8:00 p.m.

PLACE: The Holiday Inn Select, UCF, 12125 High Tech Avenue, Orlando, Florida 32817

DATE AND TIME: Wednesday, October 25, 2000, 4:00 p.m. – 8:00 p.m.

PLACE: South Florida Water Management District Office, 2301 McGregor Boulevard, Ft. Myers, Florida 33901

PURPOSE: To solicit written public comments on proposed changes to current gopher tortoise off-site relocation guidelines.

Copies of the proposed guideline changes can be obtained at the open houses and by contacting: Dr. Bradley Gruver, Division of Wildlife, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL. 32399-1600. Written comments will be accepted until 5:00 p.m., November 15, 2000 and may be delivered during the open houses or mailed to Dr. Bradley Gruver at the address provided above.

Pursuant to the provisions of the Americans with Disabilities Act, any persons requiring special accommodations to participate in these open houses is asked to advise the FWC Regional Director at least 5 calendar days prior by calling Ms. Nancy Douglass, Ft. Myers area, (941)648-3203 or Mr. Timothy Breen, Orlando area, (352)732-1225.

The **Fish and Wildlife Conservation Commission**, Division of Law Enforcement announces the following Boating Advisory Council public meeting, to which all persons are invited:

DATE AND TIME: November 16, 2000, 9:00 a.m. – 5:00 p.m.  
 PLACE: Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, Florida

PURPOSE: Meeting of the Boating Advisory Council.  
 An agenda of the meeting may be obtained by contacting: Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or by calling Jim Brown or Shelly Gurr, (850)488-5600.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should notify Andreea Knicely, (850)487-1406, at least five calendar days before the meeting.

**FLORIDA MUNICIPAL LOAN COUNCIL**

NOTICE OF CHANGE – The **Florida Municipal Loan Council** announces a public meeting to which all persons are invited. This meeting was rescheduled from the noticed meeting day of September 29, 2000.

DATE AND TIME: Friday, October 13, 2000, 10:00 a.m.

PLACE: Hyatt Orlando Airport, 4th Floor (tentatively), 9300 Airport Blvd., Orlando, Florida, (407)825-1234

GENERAL SUBJECT MATTER CONSIDERED: General business of the Council.

A copy of the meeting agenda and minutes may be obtained by contacting: Steve Wofford, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 253.

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**FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION**

The **Florida Medical Malpractice Joint Underwriting Association** announces a Claims Committee meeting to which all persons are invited.

DATE AND TIME: October 24, 2000, 4:00 p.m.

PLACE: Tampa Airport Marriott Hotel, Tampa, FL

PURPOSE: The Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier and such other business properly brought before the Committee.

A copy of the agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

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The **Florida Medical Malpractice Joint Underwriting Association** announces a Board of Governors meeting to which all persons are invited.

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

PLACE: Tampa Airport Marriott Hotel, Tampa, FL

PURPOSE: The Board will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, General Manager and such other business properly brought before the Board.

A copy of the agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

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**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The **Florida Automobile Joint Underwriting Association** announces meetings to which all persons are invited:

MEETING: AD HOC INVESTMENT COMMITTEE

DATE AND TIME: November 1, 2000, 10:30 a.m.

PURPOSE: To review investment policies, consider a Request for Proposal for an Investment Manager and any other business that may come before the committee.

MEETING: BOARD OF GOVERNORS

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

PLACE: Marriott Hotel, Tampa International Airport, Tampa, FL

PURPOSE: To receive reports of the general manager, Investment Committee, Claim Committee, and to consider other matters that may come before the Board.

Additional information may be obtained from: Lisa Blackwell Stoutamire, FAJUA, 1113 East Tennessee Street, Suite 401, Tallahassee, FL 32308.

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**FLORIDA RESIDENTIAL PROPERTY AND CASUALTY JOINT UNDERWRITING ASSOCIATION**

The **Florida Residential Property and Casualty Joint Underwriting Association** announces a meeting of its Board of Governors to be held:

DATE AND TIME: Thursday, November 9, 2000, 8:00 a.m. (EST)

PLACE: Radisson Hotel Orlando Airport, 5555 Hazeltine National Drive, Orlando, FL (407)856-0100

PURPOSE: Items of discussion include, but are not limited to, systems administrator agreement.

For additional information, please call 1(800)807-7647, Extension 3761.

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**H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE**

The **Cancer Control Research Advisory Board (CCRAB)** announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, November 9, 2000, 1:00 p.m. – 4:00 p.m.

PLACE: Tampa Airport Marriott, Tampa, FL

A copy of the agenda may be obtained: Susan Easter, Moffitt Cancer Center, (813)632-1309 or seaster@moffitt.usf.edu.

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**WORKFORCE FLORIDA**

The **Workforce Florida, Inc.** Board of Directors announces Workforce Florida Council Meetings and a Board of Directors' Meeting in which all persons are invited to participate:

Meeting of Workforce Florida Councils: First Jobs/First Wages; Better Jobs/Better Wages; High Skills/High Wages

DATE AND TIME: Wednesday, November 15, 2000, 9:30 a.m. – 1:00 p.m.

PLACE: Hyatt Regency Orlando Airport Hotel, 9300 Airport Boulevard, Orlando, Florida 32827

Meeting of the Board of Directors

DATE AND TIME: Wednesday, November 15, 2000, 1:15 p.m. – 4:30 p.m.

PLACE: Hyatt Regency Orlando Airport Hotel, 9300 Airport Boulevard, Orlando, Florida 32827

PURPOSE: To conduct the business of the Board and Councils.

A copy of the agenda(s) may be obtained by contacting: Pat Chalmers after November 6, 2000, (850)921-1119, e-mail at pchalmers@enterprise.state.fl.us or our website at www.workforceflorida.com.

Those individuals wishing to participate in these meetings on November 15, 2000 are advised that this location is accessible to those individuals with a disability or physical impairment. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771(TDD).

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## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

### DEPARTMENT OF BANKING AND FINANCE

NOTICE IS HEREBY GIVEN that the petition for declaratory statement filed by counsel for Van Buren Securities, LLC on June 30, 2000 has been withdrawn. The receipt of the petition was published in the Vol. 26, No. 28, July 14, 2000 issue of the Florida Administrative Weekly.

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on September 25, 2000, from Pete Quintela, Code Compliance Specialist, Miami-Dade County, with regards to whether the intent of Section 553.79(2), Florida Statutes, is to require that both the building and fire departments review fire sprinkler plans. It has been assigned the number: DCA00-DEC-283.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on September 27, 2000, from Roy Van Wyk, Electrical Division Director, Miami-Dade County, with regards to whether Section 553.79(6), Florida Statutes, requires fire sprinkler and fire alarm drawings to be submitted with the original master building permit application. It has been assigned the number: DCA00-DEC-285.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

### DEPARTMENT OF CITRUS

NOTICE IS HEREBY GIVEN that on September 29, 2000, the State of Florida, Department of Citrus, received a Petition to Initiate Rulemaking from Ben Hill Griffin, Inc., a licensed citrus dealer located in Frostproof, Florida. The petition requests that Chapter 20-39.003, Florida Administrative Code, which provides for approved containers for regular use in shipping fresh Florida citrus be amended to include a new container.

A copy of the Petition may be obtained from: Alice P. Wiggins, Administrative Assistant, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148.

### DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Randall Prater. The Petitioner requested that the Department of Corrections amend Rule 33-501.301(8), Appendix One, Florida Administrative Code, to require the Department to include the Florida Administrative Weekly and Florida Administrative Code Annotated as mandatory publications to be included in prison law libraries.

The Department denied Inmate Prater's Petition to Initiate Rulemaking. Not only does the Petition fail to recognize that the current contents of institution libraries have been judicially recognized as legally sufficient, the Petitioner is unable to establish actual injury as a result of the Department's decision not to subscribe to these legal periodicals as access to both current rules and rules in the rulemaking process is available.

A copy of the Order may be obtained from: Giselle Lysten 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 Craig Caldwell. The Petitioner requested that the Department of Corrections amend Chapter 33, Florida Administrative Code, to adopt rules relating to inmate barbers and to recognize inmate's constitutional right to a choice of hairstyles.

