

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE: Attorney Services
 RULE NO.: 2-37.010

PURPOSE AND EFFECT: The Department is incorporating by reference in the rule regarding private attorney services, an addendum which shall be attached to all contracts for said services.

SUBJECT AREA TO BE ADDRESSED: "Attachment A for Private Attorney Services," to be incorporated by reference in the rule.

SPECIFIC AUTHORITY: 287.059 FS.

LAW IMPLEMENTED: 287.059, 16.015 FS.

IF REQUESTED IN WRITING 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: Larry Daugherty, Senior Management Analyst II, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2-37.010 Attorney Services.

(1) The Department of Legal Affairs adopts a form to be filled out by agencies who wish to request representation by private attorneys. Form OAG-001, entitled "Request for Attorney General Approval of Private Attorney Services," effective 5-18-00, is hereby incorporated by reference.

(2) All contracts for private attorney services shall contain an addendum entitled "Office of the Attorney General Attachment A for Private Attorney Services," Form OAG-002, (rev. 2/2001), which is hereby incorporated by reference.

(3) Copies of the forms may be obtained from the General Legal Division, Office of the Attorney General, The Capitol PL-01, Tallahassee, Florida 32399-1050.

Specific Authority 287.059 FS. Law Implemented 287.059, 16.015 FS. History—New 10-7-90, Formerly 2-1.013, Amended 7-12-93, 10-29-97, 5-18-00,_____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Compensatory Benefit Plan Exemption
 RULE NO.: 3E-500.017

PURPOSE AND EFFECT: The proposed rule will provide an exemption from the registration requirements of Section 517.07, F.S., for certain written employer-sponsored

compensatory benefit plans that meet the requirements of Securities and Exchange Commission Rule 701 (17 CFR 230.701).

SUBJECT AREA TO BE ADDRESSED: Exemption from securities registration requirements of Section 517.07, F.S., for certain written employer-sponsored compensatory benefit plans.

SPECIFIC AUTHORITY: 517.03(1), 517.061(19) FS.

LAW IMPLEMENTED: 517.061(19) 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., April 10, 2001

PLACE: Room 664, 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: Rick White, Financial Administrator, Division of Securities and Finance, Room 664, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-500.017 Compensatory Benefit Plan Exemption.

(1) Transactions involving the offer or sale of a security under a written compensatory benefit plan established by the issuer for the participation of their employees, directors, general partners, trustees, officers, or consultants and advisors, and their family members, and which meet all of the requirements of SEC Rule 701 (17 CFR 230.701) as it existed on November 1, 2000, are exempt from the registration provisions of Section 517.07, F.S.

(2) For the purposes of this rule, the terms "compensatory benefit plan," "employee," and "family member," shall have the same meanings as defined in SEC Rule 701 as it existed on November 1, 2000.

(3) The purpose of this rule is to provide an exemption from the registration requirements of Section 517.07, F.S., for securities issued in compensatory circumstances. This exemption is not available for plans or schemes to circumvent this purpose, such as to raise capital or to evade the registration provisions of Section 517.07, F.S.

(4) Issuers offering and selling securities that are exempt pursuant to this rule are exempt from the registration requirements of Section 517.12, F.S., provided that:

(a) All sales of securities are made by bonafide employees of the issuer as defined by Rule 3E-200.001(8), F.A.C.; and

(b) No person is paid a commission or compensation for the sale of the issuer's securities unless such person is registered as a dealer in this state.

Specific Authority 517.03(1), 517.061(19) FS. Law Implemented 517.061(19) FS. History—New _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:	RULE NOS.:
Registration of Issuer/Dealers, Principals and Branch Offices	3E-600.004
Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent	3E-600.008
Registration Renewals	3E-600.009

PURPOSE AND EFFECT: The purpose of the proposed change to Rule 3E-600.004, F.A.C., is to allow a dealer or investment adviser registered with the Department to amend the branch office registration information electronically or by submitting a written request in lieu of filing Form DA-1-91. The purpose of the proposed changes to Rule 3E-600.008, F.A.C., is to allow electronic filing for withdrawals, cancellations, or terminations of registrations for branch offices and to authorize a registrant to terminate a branch office registration by submitting the request in writing in lieu of filing Form DA-1-91. The purpose of the proposed change to Rule 3E-600.009, F.A.C., is to allow non-NASD member firms, associated persons of non-NASD members firms and branch offices to electronically pay registration renewal fees through the Department’s website.

SUBJECT AREA TO BE ADDRESSED: Branch office registration information; terminating branch office registration; and electronic payment of registration renewal fees.

SPECIFIC AUTHORITY: 517.03(1), 517.12(15) FS.

LAW IMPLEMENTED: 517.12, 517.161(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., April 9, 2001

PLACE: Room 664, 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: Rick White, Financial Administrator, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.004 Registration of Issuer/Dealers, Principals and Branch Offices.

(1) An issuer required to be registered or who elects to be registered pursuant to Sections 517.12(1), 517.051(9), or 517.061(11), ~~F.S. Florida Statutes~~, selling its own securities

exclusively through its principals or agents (as those terms are defined ~~in under~~ Section 517.021, ~~F.S. Florida Statutes~~, and Rule 3E-200.001, ~~F.A.C.~~, respectively) may obtain registration as issuer/dealer by filing as required under Rules 3E-600.001(1), 3E-400.002 or 3E-500.011, ~~F.A.C.~~, as appropriate, provided that:

(a) The associated persons of said issuer/dealer comply with the registration requirements of Section 517.12, F.S., and Rules 3E-600.005 and 3E-600.006, ~~F.A.C.~~, ~~thereunder~~, provided that such person primarily performs, or is intended to perform at the end of the distribution, substantial duties for, or on behalf of, the issuer other than in connection with transactions in securities;

(b) Said issuer/dealer may register up to five (5) associated persons, which persons will be exempted from the examination requirements of Rule 3E-600.005(2), ~~F.A.C.~~, provided such issuer/dealer shall register no more than five (5) associated persons, and at the time of application for registration advises the Department of his intention to register no more than five (5) associated persons. Failure to so advise the Department will require all associated person applicants to fulfill the examination requirements of Rule 3E-600.005(2), ~~F.A.C.~~ Registration of more than five (5) such associated persons, at any one time, will void this exemption, and all such associated persons will be required to meet the examination requirements of Rule 3E-600.005(2), ~~F.A.C.~~

(2) No change.

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

(c) If the information contained in any branch office registration form becomes inaccurate or incomplete for any reason before or after the branch office becomes registered, including changing the location of the branch office or the supervisory personnel thereof, the dealer or investment adviser shall amend the information by filing a complete and originally executed Form DA-1-91 (Revised 11-91) with the Department within thirty (30) days of the change and denoting thereon that the information reported is an amendment to a previous filing. In lieu of filing Form DA-1-91, a registrant may amend the branch registration information electronically at the time of renewal by following the applicable instructions on the Department’s website (www.dbf.state.fl.us) on the Internet. Also, a registrant may change the address or terminate a branch office location by submission of the request in writing to the Department in lieu of filing Form DA-1-91. Failure to file any amendment or written notification, as provided herein, shall be considered a violation of Section 517.12(13), ~~F.S. Florida Statutes~~.

(d) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.12(5),(10) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.04, Amended 10-14-90, 6-16-92, 1-11-93, 11-7-93, 11-14-93, 12-29-96, 10-20-97, 6-10-99, 8-19-99, _____.

**DEPARTMENT OF LABOR AND EMPLOYMENT
SECURITY**

Division of Workers' Compensation

RULE CHAPTER TITLE: Reemployment Services
 RULE CHAPTER NO.: 38F-55

PURPOSE AND EFFECT: The purpose and effect of the proposed revisions to this rule chapter is to (a) make various technical changes reflecting changes in the professional field of vocational rehabilitation, (b) to change the Reemployment Services Reporting Form (DWC-21) and the Reemployment Services Case and Annual Status Review Form (DWC-22) to simplify reporting of carrier reemployment services, (c) to eliminate the Individualized Written Rehabilitation Plan (DWC-20) as a separate form, (d) to enable the reemployment services program to provide additional remedial training and education to injured employees, and (e) to make various other improvements in the reemployment services program.

SUBJECT AREA TO BE ADDRESSED: Reemployment services from the Bureau of Rehabilitation and Medical Services.

SPECIFIC AUTHORITY: 440.15(1),(3), 440.491(3),(5),(6), (7),(8), 440.591 FS.

LAW IMPLEMENTED: 440.15, 440.15(1), 440.491, 440.491(7) FS.

A RULE DEVELOPMENT WORKSHOP IS NOT DEEMED NECESSARY BY THE AGENCY HEAD.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Reginald Watkins, (850)488-3431, email: WatkinR@post.fdles.state.fl.us, web site availability www2.myflorida.com/les/wc/.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Everglades Program
 RULE CHAPTER NO.: 40E-63

RULE TITLES: Purpose and Policy
 RULE NOS.: 40E-63.400

Scope of Program 40E-63.401

Definitions 40E-63.402

Incorporation of Forms, Instructions and References 40E-63.404

Delegation 40E-63.406

Waivers 40E-63.410

BMP Plan Pre-approvals 40E-63.420

No-Notice General Permits 40E-63.422

Permit Applications 40E-63.430

Permit Modifications, Transfers and Renewals 40E-63.432

Permit Duration 40E-63.434

Permit Application Processing Fees 40E-63.436

General Permit Application Requirements in the C-139 Basin 40E-63.440

Basis for Issuance of General Permits in the C-139 Basin 40E-63.442

Limiting Conditions for General Permits in the C-139 Basin 40E-63.444

Individual Permit Application Requirements in the C-139 Basin 40E-63.450

Basis for Issuance of Individual Permits in the C-139 Basin 40E-63.452

Limiting Conditions for Individual Permits in the C-139 Basin 40E-63.454

Optional Discharge Monitoring Program 40E-63.456

Limiting Conditions for the Optional Discharge Monitoring Program 40E-63.458

C-139 Basin Compliance 40E-63.460

C-139 Basin Works of the District Permit Compliance 40E-63.470

PURPOSE AND EFFECT: The purpose is to develop rules to implement the Everglades Forever Act (“EFA”), Section 373.4592(4)(f)5., Florida Statutes (F.S.), which specifies, “effective immediately, landowners within the C-139 Basin shall not collectively exceed an annual average loading of phosphorus” The proposed rules will establish the compliance methodology and compliance actions required by C-139 landowners if the phosphorus load limitation for the C-139 Basin is exceeded. The effect of the proposed rule will be potential enhancement of the downstream receiving water quality in accordance with the intent of the EFA.

SUBJECT AREA TO BE ADDRESSED: Rule development to establish a compliance methodology for phosphorus load limitations for the C-139 Basin.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.4592 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, April 9, 2001

PLACE: Conference Room, Clewiston Field Station of the South Florida Water Management District, S.R. 832, Rt. 1, Clewiston, FL 33440

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical questions, Pamela Sievers, P.E., Senior Supervising Engineer, Everglades Regulation Department, Environmental Resource Regulation Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6901 or (561)682-6901 (e-mail psievers@sfwmd.gov); or for legal/administrative questions, Julie Jennison, Senior Legal Research Asst., 1(800)432-2045, Extension 6294 or (561)682-6294 (e-mail: jjennis@sfwmd.gov).

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-63.400 Purpose and Policy.

(1) This Program is intended to implement the requirements of the Everglades Forever Act, sec. 373.4592(4)(f), for the C-139 Basin. The goals of this Program are as follows:

(a) To provide economically feasible best management practices for controlling phosphorus discharges from the C-139 Basin;

(b) To ensure that the annual total phosphorus load discharged by surface water from the C-139 Basin does not exceed the historic average annual total phosphorus load recorded during the baseline period of October 1, 1978 to September 30, 1988, adjusted proportionately for rainfall;

(c) To establish the responsibility of C-139 Basin landowners to achieve their proportional share of compliance with the phosphorus load limitations of this Program; and

(d) To discourage conversion of current and low intensity land uses to different and more phosphorus intensive land uses.

(2) This Program provides a reasonable method for the landowners to help reduce phosphorus discharges from the C-139 Basin, and, in conjunction with the Stormwater Treatment Areas (STAs), provides a sound basis for the state of Florida's long-term cleanup and restoration objectives for the Everglades.

(3) Provided that landowners within the C-139 Basin continue to maintain compliance with the phosphorus load limitation provided in this Part IV of Chapter 40E-63, comply with conditions of their associated permits, and pay their required taxes pursuant to the Everglades Forever Act, Sec. 373.4592, they shall not be required to implement any additional water quality improvement measures prior to December 31, 2006.

(4) Unless otherwise provided by this Part IV of Chapter 40E-63, nothing herein shall be construed to modify any existing state water quality standards, nor to otherwise restrict the authority granted to the District pursuant to Chapter 373.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History—New _____.

40E-63.401 Scope of Program.

(1) For the purposes of this rule, the Works of the District for the C-139 Basin include water control structures, right-of-ways, canals, and other water resources which the South Florida Water Management District owns, operates and controls, and that have been specifically named as Works of the District pursuant to Section 373.086, F.S. Works of the District for the C-139 Basin include G-136, G-150, G-151, G-152, G-406, G-342A, G-342B, G-342C, G-342D, L-1 Canal, L-2 Canal, L-3 Canal and their open channel connections.

(2) Unless otherwise exempted, all lands within the C-139 Basin are deemed to be users of the Works of the District within the C-139 Basin, and as such must obtain a General or Individual Permit pursuant to the provisions of Rules 40E-63.440 and 40E-63.450 respectively. The rules shall apply to existing and new releases of water to Works of the District within the C-139 Basin.

(3) Landowners in the C-139 basin share responsibility for achieving phosphorus load limitations, and that the system for implementing best management practices, as established in this Part, ensures that landowners are responsible for their proportional share of phosphorus loads. Landowners that choose to participate in the optional discharge monitoring program, however, will be assigned a proportional share of responsibility for phosphorus load based upon their total acreage, as described in Appendix B3.

(4) Permits issued under this Part do not eliminate or alter other applicable permit requirements for discharges that impact other water bodies, nor do they affect permits which may be required by other District regulatory programs.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History—New _____.

40E-63.402 Definitions.

(1) "Agricultural Land Use" means those lands that meet the classification described in the EFA, section 373.4592(7)(a), Florida Statutes (F.S.).

(2) "C-139 Basin" means those lands described in the EFA, section 373.4592(16), F.S.

(3) "Comprehensive Nutrient Management Plan (CNMP)" is a plan to manage plant and animal nutrients for optimum yields while minimizing the movement of nutrients to surface and ground water which ultimately discharge off-site. A phosphorus budget shall be developed that considers all nutrient sources (including but not limited to soil residual, crop residual, animal residual, organic and chemical fertilizer, soil amendments and supplements, irrigation water quantity and timing, animal nutrient supplements) versus the required amounts of nutrients. The plan shall utilize testing, analysis, and agricultural industry standards to determine nutrient needs. At a minimum, the plan shall address a nutrient budget; timing, placement and method of nutrient application; optimizing nutrient uptake; preventing nutrient movement off-site;

applicable site descriptions such as aerial site photographs or maps, crop maps and or soil maps; and implementation plan and schedule.

(4) "Discharge" means any surface water runoff from a property generated by rainfall, irrigation, or seepage; runoff from property may occur through a structure or be overland uncontrolled discharge.

(5) "Improved Pasture" means grazing lands that are not in crop rotation and are planted primarily to introduced domesticated native forage species that receive periodic renovation and/or cultural treatments such as tillage, fertilization, mowing, and weed control.

(6) "Land Practice Change" means any change in the use of a parcel which is likely to result in significant changes to the scope or type of Best Management Practice specified in the permitted BMP Plan for the parcel or in the effectiveness of the Best Management Practice specified in the permitted BMP Plan.

(7) "Parcel" means a contiguous land area under single ownership within the C-139 Basin usually represented by a single county property tax identification number.

(8) "Range/Native Range Pasture" is raw, unimproved, native pasture suitable for grazing and browsing of domestic livestock at least part of the year. Rangeland includes any natural grasslands, savannas, shrublands, woodlands and wetlands that support a vegetative cover of native grasses, grasslike plants, forbs, shrubs or other natural species. It does not include improvements such as seeding or application of fertilizer and lime.

(9) "Semi-improved Pasture" means range pasture having some improvements such as webbing, chopping, or mowing which increases the grazing capacity of the land but does not include improvements such as seeding or application of fertilizer and lime.

(10) "Structure" means a structural device or hydrologic feature (e.g. culvert, pump, open connection, surface grading, ditch) through which water is ultimately discharged/directed from one or more parcels in a hydrologic drainage area to a receiving water.

(11) "Water Management System" means the collection of devices, improvements or natural systems whereby surface waters are conveyed, controlled, impounded or obstructed.

(12) "Water Year" means any 12-month period beginning on May 1 and ending on the following April 30.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New _____.

40E-63.404 Incorporation of Forms, Instructions and References.

(1) South Florida Water Management District Form 1045, dated _____, entitled, "Application For A C-139 Basin Works Of The District Permit".

(2) "Guidebook for Preparing an Application for a C-139 Basin Works of the District Permit", dated _____.

(3) "Appendix B1 – BMP Points Table", dated _____.

(4) "Appendix B2 – C-139 Basin Compliance", dated _____.

(5) "Appendix B2.1 – FORTRAN Program for Calculating C-139 Basin Flows and Phosphorus Loads", dated _____.

(6) "Appendix B2.2 – Flow computation methods used to Calculate C-139 Basin Flows", dated _____.

(7) "Appendix B3 – Permittee Phosphorus Load Determination", dated _____.

(8) The documents listed in subsections (1) through (7) are hereby incorporated by reference, are published by the District and are available on the District's website (www.sfwmd.gov) or from the District at 3301 Gun Club Road, West Palm Beach, FL 33406.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New _____.

40E-63.406 Delegation.

(1) The Governing Board delegates to and appoints the Executive Director, Deputy Executive Director, Division Directors, Department Directors, and Service Center Directors, as its agents to review and take final action on BMP Plan pre-approvals, applications to modify or transfer existing Individual Permits and all applications for General Permits issued under Chapter 40E-63, F.A.C., except when the staff recommendation is for denial of such applications.

(2) All recommendations for denial and all other applications regarding Individual Permits (new or renewals) shall be considered by the Governing Board.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New _____.

40E-63.410 Waivers.

Any landowner in the C-139 Basin, as described in EFA, section 373.4592(16), F.S., may submit evidence to the District demonstrating that the water discharged from such property does not use the Works of the District within the C-139 Basin and request a written waiver from the requirements of this Chapter pursuant to Chapter 28-104.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New _____.

40E-63.420 BMP Plan Pre-approvals.

(1) In order to begin implementation as soon as possible, the proposed plan for the initial BMPs shall be submitted by the permittee for written pre-approval from the District. This will allow the permittee to initiate implementation of the approved BMP plan prior to the completion of the administrative review and processing of the permit application.

(2) A Level I BMP Plan shall be submitted to the District for approval within 30 days of the effective date of Part IV of this Chapter. Failure to provide a complete Level I plan within the 30 days shall not justify a corresponding delay for full implementation of the plan.

(3) The District shall make a final determination on the Level I BMP Plan within 10 days of receipt of a complete plan.

(4) Implementation of Level I BMPs shall be initiated within 45 days, and shall be fully implemented within 90 days, of the effective date of Part IV of this Chapter.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History--New _____.

40E-63.422 No-Notice General Permits.