The Department denied Inmate Caldwell's Petition to Initiate Rulemaking finding that inmates have no constitutional right to a choice of hairstyles and the current rule, 33-602.101(11), Florida Administrative Code, adequately addresses the issue of hairstyles. Furthermore, 476.044(5), F.S. exempts the Department from compliance with the provisions of Chapter 476.

A copy of the Order may be obtained from: Giselle Lysten 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 Paulette Ximines. The Petitioner requested that the Department of Corrections amend Rule 33-401.401, Florida Administrative Code, to ban all tobacco products from Department facilities.

The Department denied Inmate Ximines' Petition to Initiate Rulemaking. The current Rule regarding the sale and use of tobacco products is in compliance with state law. The Rule was specifically designed to reduce the danger of second hand smoke by prohibiting the use of tobacco products indoors.

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.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Electrical Contractors' Licensing Board has received a Petition for Declaratory Statement of Chapter 489.511, F.S. and Rule 61G6-7.001(4), Florida Administrative Code, which was filed August 21, 2000 by Paul C. Bishop, d/b/a The Bishop Group, Inc. Petitioner requests a declaratory statement from the Board regarding his right to install air blown fiber without a low energy systems license.

The Board will address this matter at its regularly scheduled board meeting that will be held November 15, 2000, 10:00 a.m., Department of Business and Professional Regulation, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399.

A copy of the Petition for Declaratory Statement may be obtained by writing: Anthony Spivey, Electrical Contractors' Licensing Board, Department of Business and Professional Regulation, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399.

**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:**

South Broward Hospital District, d/b/a Memorial Hospital West vs. Agency for Health Care Administration; Rule No.: 59C-1.005; Case No.: 00-3906RP

Naples Community Hospital, Inc. vs. Agency for Health Care Administration; Rule No.: 59C-1.005(6)(e); Case No.: 00-3922RP

Manuel Fernandez, M.D. vs. Department of Health, Board of Medicine; Case No.: 00-1253RU

City of Winter Park, City of Maitland, and Town of Eatonville vs. Metropolitan Planning Organization for the Orlando Urban Area and Department of Transportation; Case No.: 98-2951RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Clifford H. Paxson vs. Department of Insurance, Division of State Fire Marshal; Rule No.: 4A-62.003; Case No.: 00-3799RP; Dismissed

Manuel Fernandez, M.D. vs. Department of Health, Board of Medicine; Case No.: 00-1253RU; Dismissed

City of Winter Park, City of Maitland, and Town of Eatonville vs. Metropolitan Planning Organization for the Orlando Urban Area and Department of Transportation; Case No.: 98-2951RU; Dismissed

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

## Section XI Notices Regarding Bids, Proposals and Purchasing

### DEPARTMENT OF BANKING AND FINANCE

#### REQUEST FOR INFORMATION, POLICIES AND RATES

The State of Florida, Department of Banking and Finance is interested in obtaining a long term disability insurance policy for its employees, which will not offset (reduce) insurance benefits by other disability benefits that the employee receives. The policy should provide for all participants in the initial registration period, as well as new employees, to be guaranteed acceptance into the plan without being required to meet the underwriting guidelines, i.e. no requirement to provide medical history. Employees should be given a choice of at least three monthly benefit options: 50% of basic monthly earnings, 40% of basic monthly earnings, and 25% of basic monthly earnings. Monthly benefits may be capped at \$5,000 per month. Benefits should begin for Career Service employees no more than 90 days after the onset of the disability. Benefits should begin for Selected Exempt and Senior Management employees no more than 365 days after the onset of the disability. The policy should clearly define what constitutes a "disability" and should generally provide for the receipt of benefits to continue until the recipient reaches age 65, assuming the disability qualifies under the policy's definition. Coverage should continue while an employee is on family or medical leave of absence provided that the premiums are paid. Generally, rates should be guaranteed for at least two years. There should be no waiting period for employee participation in the plan, i.e. there may be no period of time that the employee must be in active employment in order to be eligible to participate in the plan. Termination of the policy should not prejudice any claim which accrues during the time that the policy is in force. Based on this general description, the Department is requesting information, copies of policies and rates for this type of insurance. The information should also specify:

1. The percentage of participation required in order for the product to be offered by the insurance provider.
2. Whether pre-existing conditions are covered for persons who have been guaranteed acceptance.
3. The cost for coverage of Career Service, Selected Exempt and Senior Management Employees. If OPS employees are covered, rates should be provided.
4. Whether the insurance may be continued by the employee after separation from service from the Department.
5. The minimum hourly employment to be included in the plan.
6. Whether benefits are indexed for inflation.

7. Whether there are any limitations on coverage for mental illness.
8. On what basis may the insurer terminate the group policy and whether notice of the provider's intention to terminate the group policy will be given to the individual employees who are participating in the plan.
9. Whether there is a waiver of premiums during the period of the employee's partial or total disability.
10. The benefits to be received for a partial or total disability.
11. When are disability benefits terminated.
12. The policy provided must specify the state whose laws govern construction of the policy.

If you are interested in providing information, policies and rates in response to this request for information, please notify the Department at the below address within 14 days of the publication of this notice. Within 31 days of the publication of this notice, please provide the information, policies and rate information to:

Paul C. Stadler, Jr.  
 Assistant General Counsel  
 Department of Banking and Finance  
 Suite 526, The Fletcher Building  
 101 E. Gaines St.  
 Tallahassee, FL 32399-0350  
 Phone: (850)410-9896  
 Fax: (850)410-9645

All submissions will become the property of the Department and will be a public record pursuant to Chapter 119, Florida Statutes. The Department reserves the right to request additional information. The Department retains the discretion to decide not to recommend or select a long term disability insurance policy. The Department retains the discretion to terminate the selection process without cause and without penalty.

### DEPARTMENT OF EDUCATION

#### NOTICE TO PROFESSIONAL CONSULTANTS

Florida A & M University, on behalf of the State of Florida, Board of Regents announces that Professional Services in the discipline of Architecture will be required for the project listed below:

Project No. BR-345, Project and Location: Recreation Center, PH-I, Florida A & M University, Tallahassee, Florida 32307.

This project consists of the design of a 59,000 (+-) GSF multi-use recreation facility on the FAMU campus to house Intramural and Recreational Sports, Fitness/Nutrition Offices, and provide adequate space for a complete intramural and recreation program, including meeting room space. Proper design and adequate space will include room for a variety of recreational activities.

In addition to offices and meeting rooms, the building is to contain court space for basketball, volleyball, floor hockey, badminton, racquetball, squash, fitness training area for free weights, cardiovascular machines and selectorized weight equipment; aerobic/martial arts/dance studios; raised jogging track; sauna and whirlpool, locker rooms; climbing wall; outdoor adventure programming area; and space for the necessary support services, such as maintenance, equipment check out, health bar/vending, pro-shop, lounge and pool room.

The design must include provision for adjoining outdoor recreational facilities which will be served by the building facilities. These facilities include softball fields, flag football fields, soccer field, basketball courts, tennis courts, putting green, practice green and jogging/skating path.

The design objective is to provide a maximum amount of usable play space using low maintenance, long life materials arranged to provide single entrance access and maximum visual surveillance from the fewest possible control points.

The estimated construction budget is approximately \$7,000,000. 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 \$500,000, 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. The most recent version of the Board of Regents "Professional Qualifications Supplement," (PQS) form SUSPQS: 9/99, completed by the applicant. 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 six (6) 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 \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Samuel J. Houston, Director or Teresa Williams, Secretary, Office of Facilities Planning and Construction, Florida A & M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307, (850)599-3197, Fax (850)561-2289.

Submittals must be received in the Office of Facilities Planning and Construction, by 3:00 p.m., local time, on November 15, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### NOTICE TO PROFESSIONAL CONSULTANTS

The State of Florida, Board of Regents and The University of West Florida announce that professional services are required in the following discipline: Campus Service Building Code Services at The University of West Florida in Pensacola, Florida.

The contract for this project will also be available to satellite campuses and other UWF properties, local public schools, area community colleges and satellite campuses of other State University System (SUS) institutions. Florida counties included are: Escambia, Santa Rosa, Okaloosa and Walton. Other counties may be included on a case-by-case basis.

Consultants providing code plan review and inspection services must be licensed architects, engineers and/or be SBCCI certified to conduct such plan review and inspections in the State of Florida in accordance with Florida Statutes Chapter 468.

Campus Service Contracts provide that the consultant will be available on an as-needed basis for the remainder of the fiscal year through June 30, 2001. Firms desiring to provide professional services shall apply by letter specifying their area of specialty and their intent to provide all necessary plan review and code inspections including structural, electrical, gas, plumbing, ADA and Fire/Life Safety. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement" Revised September, 1999.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An Applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered with the Florida Department of State to operate in Florida.



Submit 6 copies of the above requested data bound in the order listed above. Applications, which do not comply with the above instructions, will not be considered. Application information will not be returned.

As required by Section 287.017, Florida Statutes, a consultant may not submit a proposal for this project if they are on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information and selection criteria may be obtained by contacting:

Ron Hambrick, Director  
 Environmental Health and Safety  
 University of West Florida  
 11000 University Parkway  
 Pensacola, Florida 32514  
 (850)474-2177

Submittals must be received in the Office of Facilities Planning, Building 90, The University of West Florida, by 4:30 p.m., November 9, 2000.

**NOTICE OF CORRECTION**

Pre-Solicitation/Pre-Bid Meeting

The correct date of the Pre-Solicitation/Pre-Bid Meeting for the Hayt Golf Management Learning Center – BR-926 is scheduled for October 24, 2000, until 2:00 p.m., local time.

PLACE: University of North Florida, J. J. Daniel Hall, Building 1, A & F Conference Room, Room 2002, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224

**DEPARTMENT OF TRANSPORTATION**

The Department of Transportation, District 7 announces sealed bids will be received in Conference Room (B-1) of the District Seven, Florida Department of Transportation Headquarters Building, 11201 North McKinley Drive, Tampa, Florida 33612, until 2:30 p.m. (local time), Wednesday, November 8, 2000, for the work described below:

Bids will be publicly opened and read aloud on:

DATE AND TIME: November 8, 2000, 2:30 p.m. (local time)  
 PLACE: Conference Room B-1, Florida Department of Transportation Headquarters Building, 11201 North McKinley Drive, Tampa, Florida 33612

Request for Specifications and/or Bid Documents should be directed to: John D. Ellis, District Contracts Administrator, 11201 North McKinley Drive, Tampa, Florida 33612, (813)975-6036. Proposal documents will not be issued after 10:00 a.m. (local time), November 6, 2000. Bids must be

submitted in full accordance with the requirements of the Specifications, Bidding Conditions and Contractual Conditions, which may be obtained from the District Seven Contracts Office.

FINANCIAL PROJECT NUMBER: 259075 1 52 01  
 DCN: E-7953

The Project consists of Office Additions, New Motor Pool and Carpentry Shop Upgrade at the Tampa Maintenance Office. This is a Design-Build Project.

**BIDDER QUALIFICATION REQUIREMENTS:**

Bidder qualification requirements are established: By Rule Chapters 14-91, 14-75, Florida Administrative Code and by the conditions of bid as set forth in the specifications. Failure of the bidder to strictly meet and follow all such requirements and procedures may result in bid rejection or disqualification of the bidder from eligibility for contract award.

Concerning adherence to the provisions of Rule Chapter 14-75, Florida Administrative Code, the design consultant member of the Design-Build Team must be pre-qualified in Work Group 14.0 (Architect) at time of bid submission.

In Addition, the construction contractor member of the Design-Build Team must also meet the following requirements by providing the information requested below with his bid submission.

1. The Bidder must provide any history of contract crime, which exists relative to illegal actions, committed either by the applicant himself or by any of his affiliates and then present any legal documentation that has since vacated those charged in regard to those crimes.
  2. The Bidder must provide a copy of a valid contractors license issued by either the State of Florida or by the County in which the work is to be accomplished.
  3. The Bidder must provide an approved letter of credit from a reputable financial institution written in the amount of 20% of his bid figure.
  4. The Bidder must provide a letter certifying that the construction contract member of the Design-Build Team is not currently delinquent or has been delinquent on any contract previously awarded by the Department. If a delinquency has occurred, an explanation as to resolution shall be included.
- Rule Section 14-75.0022(3)(a) provides information on how to obtain the Request for Qualification Package for Professional Consultants. Specifically, "Professional Consultants or their related firms who desire to obtain qualifications with the Department shall submit a Request for Qualification Package for Professional Consultants, Form No. 375-030-01, Rev. 5/96. A Request for Qualification Package for Professional Consultants, Form No. 375-030-01, Rev. 5/96, may be obtained from the Contractual Services Office, MS 20, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0450."

The forms can be downloaded from the Florida Department of Transportation Internet site:

[www.dot.state.fl.us/cc-srvcs/csp/pubsmenu.html](http://www.dot.state.fl.us/cc-srvcs/csp/pubsmenu.html).

For any other questions call Contractual Services Office, Ms. Lorraine Odom, (850)414-4485

**MANDATORY PRE-BID MEETING:** A Mandatory Pre-bid Meeting is not scheduled for this project.

**BID BOND:** If a 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 a surety, a certified check made payable to 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 5% of the actual bid will invalidate the bid. Bid bonds shall conform to DOT Form 375-020-09 furnished with the proposal forms. For bids over \$100,000, a letter of intent to provide a Performance Bond in an amount equal to 100% of the Bid Amount will be required at the time of Bid.

**PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:** If the contract award amount exceeds \$100,000, a Performance Bond and a Labor and Material Payment Bond for the full award amount will be required.

**BID POSTING:** Unless otherwise notified in writing, the Summaries of Bids and Notices of Intent To Award will be posted in the main lobby of the District Seven Headquarters Building, Florida Department of Transportation, 11201 North McKinley Drive, Tampa, Florida 33612, 2:30 p.m., November 29, 2000. In the event that the Summary of Bids and Notice of Intent To Award cannot be posted on this date, then all bidders will be notified by certified mail or express delivery, return receipt requested. Information concerning the posted projects can be obtained by calling the District Contracts Office, (813)975-6036, during the posting period.

The Department reserves the right to reject any or all bids.

**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 120.569 and 120.57, Florida Statutes. For an action protesting a bid solicitation for which bidders are not required to be prequalified by the Department to be eligible to bid, the

bond should be \$2,500. 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 32339-0458. 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.

The Department reserves the right to reject any or all bids.

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## EXPRESSWAY AUTHORITIES

### NOTICE TO PROFESSIONAL ENGINEERING CONSULTANTS

The Orlando-Orange County Expressway Authority requires the services of a Professional Engineering Consultant in connection with the Project Development and Environment (P D & E) Study for the SR 429 – Northern Extension in Orange and Lake Counties, Florida. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority based on information provided by the firms and who have been prequalified by FDOT to perform the indicated Types of Work.

**TYPES OF WORK:** Group 2.0, Project Development and Environment (P D & E) Studies, Group 3.3, Complex Highway Design and Group 4.2, Major Bridge Design.

**ADDITIONAL TYPES OF WORK THAT MAY BE REQUIRED:** Group 9, Soil Exploration, Material Testing and Foundations; and Group 12, Right-of-Way Surveying and Mapping.

**DESCRIPTION:** This study will include development and evaluation of alternate corridors and location/design alternatives within the viable corridors. The work will include study and preparation of environmental reports and documents which evaluate the physical, natural, social, cultural, air and noise quality, economic and human impacts of the alternative corridors. Preliminary engineering plans and studies which address the economic and engineering feasibility, traffic capacity and levels of service, geometrics, soils, structures, interchange and intersection improvement shall be performed. Public involvement and interagency coordination will be an integral part of the assessment process.

The study will be completed in accordance with the State of Florida's State Environmental Impact Report (SEIR) requirements.

**LETTERS OF INTEREST SUBMITTAL REQUIREMENTS:** Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

- Experience – Details of specific experience for at least three (3) projects, similar to that described above that involve limited access highways, completed by the

consultant's Project Manager and other key project team members including the name of client contact person, telephone number and physical address;

- Personnel Experience – Resumes of the consultant's proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years' of specific experience in P D & E projects;
- Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services;
- Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
- Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

**SELECTION/NEGOTIATIONS:** The Authority may shortlist up to 5 firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority's Consultant Recommendation Committee based on the Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the consultant's willingness to meet time and budget requirements, consultant's projected workload and consultant's use of Minority/Women Owned Businesses.