All lands located within the C-139 basin that are not classified as agricultural pursuant to the EFA, section 373.4592(6)(a), F.S., and that have an existing surface water management, environmental resource, or other permit pursuant to Ch. 373, F.S. are hereby granted a No-Notice General Permit. In the event that the C-139 basin is found in non-compliance two or more times pursuant to Rule 40E-63.460, F.A.C. then the District will initiate rule-making to develop additional Best Management Practices, appropriate to the land uses, for these non-agricultural lands.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History--New _____.

40E-63.430 Permit Applications.

(1) Applications for Works of the District Permits, including General Permits pursuant to section 40E-63.440 and Individual Permits pursuant to section 40E-63.450 shall be submitted to the District within 45 days of the effective date of this Part IV of Chapter 40E-63 and shall be made using Form 1045.

(2) Landowners, lessees or operators of a parcel or parcels may submit applications for Works of the District Permits. A lessee or operator may submit an application provided the lease (or equivalent contract) is in writing and reasonable assurance is provided that the lessee/operator has the legal and financial capability of implementing the BMP Plan and other permit conditions.

(3) All permit applications, whether General or Individual, shall also include the following:

(a) A clear delineation of the area and acreage contained in the permit application, including a map which is correlated with a list of all parcel owners, operators, and lessees with tributary discharge water and county tax identification numbers.

(b) Copies of any existing contracts, agreements, or equivalent regarding use or operation of the property or control structure between the entity responsible for operation and the parcel owners included in the application, where applicable.

(c) A list of all existing and pending District permits for the application area and their status.

(d) A completed copy of Form 1045, entitled "Application for a C-139 Basin Works of the District Permit".

(e) All of the information necessary to satisfy the Basis for Issuance, including information as specified in the application guidebook entitled "Guidebook for Preparing an Application for a C-139 Basin Works of the District Permit".

(f) Submittal of applications for new permits or modifications to existing permits required pursuant to other applicable District rules (e.g., Surface Water Management, Environmental Resource Permit, Consumptive Water Use, Well Construction, Right-of-Way, or Lake Okeechobee SWIM), as a result of activities proposed by the BMP Plan.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History--New _____.

40E-63.432 Permit Modifications, Transfers and Renewals.

(1) A permittee may apply for a modification to an existing Works of the District Permit issued under this Part IV of Chapter 40E-63, unless the permit has expired or has been otherwise revoked or suspended. An application for modification will not be processed as a complete application as long as the permit is not in compliance with applicable permit conditions, unless the permit modification is required to bring the permit into compliance. Modifications will be evaluated based on the criteria in effect at the time the application to modify is submitted. Permit modifications shall be subject to the following requirements and limitations:

(a) Applications to modify an existing Works of the District Permit shall contain the same information required in a new application, as applicable, and shall identify the portion of the existing authorization for which the modification is requested.

(b) Modifications to existing permits are acknowledged and approved by letter with an accompanying Permit Review Summary (Staff Report) from the District through correspondence to the permittee.

(2) A permittee shall notify the District within 30 days of any transfer, sale or conveyance of land or works permitted under this Rule Chapter to allow time for processing the application for permit transfer. The permittee remains responsible for the requirements of the permit until the permit is transferred. A permittee or transferee may apply for a permit transfer, conveying responsibility for permit compliance. If the permit is not transferred within 90 days of the sale or conveyance of the property, the permit will become nontransferable and the transferee will be required to apply for a new permit. Permit transfers shall be subject to the following requirements and limitations:

(a) Applicants for permit transfers must use the appropriate sections of Form 1045 and include the appropriate transfer fees.

(b) The District will transfer the permit only if the land practice remains the same and the permittee is in compliance with all conditions of the permit.

(c) All conditions of the existing permit will remain applicable to the new permittee.

(d) Any other changes or additions will require a permit modification in accordance with Rule 40E-63.432(1).

(3) A permittee shall apply for a permit renewal prior to the expiration of an existing permit, subject to the following requirements and limitations:

(a) Applications for renewals must contain all information required for new applications, and will be evaluated based on the criteria in effect at the time the application is filed.

(b) Permit renewals will be effective for 5 years from the date of issuance.

(c) When timely application is made for a modification or renewal, the previously existing permit shall not expire until final agency action on the application. If the permit is denied or the pending approved permit conditions are modified from the previous issuance, the existing permit shall not expire until the last day for seeking review of the District order.

(d) If the permittee allows the permit to expire prior to applying for a permit renewal, an application for a new permit shall be required.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History--New _____.

40E-63.434 Permit Duration.

Permits issued pursuant to this Part remain effective for five years from the date of issuance; unless:

(1) The permit is automatically terminated due to the expiration of the permittee's lease or contract that authorized operations on the permitted land;

(2) The permit is otherwise modified by enforcement actions pursuant to Rule 40E-63.470(1); or

(3) The permit is otherwise renewed pursuant to Rule 40E-63.432(3).

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History--New _____.

40E-63.436 Permit Application Processing Fees.

(1) The following permit application processing fees shall be paid to the District at the time the following actions on permits are filed.

Permit Type	New	Renewal	Modification	Transfer
General Permit	\$250	\$250	\$100	\$100
Individual Permit	\$1880	\$1880	\$500	\$100

(2) Without the proper fee, the application shall be considered incomplete and will result in denial of the application if the fee is not paid.

(3) Notwithstanding the table above, no fees shall be charged for minor or clerical modifications that do not alter the best management practices plan or monitoring requirements of the underlying permit.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History--New _____.

40E-63.440 General Permit Application Requirements in the C-139 Basin.

(1) General Permit applications shall be submitted by a single operating entity (a single owner, operator, or lessee of all parcels identified in the permit) that is responsible for implementing the BMP Plan for all lands specified within the permit.

(2) Applications for General Permits shall contain all of the following:

(a) Date, signature and title of an individual landowner, lessee or other single operating entity submitting the application;

(b) Information which demonstrates that the applicant possesses the legal and financial authority and ability to carry out all acts necessary to implement the terms and conditions of the permit, including, at a minimum:

1. A description of the legally responsible entity, and copies of recorded deeds, contracts, leases, property tax record of ownership, or other evidence of ownership or authority; and

2. Written contracts or agreements with landowners, lessees or other entities indicating their consent and intent to comply with the permit and specifying the terms of participation, where applicable.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History--New _____.

40E-63.442 Basis for Issuance of General Permits in the C-139 Basin.

In order to obtain a General Permit, applicants must submit and implement a BMP Plan which includes a multi-level approach to implementation and operation including the following:

(1) A Best Management Practice Plan based on selection of BMPs specifically listed in Appendix B1 for each crop or land use within each hydrologic drainage area described within the permit. The BMP Plan shall propose:

(a) Level I with a total of 15 points for initial implementation;

(b) Level II with continued implementation of Level I BMPs;

(c) Level III with the initial Level I BMPs and an additional 10 BMP points (for a total of 25 points); and

(d) Level IV with the previous level BMPs and an additional 10 BMP points (for a total of 35 points).

(2) A description of Best Management Practice rationale for those selected, where appropriate;

(3) An education and training program, for management and operation staff responsible for implementing and monitoring the approved BMP Plan, arranged by the permittee or other educational resources;

(4) A schedule for implementing the BMP Plan that includes at minimum the initial BMPs being fully implemented within 90 days of the effective date of this Part IV of Chapter 40E-63; and

(5) A description of records and documentation to be maintained on-site to verify BMP implementation, as described in the application guidebook entitled " Guidebook for Preparing an Application for a C-139 Basin Works of the District Permit ".

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History--New _____.

40E-63.444 Limiting Conditions for General Permits in the C-139 Basin.

(1) All of the following standard limiting conditions (a)-(j) shall be attached to all General Permits:

(a) The permittee shall successfully implement all elements and requirements of the approved BMP Plan according to schedule, including documentation of implementation, operation, and rationale where applicable.

(b) The permittee shall submit to the District an annual report certifying BMP Implementation in accordance with the permit. The first report is due February 1, 2002, and annually thereafter. Failure to submit the report by February 1, will result in District staff performing an onsite verification of BMP implementation or the requirement for the permittee to submit a detailed report documenting implementation of the approved BMP Plan for the previous calendar year. Failure to submit the required annual report or provide documentation of BMP implementation by April 30 of each year will result in revocation of the General Permit. If the permit is revoked, the permittee shall be required to apply for a new Individual Permit and shall be subject to enforcement under Rule 40E-63.470(1).

(c) The permittee shall allow District staff or designated agents reasonable access to the permitted property at any time for the purpose of verifying compliance with the rule and the permit. Since it is not possible to predict precisely when discharges will occur or problems will arise resulting in the need for a site visit, the District may not be able to provide a lengthy period of notice to the designated person in advance of a visit. However, at a minimum, the District will provide notice at least 24 hours prior to a site visit for verifying Best Management Practice installation or operation.

(d) The permittee shall notify the District in writing within 30 days of any:

1. significant change in land practice, as described in Rule 40E-63.402(6), F.A.C.; or

2. change in the approved BMP Plan for the permitted parcel; or

3. transfer, sale or conveyance of land or works described in the permit.

(e) This permit does not relieve the permittee of the responsibility to comply with all other laws or regulations applicable to the use of or discharges from the parcel.

(f) This permit does not convey to the permittee any property right nor any rights or privileges other than those specified in the permit.

(g) This permit does not relieve the permittee from liability from harm or injury to: human health or welfare; animal, plant or aquatic life; or property.

(h) The surface water management and monitoring system must be effectively operated and maintained in accordance with the Environmental Resource/Surface Water Management Permit, and any changes in drainage, land use or operations that could affect the BMP Plan or water quality of the discharge must be reported in writing to the District.

(i) The permitted discharge shall not otherwise be harmful, or adversely affect proper use and operation of the Works of the District.

(j) The C-139 Basin is required to achieve compliance with the phosphorus load limitation requirement as specified in Appendix B2 (C-139 Basin Compliance) of Chapter 40E-63, F.A.C.