**EQUAL OPPORTUNITY STATEMENT:** The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

**MINORITY/WOMEN/DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION:** Minority/Women/Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex or national origin in consideration for qualification or an award by the Authority.

**LETTER OF RESPONSE DEADLINE:**

November 8, 2000, 2:00 p.m., Orlando local time

**AUTHORITY CONTACT PERSON:**

Mr. Joseph A. Berenis, P. E.  
Deputy Executive Director  
Telephone (407)316-3800

**LETTER OF RESPONSE ADDRESS:**

Orlando-Orange County Expressway Authority  
525 S. Magnolia Avenue  
Orlando, FL 32801

Re: SR 429 – Northern Extension P D & E

**ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY**

Harold W. Worrall, P. E., Executive Director

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**REQUEST FOR PROPOSALS**

The Agency for Health Care Administration, Medicaid Program Development is requesting responses from Federally Designated Utilization and Quality Control Peer Review Organizations under contract with the Health Care Financing Administration (HCFA) and PRO-like Entities certified by HCFA to operate a quality assurance program for Medicaid for the Developmental Services Home and Community-Based Waiver (DS Waiver) in the state of Florida. The potential contractor will be responsible for review of services provided to DS Waiver recipients and audits of providers enrolled in the DS Waiver program. This contract will be for up to 42 months, commencing on January 1, 2001 and running through June 30, 2004. The Request for Proposals, Agency for Health Care Administration Statewide Quality Assurance Program for the Developmental Services Home and Community-Based Waiver will be issued on October 13, 2000. Copies may be obtained by writing to the issuing officer at the address noted below:

Robert Maryanski, Program Administrator  
Office of Medicaid Program Development  
Agency for Health Care Administration  
2727 Mahan Drive, Building 3 (Mail Stop 20)  
Tallahassee, Florida 32308-5403  
Phone: (850)487-2618, Fax: (850)414-1721

The agency reserves the right to reject any or all bids.

**DEPARTMENT OF MANAGEMENT SERVICES**

**PUBLIC ANNOUNCEMENT OF  
A/E SELECTION RESULTS**

The Department of Management Services, Building Construction announces that on the date listed below, authority was issued to negotiate and enter into a contract for Professional Services in accordance with the Consultants Competitive Negotiation Act for the following number one firm:

**DATE:** October 2, 2000

**PROJECT NAME:** Civil, Water and Sewer Services, Continuing Area Contracts Area 2

1. Spectra Engineering & Research, Inc., Tallahassee, FL
2. William M. Bishop Consulting Engineers Inc., Tallahassee, FL

3. Moore Bass Consulting, Inc., Tallahassee, FL

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF INVITATION TO BID**

**BID NO. BDRS 13-00/01**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

**PROJECT NAME:** Park Paving  
**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials to regrade, and pave (asphalt) existing south day-use-area parking lot and associated work. Work shall include but not be limited to the driveway connections to A1A. Services are also required to widen and reconfigure the south day-use-area entry road.

**PARK LOCATION:** Sebastian Inlet State Recreation Area  
9700 S. A1A  
Melbourne Beach (Brevard Co.), FL 32951

**PROJECT MANAGER:** Efrain Prado  
Bureau of Design and Recreation Services  
Telephone Number (850)488-3543  
Fax Number (850)488-3537

**MINORITY DIVERSITY:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

**PREQUALIFICATION:** When the total bid price including alternates exceeds \$200,000, bidders whose fields are governed by Chapters 399,

489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below: Plans and specifications will be available on Friday, October 13, 2000 at: Sebastian Inlet State Recreation Area 9700 S. A1A, Melbourne Beach, Florida 32951, Attention: Ron Johns, Park Manager, Telephone (321)984-4852, Fax (321)984-4854

**ADA REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services at (850)488-3539, at least five (5) workdays prior to opening.

**BID SUBMITTAL DUE DATE:** No later than 3:30 p.m., Tuesday, November 7, 2000 to the below address:  
Florida Department of Environmental Protection  
Bureau of Design and Recreation Services  
3540 Thomasville Road  
Tallahassee, Florida 32308

The Department reserves the right to reject any or all bids. Michael Renard, Contracts Manager, Bureau of Design and Recreation Services.

**NOTICE OF INVITATION TO BID**

**BID NO. BDRS 14-00/01**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

**PROJECT NAME:** Park Improvements  
**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials to grade Coconut Point, provide construction of day-use facilities that include: restroom, picnic pavilions, parking area and associated work. Services are also required for campground improvements that include the replacement of two bath houses, replacement of campground electrical pedestals and relocation of several campsites and all associated site work.

**PARK LOCATION:** Sebastian Inlet State Recreation Area  
 9700 S. A1A  
 Melbourne Beach (Brevard Co.), FL 32951

**PROJECT MANAGER:** Efrain Prado  
 Bureau of Design and Recreation Services  
 Telephone (850)488-3543  
 Fax (850) 488-3537

**MINORITY DIVERSITY:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

**PREQUALIFICATION:** When the total bid price including alternates exceeds \$200,000, bidders whose fields are governed by Chapters 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below: Plans and specifications will be available on Friday, October 13, 2000 at: Sebastian Inlet State Recreation Area, 9700 S. A1A, Melbourne Beach, Florida 32951, Attention: Ron Johns, Park Manager, Telephone (321)984-4852, Fax (321)984-4854

**ADA REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-3539, at least five (5) workdays prior to opening.

**BID SUBMITTAL DUE DATE:** No later than 3:30 p.m., Tuesday, November 14, 2000 to the below address:  
 Florida Department of Environmental Protection  
 Bureau of Design and Recreation Services  
 3540 Thomasville Road  
 Tallahassee, Florida 32308

The Department reserves the right to reject any or all bids.  
 Michael Renard, Contracts Manager, Bureau of Design and Recreation Services

**NOTICE OF INVITATION TO BID  
 BID NO. BDRS 16-00/01**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

**PROJECT NAME:** Visitor Center and Trailhead Parking  
**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials to construct a visitor center, picnic

**PARK LOCATION:** pavilion, parking areas, restroom, utilities and related site improvements.  
Savannas State Preserve  
Five miles south of the City of Ft. Pierce from U. S. Highway 1 east on Walton Rd. then north on Scenic Park Drive

**PROJECT MANAGER:** Jim Ross  
Bureau of Design and Recreation Services  
Telephone (850)488-3541  
Fax (850)488-1141

**MINORITY DIVERSITY:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

**PREQUALIFICATION:** When the total bid price including exceeds \$200,000, bidders whose fields are governed by Chapters 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below: Plans and specifications will be available on Friday, October 13, 2000 at: Ft. Pierce Inlet State Recreation Area  
905 Shorewinds Drive  
Ft. Pierce, Florida 34949-1549  
Attention: Dan Griffin, Park Manager  
Telephone (561)468-3985

**ADA REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-3539, at least five (5) workdays prior to opening.

**BID SUBMITTAL DUE DATE:** No later than 4:15 p.m., Tuesday, November 14, 2000 to the below address:  
Florida Department of Environmental Protection  
Bureau of Design and Recreation Services  
3540 Thomasville Road  
Tallahassee, Florida 32308  
The Department reserves the right to reject any or all bids.  
Michael Renard, Contracts Manager, Bureau of Design and Recreation Services.

**NOTICE OF INVITATION TO BID**

**BID NO. BDRS 17-00/01**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

**PROJECT NAME:** Cabin Area Development and Related Site Improvements

**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials to construct 10 rental cabins, laundry storage buildings, a 4-bay shop building, access road, utilities and related site improvements.

**PARK LOCATION:** Silver River State Park  
1425 N. E. 58th Avenue  
Ocala (Marion Co.), Florida

**PROJECT MANAGER:** Jim Ross  
Bureau of Design and Recreation Services  
Telephone (850)488-3541  
Fax (850)488-1141

**MINORITY DIVERSITY:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

**PREQUALIFICATION:** When the total bid price including alternates exceeds \$200,000, bidders whose fields are governed by Chapters 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below: Plans and specifications will be available on Friday, October 13, 2000 at: Silver River State Park  
1425 N. E. 58th Avenue  
Ocala, Florida 34470  
Attention: Bob Lamont, Park Manager  
Telephone (352)236-1827  
Fax (352)236-3002

**ADA REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-3539, at least five (5) workdays prior to opening.

**BID SUBMITTAL**

**DUE DATE:** No later than 4:00 p.m., Tuesday, November 14, 2000 to the below address:  
Florida Department of Environmental Protection  
Bureau of Design and Recreation Services  
3540 Thomasville Road  
Tallahassee, Florida 32308

The Department reserves the right to reject any or all bids.  
Michael Renard, Contracts Manager, Bureau of Design and Recreation Services.

**NOTICE OF INVITATION TO BID**

**BID NO. BDRS 18-00/01**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

**PROJECT NAME:** Initial Park Development  
**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials to construct an access road, parking area, tram road, RV storage area, tram shelters, restrooms, beach boardwalk, utilities and related site improvements.

**PARK LOCATION:** Topsail Hill State Preserve  
7525 West Scenic Hwy. 30-A  
Santa Rosa Beach (Walton Co.), Florida

**PROJECT MANAGER:** Jim Ross  
Bureau of Design and Recreation Services  
Telephone (850)488-3541  
Fax (850)488-1141

**MINORITY DIVERSITY:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to

furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

**PREQUALIFICATION:** When the total bid price including alternates exceeds \$200,000, bidders whose fields are governed by Chapters 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below: Plans and specifications will be available on Friday, October 13, 2000 at: Topsail Hill State Preserve 7525 West Scenic Hwy. 30-A Santa Rosa Beach, FL 32459 Attention: Tom Ervin, Park Manager Telephone (850)267-0299

**ADA REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-3539, at least five (5) workdays prior to opening.

**BID SUBMITTAL DUE DATE:** No later than 3:45 p.m., Tuesday, November 14, 2000 to the below address: Florida Department of Environmental Protection Bureau of Design and Recreation Services 3540 Thomasville Road Tallahassee, Florida 32308

The Department reserves the right to reject any or all bids.

Michael Renard, Contracts Manager, Bureau of Design and Recreation Services.

**REQUEST FOR STATEMENT OF QUALIFICATIONS  
RFSQBDRS 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:

\*\*\*\*\*

Proposal Due Date: 3:30 p.m., Tuesday, November 14, 2000  
This Request for Statement of Qualifications (RFSOQ) is for Architects and general civil, structural, mechanical and electrical Engineers, certified in the State of Florida for continuing services with expertise in the areas of consultation, design and permitting for construction projects in state parks. All responses to the Request for Statement of Qualifications (RFSOQ) are welcome. The RFSOQ is an effort to make an open and fair competition with questions that identify our needs.

\*\*\*\*\*

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 Number provided above. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all proposals.

**DEPARTMENT OF HEALTH**

**INVITATION TO BID**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF HEALTH, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO.: 97309910  
SAMAS CODE: 64-30-2-141001-64200700-00-084093-01  
PROJECT NAME AND LOCATION: Hendry County Health Department, Clewiston, FL New Facility  
FOR: State of Florida, Department of Health

PRE-QUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit pre-qualification data of their eligibility. Submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233 for information on pre-qualification with the



Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004. A copy of rule requirements is included in the Instruction To Bidders under Article B-2 "Bidders Qualification Requirements and Procedures".

**PUBLIC ENTITY CRIME INFORMATION STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not do the following:

1. May not submit a bid on a contract to provide any goods or services to a public entity.
2. May not submit a bid on a contract with a public entity for the construction or repair of a public building or public work.
3. May not submit bids on leases of real property to a public entity.
4. May not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity.
5. May not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

**PROJECT DESCRIPTION:** The project consists of a new 18,009 gross sq. ft. county health department. The site location is at the Northeast corner of the Arroyo Street and Olympia Street intersection in Clewiston. The building design consists of the following: the exterior includes concrete block wall with stucco finish, metal roof trusses with a standing seam metal roof, aluminum storefront, landscaping, lawn sprinkler system, asphalt paving, etc. The interior includes metal studs with gypsum board, painting, ceramic floor tile, acoustical lay-in ceilings with gypsum board layer on the truss bottom chords, hollow metal frames with 6 panel wood doors, air conditioning, voice/data communications, etc. The project site has been prepared to receive the building. All site utility services are installed to within 5'-0" of the building location. The previous sitework includes the earthwork for the building foundation, site grading, and installation of water mains and water service. It also includes gravity sanitary sewer and manholes, pump station and force main, storm drainage pipes, storm retention areas and control structure, sub-grade and limerock base for roads and parking areas, concrete transformer pad with 4" PVC casing, and all sod work. The contractor shall be licensed in the State of Florida, and bonded for bid, performance, and labor and material payment bonds.

**PERFORMANCE BOND AND LABOR MATERIAL PAYMENT BOND:** If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required. If the construction contract award amount is more than \$100,000.00, a Performance and a Labor and Material Payment Bond SHALL be required.

**MINORITY BUSINESS ENTERPRISES:** In accordance with Florida Statutes, Chapter 287.042(4)(f)1., the Department of Health is encouraged to spend, as a "goal," twenty-one (21) percent of the monies actually expended for construction contractors with certified minority business enterprises. In the department's effort to see that this is accomplished, the Department of Health encourages minority businesses to participate in the bidding process including any bidders conferences, pre-solicitation or pre-bid meetings which are scheduled. The Department of Health further encourages contractors to utilize certified minority enterprises as subcontractors or sub-vendors whenever possible. Certified vendors are those firms certified by the State of Florida Minority Business Advocacy and Assistance Office, 2012 Capital Circle, S. E., Hartman Building, Suite 100, Tallahassee, Florida 32399-2152, telephone (850)487-0915.

Sealed bids will be received, publicly opened and read aloud on:

**DATE AND TIME:** Tuesday, November 14, 2000, 2:00 p.m., local time

**PLACE:** Hendry County Health Department, 1140 Pratt Blvd., Conference Room, LaBelle, FL. Mailing address is as follows: P. O. Box 70, LaBelle, Florida 33975.

**PRE-BID MEETING:** To be held on Wednesday, November 8, 2000, 11:00 a.m.

**PLACE:** Clewiston City Hall, 115 West Ventura Avenue, Clewiston, FL

**\*\*PLEASE NOTE:** All inquiries should be directed to: Mr. Jim Love, Hendry County Health Department, (843)674-4047, Ext. 154

**PROPOSAL:** Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Addenda, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the following:

**ARCHITECT-ENGINEER:** Long and Associates, Inc. Manhattan Center, 4525 South Manhattan Ave., Tampa, FL 33611, telephone (813)839-0506, Facsimile (813)839-4616

**DEPOSITS:** The cost per set of bid documents is \$200.00. The General Contractor can receive two (2) sets refundable. The Mechanical, Plumbing and Electrical sub-contractors can receive one (1) set refundable. All other sub-contractors, vendors, manufacturers, etc. must purchase all documents requested.

**CONTRACT AWARD:** The Bid Tabulation and Notice of Award Recommendation will be posted no later than 4:00 p.m., local time, Tuesday, November 14, 2000, at the bid opening location. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and

Protests Procedures”, the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

**PUBLIC ANNOUNCEMENT FOR PROFESSIONAL SERVICES FOR ARCHITECTURE-ENGINEERING**

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction announces that professional services are required for the project listed below. Applications are to be sent to Mr. John C. Hayes, R. A., Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, BIN #B06, Tallahassee, Florida 32399-1734, (850)245-4444, Ext. 3165, Facsimile (850)410-1474.

PROJECT NUMBER: 10050200

PROJECT NAME: A. G. Holley Hospital, Lantana, Florida: Complete 4th Floor Renovations

SERVICES TO BE PROVIDED: Architectural-Engineering (A/E)

ESTIMATED CONSTRUCTION BUDGET: \$1,000,000.00

SAMAS NO: 64-30-1-000319-64200800-00-081109-01

RESPONSE DUE DATE: Friday, November 3, 2000, 5:00 p.m. (EST)

INSTRUCTIONS: Submit three (3) bound copies of the following information in this sequence: \*

1. Table of contents
2. Letter of interest
3. A current copy of the Department of Health Professional Qualifications Supplement (PQS) Form: Form DBC5112/Revised 10/97. A copy can be obtained from the Department of Health, (850)245-4066.
4. Provide a copy of the firm’s current Florida Professional License registration. Proper registration is required at the time of this application.
5. (CORPORATIONS ONLY) Provide a Current Corporate Certification giving evidence of validation date and designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
6. Completed Standard Form 254.
7. Completed Standard Form 255.