(2) In the event that the District determines that any participant in a General Permit is not complying with the specific terms and conditions of the General Permit, the District may institute enforcement proceedings against either the Permit holder, the landowner, or both as applicable. If necessary, the District shall also require the Permit holder to apply for an Individual Permit.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History--New _____.

40E-63.450 Individual Permit Application Requirements in the C-139 Basin.

(1) An applicant shall apply for an Individual Permit if the applicant is proposing a:

(a) discharge monitoring program;

(b) BMP not described in Appendix B1; or

(c) BMP implementation schedule that exceeds 90 days.

(2) An Individual Permit is issued to any operating entity or entities, owners, or lessees, of all parcels identified in the permit, that are singly or collectively responsible for implementing the BMP Plan for all lands specified within the permit, as applicable.

(3) Applications for Individual Permits shall contain all of the following:

(a) Date, signature, title and authority of the applicant entity submitting the application;

(b) For each participant, information which demonstrates that they possess the legal, financial, and institutional (as applicable) authority and ability to carry out all acts necessary to implement the terms and conditions of the permit, including, at a minimum:

1. A description of the legally responsible entity or cooperating group of landowners, and copies of enabling legislation, articles of incorporation, interlocal agreements, landowner agreements, recorded deeds, contracts, leases, property tax record of ownership or other evidence of ownership or authority;

2. Completed and signed Certificates of Participation indicating their consent and intent to participate in the Permit; and

3. Written contracts or agreements with participants indicating their consent and intent to participate and specifying the terms of participation;

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History--New _____.

40E-63.452 Basis for Issuance of Individual Permits in the C-139 Basin.

(1) In order to obtain an Individual Permit, applicants must submit and implement a BMP Plan which includes a multi-level approach to implementation and operation including the following:

(a) A description of a Best Management Practice Plan, including implementation and operation, with consideration of BMPs described in Appendix B1. The BMP Plan shall propose a total of 35 points at Levels as described in Rule 40E-63.442(1)(a) through (d);

(b) A description of Best Management Practice rationale for those selected, where appropriate. If BMPs not listed in Appendix B1 are proposed, provide an explanation for why the BMPs in the Appendix are not suitable for implementation. For the proposed BMPs not listed in Appendix B1, include a description for each of the following:

- 1. The proposed BMP;
- 2. Implementation of the BMP;
- 3. Documentation of the BMP implementation; and
- 4. The basis for the effectiveness of the proposed BMP (This may be verified through a proposed monitoring program or by reference to applicable research data).

(2) Applicants for an Individual Permit must also submit all of the information required by subsections 40E-63.442(3) through (5). If the proposed implementation schedule is anticipated to take longer than 90 days, justification must be provided and accepted by the District.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History--New _____.

40E-63.454 Limiting Conditions for Individual Permits in the C-139 Basin.

(1) The Board shall impose on any Individual Permit granted under this Part IV of Chapter 40E-63 such reasonable conditions as are necessary to assure that the permitted discharge will be consistent with the overall objectives of the District and will not be harmful to the water resources of the District.

(2) In addition to special conditions, all of the following standard limiting conditions (a)-(c) shall be attached to all Individual permits:

(a) All conditions required by subsections 40E-63.444(1)(a) through (j), F.A.C. (Limiting Conditions for General Permits in the C-139 Basin).

(b) Legal entities or groups of cooperating owners or operators responsible for implementing an Individual Permit shall remain legally and financially capable of performing their responsibilities required by the permits issued pursuant to this section.

(c) In the event that the District determines that any participant in an Individual Permit is not complying with the specific terms and conditions of the Individual Permit, the District will institute enforcement proceedings against either the Individual Permit holder, the participant, or both.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History--New _____.

40E-63.456 Optional Discharge Monitoring Program.

(1) This Part IV of Chapter 40E-63 provides an optional farm-level discharge monitoring program. For those permittees that choose to monitor their discharges, the compliance methodology is described in Appendix B3.

(2) For those applicants proposing to implement the optional discharge monitoring program, all of the following information is required:

(a) An acceptable discharge (quantity and quality) monitoring program that provides reasonable assurance that annual water discharge and total phosphorus load are accurately documented. A plan that includes the items specified in the application guidebook entitled "Guidebook for Preparing an Application for a C-139 Basin Works of the District Permit" generally provides reasonable assurance, but other alternatives may be proposed by the applicant and authorized by the District; and

(b) A schedule for installing equipment and implementing the monitoring plan no later than 30 days after issuance of the permit.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History--New _____.

40E-63.458 Limiting Conditions for the Optional Discharge Monitoring Program.

(1) For those applicants proposing to implement the optional discharge monitoring program, all of the following conditions shall be attached to the Individual Permit:

(a) Those conditions listed under Rule 40E-63.454; and

(b) The following additional conditions:

1. The approved discharge monitoring plan shall be incorporated by reference and made part of the permit.

2. Within 30 days of the permit issuance date, the permittee shall contact the District to verify that installation of the monitoring equipment is complete and to schedule an inspection.

3. The permittee shall implement the discharge monitoring plan in accordance with the permit and shall submit to the District any proposed modification to the plan by submitting an application to modify the permit for review and approval prior to implementation.

4. The location of sample collection shall be such that water sampled is representative of all water that discharges off site through the structure being monitored.

5. All field water quality sample collection, preservation, handling, transport and chain-of-custody documentation shall be conducted in accordance with an approved Comprehensive Quality Assurance Plan as specified in the approved discharge monitoring plan. All laboratory analyses shall be conducted by a laboratory with proper certification for the specified parameter (e.g. phosphorus).

6. In the event that water quality automatic sampling equipment becomes inoperable for any reason, grab samples shall be temporarily taken on a daily basis during flow events and composited for a maximum of 14 days for total phosphorus analysis. Reasonable effort must be made to render the automatic sampling equipment operable within 14 days.

7. Monitoring conditions may be reduced or adjusted upon submission of data and/or studies that provide the basis for such, reasonably demonstrating that equivalent data will be obtained with the reduction or adjustment in monitoring.

8. The District will provide at least one week notice to the permittee of the intent to conduct a quality assurance field audit of the sampling collection procedures.

9. The water quantity and quality data shall be submitted to the District in a timely manner and in a consistent electronic format.

10. All flow quantity discharged from the property shall be calculated using a method proposed by a Florida-registered Professional Engineer in a Calibration Report approved by the District. A Calibration Report shall be required for each pump, culvert or other discharge structure. Each calibration report shall contain at a minimum: data collection, methodology, instrumentation and procedures; the actual field data collected; the basis for the full operating range represented by the data; the methodology for development of the calibration equation;

operational information needed to calculate flow with a temporary backup methodology to be used if the primary equipment becomes inoperable; the final calibration equation and primary method for calculating the flow. Any modifications to the approved calibration shall be through an application to modify the existing permit application.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History--New

40E-63.460 C-139 Basin Compliance.

(1) Landowners within the C-139 Basin shall not collectively exceed an annual average loading of phosphorus computed in accordance with the EFA, section 393.4592(4)(f)5., F.S., and based proportionately on the historical rainfall for the basin.

(2) "C-139 Basin" compliance will be determined by the District as specified in Appendix B2 (C-139 Basin Compliance). The District will make the compliance determination and publish the results annually.

(3) The District shall continue collecting monitoring data from the C-139 Basin for the purpose of determining compliance with the phosphorus load limitation requirement. When the District periodically evaluates the monitoring data collected to assess the general trend in phosphorus load, the evaluation shall be included in an annual report.

(4) If the C-139 Basin is determined to be in compliance with the phosphorus load limitation requirement, permittees in the C-139 Basin shall not be subject to compliance and enforcement action by the District in regard to achievement of the phosphorus load limitation requirement so long as the C-139 Basin remains in compliance.

(5) If the C-139 Basin is determined to be out of compliance with the phosphorus load limitation requirement calculated in accordance with Appendix B2, the District shall provide written notice to the C-139 Basin landowners. The District shall attempt to transmit the written notices by July 1 of any year the C-139 Basin is determined to be out of compliance. The notices shall describe the permittee's required actions as follows:

(a) First Time Out of Compliance – Continued implementation of the initial 15 points in the permitted BMP Plan and preparation for the District's on-site verification of BMP implementation;

(b) Second Time Out of Compliance – Implementation of a total of 25 points in the permitted BMP Plan (the initial 15 and 10 additional points) and continued on-site verification of implementation by District staff;

(c) Third Time Out of Compliance – Implementation of a total of 35 points in the permitted BMP Plan (the initial 15, the second 10 and 10 additional) and continued on-site verification of implementation by District staff.

(d) Fourth Time Out of Compliance – Initiation of rulemaking by the District, pursuant to Chapter 120, F.S., to revise this Chapter to ensure that the objectives of the EFA, section 373.4592(4)(f)5., F.S., are met.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New _____.

40E-63.470 C-139 Basin Works of the District Permit Compliance.

(1) The District is authorized to seek any enforcement or corrective action available under Florida law for permittees out of compliance with the provisions of this Chapter, pursuant to Chapter 373, F.S., and rules adopted thereunder, as follows:

(a) The District shall begin reviewing “permit compliance” with Best Management Practice implementation, documentation, operation, and rationale by permittees in the C-139 Basin no later than February 1, 2002 (the deadline for submitting the first C-139 Basin Annual Report – Certification of BMP Implementation”).

(b) All landowners who are not in compliance with their permit are subject to notification by the District.

(c) All permittees who receive notice from the District must submit to the District, within 10 business days of receipt of the notice, a plan and schedule for achieving permit compliance within 60 days after transmittal of the District notice.

(2) If the C-139 Basin is determined to be out of compliance, permittees shall implement additional BMPs as follows:

(a) Permittees that do not propose to change their permitted BMP Plan, shall submit to the District within 15 days of transmittal of the written notification of out-of-compliance, confirmation that the next level of the approved BMP plan will be initiated within 45 days of receipt of the notification of out-of-compliance.