\*In Article Eight, Work by Firm or Joint-Venture Members, list only projects designed, under construction, and/or completed within the past five (5) years. All listed work beyond the past five (5) years is not considered.

8. Applicants desiring selection credit as State Certified Minority Business Enterprises either as Prime Consultant or Sub-consultant shall include a copy of the State of Florida Minority Re-certification or Certification Letter. To be considered for credit, the Re-certification or Certification letter date must be current.

9. A stamped self-addressed envelope if the applicant would like a copy of the Notice of Selection results.

\* All applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and any section dividers. However, this is not a mandatory requirement.

EVALUATION: All submitted proposals shall become the property of the Department of Health. The submitted proposals will be placed on file and not returned to the applicant. Any proposals that do not comply with the above instructions as set forth and/or do not include the required qualification data will be considered improper and disqualify the applicant. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes.

SHORTLIST SELECTION PROCESS: From the proposals received, the department shall shortlist a minimum of three (3) firms.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**NOTICE TO PROFESSIONAL CONSULTANTS FOR ARCHITECTURE-ENGINEERING CONTINUING CONTRACTS**

The State of Florida, Department of Children and Family Services, Office of General Services announces that professional services are required for the two projects listed below. Applications are to be sent to: Mrs. Margaret Nicolosi, Senior Architect, Design and Construction, Department of Children and Family Services, Building 3, Room 205-I, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, (850)413-6776.

PROJECT NUMBER: DCF 00240250

PROJECT: DISTRICT 2 PROGRAM OFFICE BUILDING

SERVICES TO BE PROVIDED: Architectural/Engineering Services

ESTIMATED CONSTRUCTION BUDGET: \$1,500,000

Work will include all aspects of Architectural services and attendant Engineering to provide for construction of a new, roughly 15,000 square foot office building at the intersection of Phillips and Miccosukee Roads in Tallahassee, Florida.

RESPONSE DUE DATE: By close-of-business on October 26, 2000.

INSTRUCTIONS: Submit three (3) copies of the following bound in loose leaf three-ring binders:

1. Letter of Interest specifying the project and location for which the firm wishes to be considered.
2. A current Professional Qualifications Supplement (PQS) from the Department of Management Services, modifying section 5a. to reflect current contracts with any and all state agencies.

3. A copy of the firm's Florida Professional Registration License Renewal. (Proper registration at the time of application is required.)
4. Corporations only: Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard Form 254.
6. Completed Standard Form 255.

For applicant to receive credit as State Certified Minority Business Enterprise either the Prime Consultant or Sub-consultant shall include copy of the state of Florida Minority Rectification or Certification Letter in the proposal. All proposal information submitted becomes the property of DCF, will be placed on file and shall not be returned. Applications not complying with the instructions set forth above and/or do not include the qualifications data required shall not be considered. Selections will be made in accordance with Chapter 60-2, Florida Administrative Code and Section 287.055, Florida Statutes.

**SELECTION PROCESS:** From the proposals received, the Department shall shortlist a minimum of three (3) firms.

**SELECTION RESULTS:** All applicants will be notified by the department of the three firms shortlisted by October 9, 2000 by close-of-business. Those shortlisted firms will be advised of the interview date and any further requirements. Any protests of the selection must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in s. 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."

#### Invitation to Negotiate

The Florida Department of Children and Family Services is requesting applications for Adoption Services. The program will be for a minimum of eighteen months and will not exceed a maximum of twenty-four months. General units of local government, minority non-profit businesses, non-profit agencies and Indian tribes are eligible to apply.

District 13 (Citrus, Hernando, Lake, Marion and Sumter Counties) is in the process of converting to Community Based Care Services. Pursuant to Chapter 63, Florida Statutes, the purpose of this Invitation to Negotiate is to attract qualified providers who will perform on a district specific contract designed to perform Adoption Services in District 13, to increase the number of finalized adoptions of children who are available for adoption; minimize the length of time children wait for permanent adoptive homes; increase the number of child sibling groups kept together and adopted; increase the number of finalized adoptions of teenagers who are available for adoptions and want to be adopted; and, increase the number of finalized adoptions of children with special needs, and when possible, maintain children in their adoptive home after finalization.

Copies of the Invitation to Negotiate may be obtained from the Department of Children and Family Services, District 13, 8:00 a.m. (EDT), Tuesday, September 5, 2000. Written notices of intent to submit proposals should be received by the department by Monday, September 11, 2000. A prospective respondent's conference will be held on Monday, September 18, 2000, 10:00 a.m. (EDT), Room 2002, Department of Children and Family Services, District 13, Headquarters Office, 1601 W. Gulf Atlantic Hwy., Wildwood, Florida. All applications for Adoption Services must be received by the department no later than Monday, October 30, 2000, 5:00 p.m. (EST). Applications received after that time will not be considered. The department will post a list of the qualified applicants with whom it may seek to negotiate on Tuesday, November 6, 2000, 12:00 Noon (EST). Certified minority business enterprises are encouraged to participate in any respondents conferences, presolicitation or prebid meetings which are scheduled. The department reserves the right to reject any and all applicants or accept minor irregularities in the best interest of the state.

All invitations for negotiation, inquiries, notices of intent to respond to the Invitation to Negotiate, and submission of the applications for Adoption Services are to be directed in writing: Phillip C. Love, Contract Manager, Adoption ITN, Department of Children and Family Services, District 13, 1601 W. Gulf Atlantic Hwy., Wildwood, FL 34785.

#### Invitation to Negotiate

The Florida Department of Children and Family Services is requesting applications for In-Home Services. The program will be for a minimum of eighteen months and will not exceed a maximum of twenty-four months. General units of local government, minority non-profit businesses, non-profit agencies and Indian tribes are eligible to apply.

District 13 (Citrus, Hernando, Lake, Marion and Sumter Counties) is in the process of converting to Community Based Care Services. Pursuant to Chapter 39, Florida Statutes, the purpose of this Invitation to Negotiate is to attract qualified providers who will perform on a district specific contract designed to perform In-Home Services in District 13, to ensure safety and stability for children and their families by developing and delivering intensive and extensive in home services to meet the unique family needs and capitalize on family strengths; enable children to grow up in permanent homes within an environment that promotes healthy child development; help children and families resolve crises and other problems in child rearing to promote safety and stability in the home; assist families in navigating social service systems and obtain culturally appropriate services and supports to meet multiple needs; avoid unnecessary out-of-home placements for children; keep children safely in their homes,

when possible or maintain children safely in their own homes after reunification; and, prevent the occurrence or reoccurrence of child abuse and/or neglect.

Copies of the Invitation to Negotiate may be obtained from the Department of Children and Family Services, District 13, 8:00 a.m. (EDT), Tuesday, September 5, 2000. Written notices of intent to submit proposals should be received by the department by Monday, September 11, 2000. A prospective respondent's conference will be held on Monday, September 18, 2000, 2:00 p.m. (EDT), Room 2002, Department of Children and Family Services, District 13, Headquarters Office, 1601 W. Gulf Atlantic Hwy., Wildwood, Florida. All applications for In-Home Services must be received by the department no later than Monday, October 30, 2000, 5:00 p.m. (EST). Applications received after that time will not be considered. The department will post a list of the qualified applicants with whom it may seek to negotiate on Tuesday, November 6, 2000, 12:00 Noon (EST). Certified minority business enterprises are encouraged to participate in any respondents conferences, presolicitation or prebid meetings which are scheduled. The department reserves the right to reject any and all applicants or accept minor irregularities in the best interest of the state.

All invitations for negotiation, inquiries, notices of intent to respond to the Invitation to Negotiate, and submission of the applications for In-Home Services are to be directed in writing: Phillip C. Love, Contract Manager, In-Home Services ITN, Department of Children and Family Services, District 13, 1601 W. Gulf Atlantic Hwy., Wildwood, FL 34785.

**CENTER FOR URBAN TRANSPORTATION RESEARCH**

**REQUEST FOR PROPOSAL**

The Center for Urban Transportation Research (CUTR) at the University of South Florida (USF) is responsible for coordinating the statewide Florida Maintenance Training Program (FMTP) for the Florida Department of Transportation (FDOT). This program provides maintenance training resources for transit properties throughout the state. Through this Request for Proposal, the University is seeking qualified subcontractor(s) to provide maintenance training classes.