(b) Permittees that propose to revise the permitted BMP Plan shall:

1. Submit to the District within 15 days of transmittal of the written notification of out-of-compliance, the page entitled “C-139 Basin BMP Plan” from the application guidebook with

proposed changes in BMPs and/or implementation schedules. The District shall provide pre-approval of the BMP Plan within 10 days of receipt of a complete plan, as applicable. Failure to provide a complete revised BMP Plan within 15 days shall not justify a corresponding delay of the date on which a permittee is required to implement the revised BMP Plan.

2. The implementation of the BMP Plan shall be initiated by the permittee within 45 days of the transmittal of the notification of out-of-compliance by the District.

3. The permittees notice to the District to change the previously permitted BMP Plan shall be followed by submittal of the application for a modification to the existing Permit within 45 days of transmittal of the notice that the C-139 Basin is out of compliance. The application shall include all elements specified in Rule 40E-63.440 or 40E-63.450, F.A.C., as applicable; or explain why an omitted element is not relevant to evaluation of the revised plan. The modification shall propose a BMP implementation schedule that calls for complete implementation of the specified Level within 90 days of the District’s transmittal of the notice that the C-139 Basin is out of compliance. Upon justification by the permittee, the implementation schedule may be increased as a condition of the permit for Individual Permits only. Permittees shall make good faith efforts to provide complete revised BMP Plans.

4. Permittees who fail to complete the implementation of BMPs according to the approved implementation schedule, as verified by site visits and records review, shall be subject to enforcement action pursuant to Rule 40E-63.470(1).

(3) If the C-139 Basin does not achieve the phosphorus load limitation requirement, by the water year following the determination that the basin was out of compliance, the District shall repeat the procedures specified in Subsections (4) and (5) above, and seek corrective action as appropriate, including those set forth in Appendix B2, against all landowners and permittees within the C-139 Basin.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New _____.

APPENDIX B-1

<u>BMP</u>	<u>PTS</u>	<u>DESCRIPTION</u>
<u>WATER MANAGEMENT PRACTICES</u>		<u>MINIMIZES THE QUANTITY OF OFF-SITE DISCHARGES WHICH CARRY NUTRIENTS DOWNSTREAM</u>
<u>1/2 Inch Detained</u>	<u>5</u>	<u>Delayed discharge (based on measuring daily rain events using a rain gage).</u>
<u>1 Inch Detained</u>	<u>10</u>	
<u>Improvements to Water Management System Infrastructure to Further Increase Water Quality Treatment</u>	<u>5</u>	<u>Recirculation of water internal to the drainage of the farm to improve WQ prior to off-site discharge (particularly discharge from rice and vegetables), includes: fallow field flood water with no direct discharge (instead allow to "drain" via evapotranspiration, seepage, use as irrigation water; increasing water detention using properly constructed canal berms.</u>
<u>Reduced Flow through Water Table Management</u>	<u>5</u>	<u>Decreasing discharge by optimizing drainage and irrigation schedules and/or by using low volume irrigation methods, e.g. drip irrigation</u>
<u>Approved and Operational Surface Water Reservoir</u>		<u>Properly permitted, constructed and maintained storage system meeting specified ERP Basis of Review criteria (version in effect at the time of permitting or in effect at the time of permit modification for modified systems):</u>
	<u>10</u>	<u>System meets Section 5.2.1 Water Quality Criteria-Volumetric Requirements</u>
	<u>10</u>	<u>System meets Section 6.2 Water Quantity Criteria-Discharge Rate System meets Section 6.3 Water Quantity Criteria-Design Storm</u>
	<u>15</u>	
<u>Temporary Holding Pond</u>	<u>15</u>	<u>Temporary agricultural activities (as described in Chapter 40E-400, FAC.) with a properly constructed and permitted temporary holding pond.</u>
<u>No Direct Discharge</u>	<u>15</u>	<u>Overland Sheet Flow over entire property, no direct discharge.</u>

A BMP Plan is required for each land use or crop. BMP Plans shall be implemented across the entire farm acreage (drainage area) with individual BMPs consistently implemented across each land use (crop) area.

*See notes at end of Appendix.

<u>BMP</u>	<u>PTS</u>	<u>DESCRIPTION</u>
<u>NUTRIENT CONTROL PRACTICES</u>		<u>MINIMIZES THE MOVEMENT OF NUTRIENTS OFF-SITE BY EFFICIENT AND CONTROLLED APPLICATION</u>
<u>Nutrient Application Control*</u>	<u>2 1/2</u>	<u>Uniform and controlled boundary application of nutrient (e.g. banding at the root zone or side-dressing; pneumatic controlled-edge application such as AIRMAX; minimum 4' setback from canals with no overlapping application; fertilization through low volume irrigation system applied at root zone (fertigation); controlled placement by fertilization under plastic.</u>
<u>Nutrient Spill Prevention*</u>	<u>2 1/2</u>	<u>Formal spill prevention protocols (handling, transfer, education/instruction).</u>
<u>Recommended Nutrient Application based on Plant Tissue Analysis</u>	<u>2 1/2</u> <u>5</u>	<u>Avoid excess application of P by determining requirements of plant and following standard recommendations for application rates (crop specific).</u> <u>Citrus only – Additional points allowed for citrus because it provides information on current crop needs.</u>
<u>Manage Successive Vegetable Planting to Minimize P</u>	<u>2 1/2</u>	<u>Avoid successive planting of vegetables or other crops having high P needs to avoid P build up in soils. Includes successive planting with no successive P application.</u>
<u>Recommended Nutrient Application based on Soil Testing*</u>	<u>5</u>	<u>Avoid excess nutrient application by determining P requirements of soil and follow standard recommendations for application rates (crop specific).</u>
<u>Split Nutrient Application</u>	<u>5</u>	<u>More efficient plant uptake of P by applying small portions of total recommended P at various times during the growing season. Not to exceed total recommendation based on soil test.</u>
<u>Slow Release P Fertilizer</u>	<u>5</u>	<u>Avoid flushing excess P from soil by using specially treated fertilizer that releases P to the plant over time.</u>
<u>Reduce P Fertilization</u>	<u>5</u>	<u>Reduce the P application rate by at least 30% below the recommendation based on soil tests. Provide basis for reduction credit.</u>
<u>No Nutrients Imported Via Direct Land Application</u>	<u>15</u>	<u>No Application of P, in any form, to the soil for amendments or plant nutrients. (Guidebook to explain that Native and Semi-improved Range can claim this BMP and still apply fertilizer as a grass supplement every 6-8 years.)</u>
<u>NMP</u>	<u>15</u>	<u>Nutrient Management Plan that includes, at minimum, a P budget for permitted area showing no net export of P.</u>
<u>No Nutrients Imported Indirectly Through Cattle Feed</u>	<u>15</u>	<u>No P import to the basin through cattle feed (note: native range is not excluded by use of mineral supplements or molasses)</u>

A BMP Plan is required for each land use or crop. BMP Plans shall be implemented across the entire farm acreage (drainage area) with individual BMPs consistently implemented across each land use (crop) area.

*See notes at end of Appendix.

<u>BMP</u>	<u>PTS</u>	<u>DESCRIPTION</u>
<u>PARTICULATE MATTER AND SEDIMENT CONTROLS</u>		<u>MINIMIZES THE MOVEMENT OF P, IN PARTICULATE MATTER AND SEDIMENTS, OFF-SITE BY CONTROLLING THE AMOUNT OF ERODED SOIL AND PLANT MATTER IN DISCHARGE</u>
<u>Any 2</u>	<u>2 1/2</u>	<ul style="list-style-type: none"> • <u>erosion control by leveling fields</u> • <u>minimize sediment transport with slow velocity in main canal near discharge structure</u>
<u>Any 4</u>	<u>5</u>	<ul style="list-style-type: none"> • <u>reduce soil erosion using grassed swales and field ditch connections to laterals</u>
<u>Any 6</u>	<u>10</u>	<ul style="list-style-type: none"> • <u>ditch bank berms to minimize sediment transport</u> • <u>canal cleaning program to minimize sediment build-up</u>
<u>Any 8</u>	<u>15</u>	<ul style="list-style-type: none"> • <u>aquatic weed control (P source) at main discharge locations</u> • <u>trap sediments with field ditch drainage sumps</u> • <u>debris (P source) barriers at discharge locations</u> • <u>reduce soil erosion with constructed ditch bank stabilization</u> • <u>minimize sediment transport with slow field ditch drainage near pumps/structure</u> • <u>trap sediments with sump/trap upstream of drainage structure</u> • <u>maintain sustainable forage growth on pasture to reduce soil erosion/range seedings</u> • <u>soil stabilization through infrastructure improvements at canal/ditch intersections (e.g. flexible plastic pipe, polymer treatment)</u> • <u>reduce soil erosion with cover crops</u> • <u>raised culvert bottoms above all ditch bottoms to minimize sediment transport</u> • <u>reduce soil erosion with vegetation on ditch banks</u>

A BMP Plan is required for each land use or crop. BMP Plans shall be implemented across the entire farm acreage (drainage area) with individual BMPs consistently implemented across each land use (crop) area.

*See notes at end of Appendix.

BMP	PTS	DESCRIPTION
<u>PASTURE MANAGEMENT</u>		<u>MINIMIZES NUTRIENTS IN DISCHARGES THROUGH ON SITE OPERATION AND MANAGEMENT PRACTICES</u>
	<u>2 1/2</u>	<ul style="list-style-type: none"> • <u>restricted placement of feeders to reduce "hot spots" near drainage ditches</u>
	<u>2 1/2</u>	<ul style="list-style-type: none"> • <u>restricted placement of cowpens to reduce "hot spots" near drainage ditches</u>
	<u>2 1/2</u>	<ul style="list-style-type: none"> • <u>restricted placement of feed and water to reduce "hot spots" near drainage ditches</u>
	<u>2 1/2</u>	<ul style="list-style-type: none"> • <u>provide shade structures to prevent cattle in waterways</u>
	<u>5</u>	<ul style="list-style-type: none"> • <u>low cattle density (1 head/2 acres, nonirrigated pasture)</u>
	<u>5</u>	<ul style="list-style-type: none"> • <u>reduced P in feed (by a minimum of 20%)</u>
	<u>10</u>	<ul style="list-style-type: none"> • <u>restrict cattle from waterways through fencing of canals in a manner that protects the discharge water quality</u>

A BMP Plan is required for each land use or crop. BMP Plans shall be implemented across the entire farm acreage (drainage area) with individual BMPs consistently implemented across each land use (crop) area.

*See notes at end of Appendix.

NOTES

A BMP Plan is required for each land use or crop. BMP Plans shall be implemented across the entire farm acreage (drainage area) with individual BMPs consistently implemented across each land use (crop) area.

Minimum required points for each BMP Plan:

Level I: Initial 15 points for each BMP Plan.

Level II: First out of compliance, no additional BMPs; however, onsite verification of BMPs begin. Frequency of visits based on compliance record.

Level III: Second out of compliance, 10 additional BMP points for each BMP Plan. Onsite verification of BMPs continue.

Level IV: Third out of compliance, 10 additional BMP points for each BMP Plan. Onsite verification of BMPs continue.

“ * ” Indicates a BMP that is required when directly applying P via land application.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Outpatient Hospital Services

RULE NO.: 59G-4.160

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hospital Coverage and Limitations Handbook, January 2001. The handbook contains the 2001 outpatient hospital laboratory and pathology codes and fee schedule. The effect will be to incorporate in the rule the current Florida Medicaid Hospital Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Outpatient Hospital Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., April 9, 2001
 PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Medicaid Program Development, 2728 Fort Knox Boulevard, Building 3, Tallahassee, Florida 32308, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.160 Outpatient Hospital Services.

(1) This rule applies to all hospital providers enrolled in the Medicaid program.

(2) All hospital providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospital Coverage and Limitations Handbook, ~~January 2001~~ ~~May 2000~~, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, October 1998, both incorporated by reference in this rule. Both handbooks are available from the fiscal agent contractor.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, 5-12-99, 10-18-99, 3-22-01.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE: Public Food Service Establishments
 RULE TITLE: Food Protection Manager Certification and Public Food Service Employee Training

RULE CHAPTER NO.: 61C-4
 RULE NO.: 61C-4.023

PURPOSE AND EFFECT: The purpose of this rule development is to implement the statutory requirements of Section 509.049, Florida Statutes, as amended by CS for HB 2281 during the 2000 Legislature. This rule provides the specifications for the submittal, review, and approval of food service employee training programs; the required components of the training programs; and, the mandatory timelines for submittal of the training programs.

SUBJECT AREA TO BE ADDRESSED: The requirement for all food service employees to receive training on minimum food safety protection standards. Copies of the rule may be obtained from Lee Cornman at the Division of Hotels and Restaurants Tallahassee office, (850)488-9263.

SPECIFIC AUTHORITY: 509.049, 509.032(6) FS.

LAW IMPLEMENTED: 509.049 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-4.023 Food Protection Manager Certification and Public Food Service Employee Training.

(1) through (3) No change.

(4) Public Food Service Employee Training.

(a) All public food service employees must receive training on professional hygiene and foodborne disease prevention through a food safety training certificate program administered by the division's contracted training provider or another food safety training program approved by the division. Any food safety training program established and administered to food handler employees utilized at a public food service establishment prior to July 1, 2000 may provide food handler employee training and certification if the programs are reviewed and approved by the division. For purposes of division approval, the program provider shall submit its training program to the division for review by providing a completed application, which is DBPR Form HR 5026-011, incorporated herein by reference and effective 11-08-00, identifying the training components covered by the program, as well as an executed copy of the division's applicant affidavit attesting to the accuracy of the application. The division will approve programs that the division determines to be in substantial compliance with the divisions adopted minimum food safety standards, with that approval subject to the program providers continued compliance with the divisions minimum food safety standards, as determined by random audit of the program. The division may revoke its approval of any program which, upon examination, fails to meet the minimum food safety standards established by the division, as amended from time to time. Approved program providers must maintain a record of each food service employee certified, including the following: the name of the certified food service employee, the employing food service establishment, the name of the training administrator, the training date, and the certification expiration date. These records shall be transmitted to the division on a monthly basis, either in hard copy or in an electronic format approved by the division. Professional

hygiene includes personal cleanliness and hygienic practices in accordance with the Food Code and techniques to prevent cross contamination. Foodborne disease prevention training must include the types and causes of foodborne illness, identification of potentially hazardous food, and how to control or eliminate harmful bacteria in a food service establishment.

(b) Public food service employees must receive training which includes specific program components in personal hygiene, excludable and restrictive illnesses, foodborne illness prevention, safe food preparation, premises sanitation, and vermin control, as addressed by the Food Code ~~relates to their assigned duties. The personal hygiene components shall include instruction in personal cleanliness, hygienic practices, and techniques to prevent cross contamination. The foodborne illness prevention components shall include the types and causes of foodborne illness, identification of potentially hazardous food, and how to control or eliminate harmful bacteria in a food service environment. The safe food preparation components shall include instruction in safe methods of thawing, cooking, cooling, handling, holding, serving, and storing foods. The premise sanitation components shall include instruction in cleaning equipment and facilities, sanitization methods, premise maintenance, and vermin control. Additional training emphasis shall be placed on those components that relate to a public food service employee's assigned duties. A copy of the food safety standards and training criteria that must be included in an approved food safety certification program may be obtained from the division upon request. Employees who prepare foods must be knowledgeable about safe methods of thawing, cooking, cooling, handling, holding and storing foods. Service personnel must be knowledgeable about safe methods of serving food. Employees who clean equipment and facilities must be knowledgeable about proper cleaning and sanitization methods. Employees responsible for maintaining the premises must be knowledgeable about proper vermin control methods as specified in the Food Code.~~

(c) It is the duty of the licensee to ensure that the food safety employee training certificate program is provided by January 1, 2001 or within 60 days of employment to all employees under the licensee's control who are responsible for food storage, preparation, display, or food service to the public. The training program must be administered by the program provider, the licensee, or by a certified food protection manager designated by the licensee. Employees who receive the training must be provided certification of having received training in the form of a wallet-sized certification card, which displays the name of the approved provider, the name of the employee, the name of the person who administers the training, the date training is completed, and the date certification expires. The employee certification card constitutes proof that the employee has received the required training, and the licensee is responsible for ensuring that the certification card is available from the certified employee at all times the employee

is on duty. The division may request production of the card as proof of compliance with the certification requirement. Failure to provide proof of certification upon request is a violation chargeable against the public food service establishment. Licensees who provide in-house employee training shall make available on the premises of the establishment, or in a theme park or entertainment complex in a central location, upon the division's request, the curriculum and materials used to conduct training. If training is obtained from an outside provider, the licensee must provide, upon the division's request, information about the selected training program and methods used to evaluate training outcomes. Training outcomes are subject to verification and inspection by the division, and include employees correctly applying procedures and answering questions relative to assigned duties. Employees must perform their work duties safely in a manner consistent with the requirements of the Food Code.

Specific Authority 509.032(6), 509.039, 509.049 FS. Law Implemented 509.039, 509.049 FS. History--New 2-21-91, Amended 5-12-92, Formerly 10D-13.037, 7C-4.023, Amended 3-31-94, 10-9-95, 1-18-98, 2-7-01,

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLES:	RULE NOS.:
Generally Accepted Accounting Principles	61H1-20.007
Generally Accepted Auditing Standards	61H1-20.008
Standards for Accounting and Review Services	61H1-20.009
Governmental Accounting Standards	61H1-20.0091
Governmental Auditing Standards	61H1-20.0092
Standards for Local Governmental Entity Audits	61H1-20.0093
Standards for Prospective Financial Statements	61H1-20.0094
Standards for Management Advisory Services	61H1-20.0095
Standards for Tax Practice	61H1-20.0096
Standards for Personal Financial Planning	61H1-20.0097
Standards for Business Valuations	61H1-20.0098
Standards for Attestation Engagements	61H1-20.0099

PURPOSE AND EFFECT: The Board proposes to amend the above referenced rules to update the effective dates of the American Standards as published by the American Institute of Certified Public Accountants and the Governmental Accounting Standards Board.

SUBJECT AREA TO BE ADDRESSED: Generally accepted accounting principles, generally accepted auditing standards, standards for accounting and review, governmental accounting standards, governmental auditing standards, standards for local governmental entity audits, standards for prospective financial statements, standards for management advisory services,

standards for tax practice, standards for personal financial planning, standards for business valuations, standards for attestation engagements.

SPECIFIC AUTHORITY: 473.302, 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.303, 473.315 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha Willis, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite 1, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Fees and License Renewal Application

RULE NO.: 64B16-26.101

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Fees and License Renewal Application.

SPECIFIC AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 456.036, 456.064, 465.008 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: 8:00 a.m., April 19, 2001

PLACE: The Embassy Suites, 1000 S. E. 17th Street, Ft. Lauderdale, Florida 33316

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Stone Crabs

RULE TITLES: Definitions

RULE NOS.: 68B-13.0015

Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer

68B-13.008

Recreational Stone Crab Harvest: Bag Limit, Trap Limit, Trap Marketing Requirements, Trap Pulling 68B-13.009
Stone Crab Trap Limitation Program 68B-13.010
Prohibitions 68B-13.011

Commission Policy Regarding the Assessment of Administrative Penalties 68B-13.012

PURPOSE AND EFFECT: In July, 2000, amendments to Rule Chapter 68B-13, F.A.C., became effective to incorporate fishery regulations previously codified in statute and to establish the basics of a trap certificate and limitation program. The 2000 Legislature established fees and administrative penalties applicable to stone crab licensing requirements and the trap certificate program and conviction of specified violations of stone crab regulations, respectively. The purpose of this proposed rule development is to amend Rule Chapter 68B-13, F.A.C., to further clarify and define Commission policy and procedure to be followed in implementation of the stone crab trap limitation program. The effect will be the effective implementation of the program, which will benefit stone crab commercial harvesters and the marine environment of Florida.