Sealed proposals will be received until 1:00 p.m. (EDT), November 15, 2000.

Detailed specifications may be obtained from the address below or at the web address: <http://www.rmit.usf.edu/purchasing/purch2htm> or by calling the Fax-on-Demand Line: (813)974-3536. The university reserves the right to reject any and all proposals. USF is an Equal Opportunity/Equal Access/Affirmative Action Institution.

NOTE: Please notify the bid typist, (813)974-5727 or (813)974-2481, within five (5) working days of the scheduled bid opening date, if you will be attending this opening and a reasonable accommodation of a disability is needed.

Request for Proposal will be available at:  
4202 East Fowler Avenue, ADM 185  
Tampa, FL 33620-5375

Request for Proposal will be opened at the above address at 1:00 p.m., November 15, 2000.

Please direct all inquiries to:  
Nancy DellaPorte  
Phone: (813)974-2481  
Fax: (813)974-5362  
Email: Ndellapo@admin.usf.edu

The Department reserves the right to reject any and all proposals or accept minor irregularities in the best interest of the state of Florida.

Certified Minority Business enterprises are encouraged to participate in the bidding process.

**Section XII  
Miscellaneous**

**DEPARTMENT OF BANKING AND FINANCE**

**NOTICE OF FILINGS**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., November 3, 2000):

**APPLICATION TO RELOCATE A MAIN OFFICE**

Applicant and Present Location: Investment Trust Company of Florida, Inc., 2714 Rew Circle, Ocoee, Florida 34761  
Proposed Location: 2731 S. Maguire Road, Ocoee, Florida 34761  
Received: September 27, 2000

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No. DCA00-OR-284

In re: **MONROE COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY MONROE COUNTY ORDINANCE NO. 039-2000**

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (1999), which require the Department to enter a final order approving or rejecting land development regulations adopted by Monroe County. This Final Order approves Monroe County Ordinance No. 039-2000 as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a unit of government within the Florida Keys Area.
2. On August 22, 2000, the Department received for review Monroe County Ordinance No. 039-2000 which was adopted by the Monroe County Board of County Commissioners on July 26, 2000 ("Ord. 039-2000"). Ord. 039-2000 amends Sections 9.5-315 through 9.5-317 of the County Code relating to floodplain management.
3. Section 1 of Ord. 039-2000 deletes Sections 9.5-125 and 9.5-126 of the County Code. Section 2 of Ord. 039-2000 deletes Section 9.5-127 of the County Code. Sections 3, 4 and 5 of Ord. 039-2000 amends Sections 9.5-315 through 9.5-317 of the County Code, providing a purpose and intent statement, providing general provisions, providing permit requirements and providing standards for issuance of building permits in areas of special flood hazards. Section 6 of Ord. 039-2000 sets forth procedures and conditions for variances to the floodplain management requirements. Section 7 of Ord. 039-2000 contains a severability provision; Section 8 contains a superseding provision if any other ordinances or parts of ordinances are deemed in conflict; Section 9 concerns filing said ordinance with the Florida Secretary of State Office, and Section 10 requires the transmittal of the ordinance to the Department for review.
4. The amended floodplain management provisions contained in Ord. 039-2000 are consistent with Monroe County's 2010 Comprehensive Plan, and specifically in furtherance of Plan Objectives 101.4 and 101.14, and Plan Policies 101.5.4, 101.14.1 and 101.14.2, and 101.17.4.

CONCLUSIONS OF LAW

1. The Department is required to approve or reject any and all land development regulations that are enacted, amended or rescinded by any unit of government in the Florida Keys Area of Critical State Concern within 60 days of receipt by the Department. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (1999).
2. Monroe County is a unit of government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (1999) and Rule 28-29.002 (superseding Chapter 27F-8, Fla. Admin. Code) and Chapter 28-30, Fla. Admin. Code.

3. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (1999). The regulations adopted by Ord. 039-2000 are land development regulations, as defined by statute.

4. All land development regulations enacted, amended or rescinded by Monroe County must be consistent with the Principles for Guiding Development (the "Principles"). § 380.0552(7), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). In reviewing the land development regulations for consistency, the Principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (1999).

5. The Department has reviewed all provisions of Ord. 039-2000 for consistency with the Principles. Specifically, Ord. 039-2000 strengthens Monroe County's capabilities for managing land use and development under Principle (a); limits the adverse impacts of development on the quality of water throughout the Florida Keys pursuant to Principle (e); and protects the public health, safety and welfare of the citizens of the Florida Keys in accordance with Principle (l). § 380.0552(7)(a), (e) and (l), Fla. Stat. (1999). Accordingly, the Department has determined that Ord. 039-2000 is consistent with the Principles as a whole. § 380.0552(7), Fla. Stat. (1999).

WHEREFORE, IT IS ORDERED that Ord. 039-2000 is found to be consistent with the Principles found at § 380.0552(7), Fla. Stat. (1999), as a whole, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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J. THOMAS BECK, DIRECTOR  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE

PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below, by the method indicated, this \_\_\_\_ day of October, 2000.

\_\_\_\_\_  
Paula Ford  
Agency Clerk

By U.S. Mail:

Honorable Shirley Freeman  
Mayor of Monroe County  
500 Whitehead Street  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Timothy J. McGarry, AICP  
Director, Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

By Hand Delivery or Interagency Mail:  
Michael McDaniel, Growth Management Administrator  
DCA Tallahassee  
Rebecca Jetton, DCA Florida Keys Field Office  
Geoffrey T. Kirk, Assistant General Counsel, DCA Tallahassee

WITHDRAWAL OF ROUTINE PROGRAM CHANGE REQUEST

The Department of Community Affairs has temporarily withdrawn a routine request to update the Approved Florida Coastal Program (AFCP) which was recently submitted to the federal Office of Ocean and Coastal Resource Management (OCRM), of the National Oceanic and Atmospheric Administration (NOAA). This proposed program update was

originally noticed in the Florida Administrative Weekly (FAW) on September 8, 2000. The purpose of the proposed routine program change was to update the implementing rules for the statutes that make up the AFCP. For further details on this routine program change proposal, please see the September 8, 2000 FAW notice.

It is the intent of the Department of Community Affairs to resubmit this routine program change request at a later date when additional information requested by the OCRM can be provided. For more information regarding this action, please contact: Ms. Jasmin Raffington, Department of Community Affairs, Florida Coastal Management Program, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)922-5438.

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## DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

### Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Yamaha Motor Corporation, U.S.A., intends to allow the relocation of Greater Yamaha of Palm Beach, as a dealership for the sale of Yamaha products, from its present location at 4190 Okeechobee Blvd., West Palm Beach, Florida 33409-3204, to a proposed location between Palm Beach Acura, 6870 Okeechobee Blvd. and Powerhouse Gym at 6900 Okeechobee Blvd., West Palm Beach (Palm Beach County), Florida 33409, on or after October 1, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Greater Yamaha of Palm Beach are: dealer operator and principal investor(s): Carrington M. Lloyd, Jr., 4190 Okeechobee Blvd., West Palm Beach, Florida 33409-3204.

The notice indicates an intent to relocate the franchise 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, 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: Russell D. Jura, Senior Vice President and General Counsel, Yamaha Motor Corporation, U.S.A., 6555 Katella Avenue, Cypress, California 90630-5101.

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.

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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 Kawasaki Motors Corp., U.S.A., intends to allow the relocation of Streit's, Inc., as a dealership for the sale of Kawasaki motorcycles, from its present location at 4820 North West 13th Street, Gainesville, Florida 32615, to a proposed location at 12316 Highway 441, Alachua (Alachua County), Florida 32615, on or after November 30, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Streit's, Inc. are: dealer operator and principal investor(s): Michael and Marion Jones, 14823 S. W. 79th Street, Archer, Florida 32618.

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: Mr. Jim Capps, Regional Sales Manager, East Region, Kawasaki Motors Corp., U.S.A., 6110 Boat Rock Blvd., S. W., Atlanta, GA 30378.

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.