SUBJECT AREA TO BE ADDRESSED: Stone Crab Fishery Regulation.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A SERIES OF RULE DEVELOPMENT WORKSHOPS AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 7:00 p.m. – 10:00 p.m., April 10, 2001

PLACE: Marathon Government Center, 2798 Overseas Highway, Marathon, Florida

TIME AND DATE: 7:00 p.m. – 10:00 p.m., April 11, 2001

PLACE: Ft. Myers State of Florida Regional Service Center, 2295 Victoria Avenue, Room 165, Ft. Myers, Florida

TIME AND DATE: 7:00 p.m. – 10:00 p.m., April 26, 2001

PLACE: Crystal River City Hall, 123 N. W. Highway 19, Crystal River, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT OR TO OBTAIN A DRAFT RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**Section II
Proposed Rules**

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Fire Prevention – General Provisions	4A-3
RULE TITLES:	RULE NOS.:
Application of Rules	4A-3.002
Definitions	4A-3.009
Inspections of State-Owned Buildings and State-Leased Spaces	4A-3.011
Standards of the National Fire Protection Association Adopted	4A-3.012

PURPOSE AND EFFECT: The purposes of this rule chapter are to adopt or revise National Fire Protection Association (NFPA) standards as they apply to state-owned buildings and state-leased buildings and spaces, and to certain other kinds of structures as set forth in Section 633.022, Florida Statutes, provide or clarify definitions, and to provide for inspections of state-owned and state-leased buildings consistent with the 1998 changes to Section 633.085, Florida Statutes. The effect of this rule chapter will be to have in place new or revised NFPA standards for the structures listed above.

SUMMARY: Adopts new or revised NFPA standards for state-owned buildings and state-leased buildings and spaces, and for certain other kinds of structures as set forth in Section 633.022, Florida Statutes, provides for or clarifies definitions, and provides for inspections of state-owned and state-leased buildings consistent with the 1998 changes to Section 633.085, Florida Statutes.

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: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022 FS.

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

TIME AND DATE: 8:30 a.m., April 17, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

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 Millicent King, (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-3.002 Application of Rules.

(1) In the application of these rules, the terms “Rules of the State Fire Marshal” or “these rules” shall be construed to include Title 4A, Florida Administrative Code, and all standards which are referenced and adopted therein. Title 4A shall be known as the “State Uniform Firesafety Standards” ~~“State Fire Prevention Code”~~.

(2) Fire safety standards shall be applied as uniform standards as set forth herein and as defined in Section 633.021(26), Florida Statutes.

Specific Authority 633.01(1), 633.022 FS. Law Implemented 633.01(1), 633.022 FS. History—New 9-16-65, Formerly 4A-3.02, Amended 5-14-86, 2-12-87, 4-8-90,_____.

4A-3.009 Definitions.

Unless otherwise provided for by statute or the NFPA, the following terms shall, for the purpose of these rules, have the meanings indicated in this Rule:

(1) through (6) No change.

(7) “State Uniform Firesafety Standards” ~~“State Fire Prevention Code”~~ means the Rules of the State Fire Marshal as set out in Title 4A, Florida Administrative Code, and includes all standards referenced and adopted therein.

(8) "U. L., Inc." means Underwriter's Laboratories, Incorporated Inc.

(9) through (10) No change.

(11) “Division” means the Division of State Fire Marshal of the Department of Insurance.

(12)(a) “State-owned building,” as used in Chapter 633, Florida Statutes, and any rule adopted by the State Fire Marshal, except as provided in paragraph (b) of this subsection, means any structure used or intended for supporting or sheltering any use or occupancy of which the state, any state agency or department, or the Trustees of the Internal Improvement Trust Fund is the record owner of the legal title to such structure.

(b) “State-owned building” does not mean or include a pole barn, a picnic shelter, a lift station, an animal pen, an animal feeder, a pump house, a one-family private residence, a two-family private residence, a forestry fire tower or other fire tower, a radio tower, a building no longer in use, an empty building, or a greenhouse.

(c) Notwithstanding paragraph (b) of this subsection, the State Fire Marshal may inspect any state-owned structure excluded from the definition of state-owned building by paragraph (b) of this subsection if the State Fire Marshal has

reasonable cause to believe that a violation of Chapter 633, Florida Statutes, Section 509.215, Florida Statutes, the rules of the State Fire Marshal, or the Florida Fire Prevention Code, may exist.

(13) "State-leased" means that the state, any state agency or department, or the Trustees of the Internal Improvement Trust Fund is the lessee which is leasing the building or space from a lessor.

Specific Authority 633.01(1), 633.022, 633.065(1)(b) FS. Law Implemented 633.01, 633.022, 633.065(2), 633.083(2) FS. History—New 9-16-65, Amended 10-18-67, 9-9-81, Formerly 4A-3.09, Amended 5-14-86, 2-12-87, 4-8-90, _____.

4A-3.011 Inspections of State-Owned Buildings and State-Leased Spaces.

(1) Special definitions.

(a) "Annually" means once at any time during the fiscal year July 1 through June 30 calendar year.

(b) through (d) No change.

(2) Inspections of State-Owned Buildings.

(a) Occupancies other than high hazard occupancies shall be inspected on a recurring basis as defined in 4A-3.011(1)(c). In conducting these inspections, priority shall be given to buildings and spaces which are occupied by persons.

(b) All "High Hazard" state-owned occupancies, as defined in 633.021(11)(a), shall be inspected annually.

(3) Inspections of State-Leased Space. Each inspection of a state-leased space by the Division shall be conducted:

(a) prior to occupancy by a state agency, or

(b) upon completion of any major renovations to already occupied state-leased space.

Each other inspection of state leased space is the responsibility of the local authority having jurisdiction.

~~(4)(3)~~ Fire drills. Pursuant to Section 633.085, Florida Statutes, fire drills shall be conducted at least annually in all high hazard occupancies.

(a) through (c) No change.

~~(4) Reports required by Section 633.085, Florida Statutes.~~

~~(a) Reports for state-leased spaces shall be directed to the owner of record with a copy to the department head(s) of state government responsible for the lease(s).~~

~~(b) Any agency or person, other than employees of the State Fire Marshal, who has been authorized by contract to inspect any state-owned or state-leased building or space shall:~~

~~1. File reports as required by Section 633.085, Florida Statutes, identifying each building by the State Fire Marshal's official file number for that building.~~

~~2. Provide a signed copy of each report to the State Fire Marshal within seven days.~~

~~3. Submit a list of buildings to be inspected, identifying them by the State Fire Marshal's official file number, prior to January 1 of each year and any revision to this list as it occurs during that calendar year.~~

~~(e) If, upon reinspection, the State Fire Marshal finds that fire code violations previously reported to the department head have not been corrected and that more than two years have elapsed since the date originally given as the date by which the violation was to be corrected, then the State Fire Marshal will notify the department of the outstanding fire code violation(s) by letter and will simultaneously notify the Governor, the President of the Senate and the Speaker of the House.~~

Specific Authority 633.01(1), 633.022 FS. Law Implemented 633.022, 633.085 FS. History—New 5-14-86, Amended 2-12-87, 4-8-90, _____.

4A-3.012 Standards of the National Fire Protection Association Adopted.

(1) Except as specifically modified by statute or by the State Fire Marshal's Rules, NFPA 101, Life Safety Code, ~~2000 1994~~ edition and NFPA 1, 2000 edition, ~~are~~ is hereby adopted and incorporated by reference as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal ~~and are applicable to those buildings and structures specified in paragraph (a) and paragraph (b) of subsection (1) of Section 633.022, Florida Statutes.~~ In addition, the following standards, as referenced in Chapter ~~2 32~~ of NFPA 101, ~~2000 1994~~ edition and Chapter 32 of NFPA 1, 2000 edition, except as specifically modified in the rule chapters in Rule Title 4A, are hereby adopted and incorporated by reference and shall take effect on the effective date of this rule, as a part of the uniform firesafety standards adopted by rule by the State Fire Marshal ~~and are applicable to those buildings and structures specified in paragraph (a) and paragraph (b) of subsection (1) of Section 633.022, Florida Statutes:~~

NFPA 10-~~1998 1990~~, Standard for Portable Fire Extinguishers

NFPA 11-~~1998 1994~~, Standard for Low Expansion Foam

NFPA 11A-~~1999 1994~~, Standard for Medium and High Expansion Foam Systems

NFPA 12-~~2000 1993~~, Standard on Carbon Dioxide Extinguishing Systems

NFPA 12A-~~1997 1992~~, Standard on Halon 1301 Fire Extinguishing Systems

~~NFPA 12B-1990, Standard on Halon 1211 Fire Extinguishing Systems~~

NFPA 13-~~1999 1994~~, Standard for the Installation of Sprinkler Systems

NFPA 13D-1999, Standard for the Installation of Sprinkler Systems in One- and Two- Family Dwellings and Manufactured Homes

NFPA 13R-~~1999 1994~~, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height

NFPA 14-~~2000 1993~~, Standard for the Installation of Standpipe and Hose Systems, except 2-7 shall be omitted

NFPA 15-~~1996 1990~~, Standard for Water Spray Fixed Systems for Fire Protection