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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, Kentworth Truck Company d/b/a PACCAR Inc., intends to allow the establishment of Moody Truck Center, as a dealership for the sale of Kenworth Trucks, 833 Pickettville Road, Jacksonville (Duval County), Florida 32220, on or after September 18, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Moody Truck Center are: dealer operator: R. M. Moody, Sr., 4600 Phillips Highway, Jacksonville, Florida 32207; principal investor(s): Ethel M. Throp, 4600 Phillips Highway, Jacksonville, Florida 32207 and D. E. Moran, 4600 Phillips Highway, Jacksonville, Florida 32207.

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. Daniel A. Purdy, Southeast Region, Dealer Development Manager, Kentworth Truck Company, 3700 Mansell Road, Suite 175, Alpharetta, GA 30022.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for 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 Yamaha Motor Corporation, U.S.A., intends to allow the relocation of Streit's Motorsports, as a dealership for the sale of Triumph motorcycles and associated parts, from its present location at 4820 N. W. 13th Street, Gainesville, Florida 32609, to a proposed location at 12315 Highway 441, Alachua (Alachua County), Florida 32615, on or after October 1, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Streit's Motorsports are: dealer operator and principal investor(s): Michael R. Jones, 12315 Highway 441, Alachua, Florida 32615.

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: Russell D. Jura, Senior Vice President and General Counsel, Yamaha Motor Corporation, U.S.A. 6555 Katella Avenue, Cypress, California 90630-5101.

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, Ultra Motorcycle Company, intends to allow the establishment of Tombstone Cycles of Daytona, as a dealership for the sale of Ultra Motorcycles, at 812 West International Speedway Blvd., Daytona Beach (Volusia County), Florida 32168, on or after September 19, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Tombstone Cycles of Daytona are: dealer operator: Tombstone Cycles of Daytona, 812 West International Speedway Blvd., Daytona Beach, Florida 32168; principal investor(s): Fred Campagnuolo, President, 1147 North Dixie Freeway, New Smyrna Beach, Florida 32168.

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. Harold Collins, Chief Operating Officer, Ultra Motorcycle Company, 3810 Wacker Drive, Mira Loma, CA 91752.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE OF FIXED NEED POOL**

**FOR CHAPTER 395 SKILLED NURSING BEDS**

The Agency for Health Care Administration has established projected net bed need figures for skilled nursing beds licensed under Chapter 395, F.S., for July 2003 by subdistrict pursuant to the provisions of Rule 59C-1.036, FAC. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Office, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, on or before 5:00 p.m. October 30, 2000.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this time period will result in no adjustment to the fixed need pool number for this cycle. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, F.S., your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the Agency Clerk, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Hospital Based Nursing Home Bed Need Projections		
District	Subdistrict	Net Need
1	1 Escambia, Santa Rosa	0
1	2 Okaloosa, Walton	0
2	1 Bay, Calhoun, Franklin, Gulf, Holmes, Jackson, Washington	0
2	2 Gadsden, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla	0
3	1 Columbia, Hamilton, Suwannee	0
3	2 Alachua, Bradford, Dixie, Gilchrist, Lafayette, Levy, Union	3
3	3 Putnam	0
3	4 Marion	0
3	5 Citrus	22
3	6 Hernando	25
3	7 Lake, Sumter	7
4	1 Nassau, North Duval	5
4	2 Baker, Clay, Southwest Duval	0
4	3 St. Johns, Southeast Duval	39
4	4 Flagler, East Volusia	0
4	5 West Volusia	14
5	1 West Pasco	0
5	2 East Pasco	0
5	3 North Pinellas	0
5	4 South Pinellas	4
6	1 Hillsborough	0
6	2 Polk	0
6	3 Manatee	7
6	4 Hardee	10
6	5 Highlands	17
7	1 Brevard	30
7	2 Orange	0
7	3 Osceola	19
7	4 Seminole	11
8	1 Charlotte	0
8	2 Collier	7
8	3 DeSoto	2
8	4 Glades, Hendry	1
8	5 Lee	0
8	6 Sarasota	0
9	1 Indian River	5
9	2 Martin, St. Lucie	6
9	3 Okeechobee	0
9	4 North Palm Beach	0
9	5 South Palm Beach	0
10	Broward	0
11	1 Dade	173
11	2 Monroe	0
	STATE TOTAL	407

The person to be contacted concerning this notice is: Laura MacLafferty, Certificate of Need Office, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)922-7760.  
Purchase Order Number: S 5900 I00310

**NOTICE OF NURSING HOME FIXED NEED POOL**

The Agency for Health Care Administration has established projected net bed need figures for nursing homes for July 2003 by subdistrict pursuant to the provisions of Rule 59C-2.200, FAC. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Office, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, on or before 5:00 p.m., October 30, 2000.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this time period will result in no adjustment to the fixed need pool number for this cycle. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, F.S., your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the Agency Clerk, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

**Nursing Home Need Projections**

District	Subdistrict	Net Need
1	1 Escambia, Santa Rosa	21
1	2 Okaloosa	39
1	3 Walton	0
2	1 Gadsden, Holmes, Jackson, Washington	29
2	2 Bay	0
2	3 Calhoun, Franklin, Gulf, Liberty, Wakulla	0
2	4 Leon	0
2	5 Jefferson, Madison, Taylor	13
3	All Counties	0
4	1 Nassau, North Duval	49
4	2 Baker, Clay, Southwest Duval	108
4	3 St. Johns, Southeast Duval	7
4	4 Flagler, Volusia	61
5	1 Pasco	0
5	2 Pinellas	0
6	1 Hillsborough	3

6	2 Manatee	0
6	3 Hardee	0
6	4 Highlands	0
6	5 Polk	0
7	1 Brevard	0
7	2 Orange	0
7	3 Osceola	0
7	4 Seminole	0
8	1 Charlotte	18
8	2 Collier	38
8	3 DeSoto	0
8	4 Glades, Hendry	0
8	5 Lee	0
8	6 Sarasota	0
9	1 Indian River	0
9	2 Martin	3
9	3 Okeechobee	0
9	4 Palm Beach	0
9	5 St. Lucie	7
10	Broward	0
11	1 Dade	0
11	2 Monroe	0
	<b>STATE TOTAL</b>	<b>396</b>

The person to be contacted concerning this notice is: Laura MacLafferty, Certificate of Need Office, 2727 Mahan Drive, Tallahassee, Florida 32308, Telephone (850)922-7760.  
Purchase Order Number: S 5900 I00310

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**REQUEST FOR INFORMATION  
FLATWOODS SALAMANDER**

The Florida Fish and Wildlife Conservation Commission (FWC), at its March 29-31, 2000 meeting, determined that adding the flatwoods salamander (*Ambystoma cingulatum*) to the Species of Special Concern list was warranted. The Commission directed the development of an approved management plan for the conservation of flatwoods salamander, to be completed by March 2001. The Commission now requests information regarding the anticipated regulatory economic and social impacts of management plan implementation.

To receive a draft copy of the management plan, contact: Dr. Bradley Gruver, Division of Wildlife, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600. Written comments should be address to Dr. Bradley Gruver, at the address above and will be accepted until 5:00 p.m., November 28, 2000.

**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN September 25, 2000  
 and September 29, 2000

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF INSURANCE**

4-154.103	9/27/00	10/17/00	26/32	
4-163.001	9/27/00	10/17/00	26/32	
4-163.004	9/27/00	10/17/00	26/32	
4-163.005	9/27/00	10/17/00	26/32	
4-163.006	9/27/00	10/17/00	26/32	
4-163.007	9/27/00	10/17/00	26/32	
4-213.030	9/27/00	10/17/00	26/33	

**DEPARTMENT OF EDUCATION**

**State Board of Education**

6A-1.0014	9/27/00	10/17/00	26/32	
6A-6.09091	9/27/00	10/17/00	26/32	
6A-10.044	9/27/00	10/17/00	26/32	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF TRANSPORTATION**

14-91.005	9/28/00	10/18/00	26/28	26/34
14-91.007	9/28/00	10/18/00	26/28	

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid Program Office**

59G-4.070	9/28/00	10/18/00	26/26	
59G-4.200	9/25/00	10/15/00	26/26	26/33

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

61J2-3.015	9/25/00	10/15/00	26/28	26/35
61J2-17.012	9/25/00	10/15/00	26/28	26/35
61J2-24.002	9/25/00	10/15/00	26/28	26/35

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-204.800	9/26/00	10/1/00	26/33	
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**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

64B10-14.004	9/26/00	10/16/00	26/23	26/34
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