- NFPA 16-~~1999~~ 1994, Standard on Deluge Foam-Water Sprinkler and Foam-Water Spray Systems
- ~~NFPA 16A-1994, Standards for the Installation of Closed Head Foam Water Sprinkler Systems~~
- NFPA 17-~~1998~~ 1990, Standard for Dry Chemical Extinguishing Systems
- NFPA 17A-~~1998~~ 1990, Standard on Wet Chemical Extinguishing Systems
- NFPA 20-~~1999~~ 1993, Standard for the Installation of Centrifugal Fire Pumps
- NFPA 22-~~1998~~ 1993, Standards for Water Tanks for Private Fire Protection
- NFPA 24-~~1995~~ 1992, Standards for the Installation of Private Fire Service Mains and Their Appurtenances
- NFPA 25-~~1998~~ 1992, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, except that quarterly flow tests shall be required for those systems supplied by a municipal water supply.
- ~~NFPA 26-1988, Supervision of Valves Controlling Water Supplies for Fire Protection~~
- NFPA 30-~~1996~~ 1993, Flammable and Combustible Liquids Code
- NFPA 30A-~~1996~~ 1993, Automotive and Marine Service Station Code
- NFPA 30B-~~1998~~ 1990, Code for the Manufacture and Storage of Aerosol Products
- NFPA 31-~~1997~~ 1992, Standard for the Installation of Oil Burning Equipment
- NFPA 32-~~1996~~ 1990, Standards for Drycleaning Plants
- NFPA 33-~~1995~~ 1989, Standard for Spray Application Using Flammable and Combustible Materials
- NFPA 34-~~1995~~ 1989, Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids
- NFPA 35-~~1999~~ 1987, Standard for the Manufacture of Organic Coatings
- NFPA 36-1997, Standard for Solvent Extraction Plants
- NFPA 37-~~1998~~ 1994, Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines
- NFPA 40-~~1997~~ 1988, Standard for the Storage and Handling of Cellulose Nitrate Motion Picture Film
- ~~NFPA 40E-1993, Code for the Storage of Pyroclastic Plastics~~
- ~~NFPA 43A-1990, Code for the Storage of Liquid and Solid Oxidizers~~
- ~~NFPA 43B-1993, Code for the Storage of Organic Peroxide Formulations~~
- ~~NFPA 43D-1986, Code for Storage of Pesticides in Portable Containers~~
- NFPA 45-~~1996~~ 1994, Standard on Fire Protection for Laboratories Using Chemicals
- ~~NFPA 49-1991, Hazardous Chemicals Data~~
- NFPA 50-~~1996~~ 1990, Standard for Bulk Oxygen Systems at Consumer Sites
- NFPA 50B-1999, Standard for Liquid Hydrogen Systems at Consumer Sites
- NFPA 51-~~1997~~ 1992, Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes
- NFPA 51A-1996, Standard for Acetylene Cylinder Charging Plants
- NFPA 51B-~~1999~~ 1994, Standard for Fire Prevention ~~in Use of Cutting and During~~ Welding, Cutting and Other Hot Work Processes
- NFPA 52-1998, Compressed Natural Gas Vehicular Fuel Systems Code
- NFPA 54-~~1999~~ 1992, National Fuel Gas Code
- NFPA 57-1999, Liquefied Natural Gas Vehicular Fuel Systems Code
- ~~NFPA 58-1998 1992, Standard for Storage and Handling of Liquefied Petroleum Gases Code~~
- NFPA 59-1998, Standard for Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants
- NFPA 59A-1996, Standard for the Production, Storage and Handling of Liquefied Natural Gas
- NFPA 61-1999, Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Products Facilities
- ~~NFPA 61A-1989, Standard for the Prevention of Fire and Dust Explosions in Facilities Manufacturing and Handling Starch~~
- ~~NFPA 61B-1989, Standard for the Prevention of Fires and Explosions in Grain Elevators and Facilities Handling Bulk Raw Agricultural Commodities~~
- ~~NFPA 61C-1989, Standard for the Prevention of Fire and Dust Explosions in Feed Mills~~
- ~~NFPA 61D-1989, Standard for the Prevention of Fire and Dust Explosions in the Milling of Agriculture Commodities for Human Consumption~~
- ~~NFPA 65-1993, Standard for the Processing and Finishing of Aluminum~~
- NFPA 69-~~1997~~ 1992, Standard on Explosion Prevention Systems
- NFPA 70-~~1999~~ 1993, National Electrical Code
- NFPA 72-~~1999~~ 1993, National Fire Alarm Code
- NFPA 75-~~1999~~ 1992, Standard for the Protection of Electronic Computer/Data Processing Equipment
- NFPA 80-~~1999~~ 1992, Standard for Fire Doors and Fire Windows
- NFPA 82-~~1999~~ 1994, Standard on Incinerators and Waste and Linen Handling Systems and Equipment
- ~~NFPA 85C-1991, Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boiler Furnaces~~
- NFPA 86-~~1999~~ 1990, Standard for Ovens and Furnaces
- NFPA 86C-1999, Standard for Industrial Furnaces Using a Special Processing Atmosphere
- NFPA 86D-1999, Standard for Industrial Furnaces Using Vacuum as an Atmosphere

- NFPA 88A-1998 1994, Standard for Parking Structures
- NFPA 88B-1997 1994, Standard for Repair Garages
- NFPA 90A-1999 1993, Standard for the Installation of Air Conditioning and Ventilating Systems
- NFPA 90B-1999 1993, Standard for the Installation of Warm Air Heating and Air Conditioning Systems
- NFPA 91-1999 1992, Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids Materials
- NFPA 92A-1996 1993, Recommended Practice for Smoke-Control Systems
- NFPA 92B-1995 1994, Guide for Smoke Management Systems in Malls, Atria, and Large Areas
- NFPA 96-1998 1994, Standard for Ventilation Control and Fire Prevention of Commercial Cooking Operations, Subdivision 7-2.2 of NFPA 96 applies prospectively only. Existing installations are permitted to remain in place subject to the approval of the authority having jurisdiction.
- NFPA 99-1999 1993, Standard for Health Care Facilities
- NFPA 101M A 1998 Guide 1992, ~~Manual~~ on Alternative Approaches to Life Safety
- NFPA 101B-1999, Standard on Means of Egress
- NFPA 102-1995 1992, Standard for Assembly Seating, Tents, Grandstands, Folding and Telescoping Seating, Tents and Membrane Structures
- NFPA 105-1999 1993, Recommended Practice for the Installation of Smoke-Control Door Assemblies
- NFPA 110-1999 1993, Standard for Emergency and Standby Power Systems
- NFPA 111-1996, Standard on Stored Electrical Energy Emergency and Standby Power Systems
- NFPA 120-1999 1994, Standard for Coal Preparation Plants
- NFPA 140-1999, Standard for Motion Picture and Television Production Studio Soundstages and Approved Production Facilities
- NFPA 150-1995 1994, Standard on Firesafety in Racetrack Stables
- NFPA 160-1998, Standard for Flame Effects Before an Audience
- NFPA 211-2000 1992, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances
- NFPA 214-1996 1992, Standard on Water-Cooling Towers
- NFPA 220-1999 1992, Standard on Types of Building Construction
- NFPA 221-1997, Standard on Fire Walls and Fire Barrier Walls
- NFPA 230-1999, Standard for the Fire Protection of Storage
- NFPA 231-1990, Standard for General Storage
- NFPA 231C 1991, Standard for Rack Storage of Materials
- NFPA 231D-1998 1989, Standard for Storage of Rubber Tires
- NFPA 231F-1987, Standard for the Storage of Roll Paper
- NFPA 232-1995 1994, Standard for the Protection of Records
- NFPA 232AM-1991, Standard Manual for Fire Protection for Archives and Record Centers
- NFPA 241-1996 1993, Standard for Safeguarding Construction, Alteration, and Demolition Operations
- NFPA 251-1999 1990, Standard Methods of Fire Tests of Fire Endurance of Building Construction and Materials
- NFPA 252-1999 1990, Standard Methods of Fire Tests of Door Assemblies
- NFPA 253-2000 1990, Standard Method of Test for Critical Flux of Floor Covering Systems Using a Radiant Heat Energy Source
- NFPA 255-2000 1990, Standard Method of Test of Surface Burning Characteristics of Building Materials
- NFPA 256-1998 1993, Standard Methods of Fire Tests of Roof Coverings
- NFPA 257-2000 1990, Standard ~~for~~ on Fire Tests ~~of~~ for Window and Glass Block Assemblies
- NFPA 259-1998, Standard Test Method for Potential Heat of Building Materials
- NFPA 260-1998, Standard Method of Test and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture
- NFPA 261-1998, Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes
- NFPA 265-1998, Standard Method of Test for Evaluating Room Fire Growth Contribution of Textile Wall Coverings
- NFPA 266-1998, Standard Method of Test for Characteristics of Upholstered Furniture Exposed to Flaming Ignition Sources
- NFPA 267-1998, Standard Method of Test for Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Sources
- NFPA 286-2000, Standard Method of Fire Test for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth
- NFPA 303-1995 1990, Fire Protection Standards for Marinas and Boatyards
- NFPA 307-1995 1990, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves
- NFPA 312-1995, Standard for Fire Protection of Vessels During Construction, Repair and Lay-Up
- NFPA 318-1998, Standard for the Protection of Cleanrooms
- NFPA 321-1991, ~~Standard on Basic Classification of Flammable and Combustible Liquids~~
- NFPA 327-1993, ~~Standard Procedures for Cleaning or Safeguarding Small Tanks and Containers Without Entry~~
- NFPA 385-2000 1990, Standard for Tank Vehicles for Flammable and Combustible Liquids
- NFPA 386-1990, Standard for Portable Shipping Tanks for Flammable and Combustible Liquids

NFPA 395-~~1993~~ 1988, Standard for Storage of Flammable and Combustible Liquids at Farms and Isolated Sites
 NFPA 407-1996, Standard for Aircraft Fuel Servicing
 NFPA 409-~~1995~~ 1990, Standard on Aircraft Hangars
 NFPA 410-1999, Standard on Aircraft Maintenance
 NFPA 415-1997, Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways
 NFPA 416-1993, Standard on Construction and Protection of Airport Terminal Buildings
 NFPA 418-~~1995~~ 1990, Standard for Heliports
 NFPA 430-2000, Code for Storage of Liquid and Solid Oxidizers
 NFPA 432-1997, Code for Storage of Organic Peroxide Formulations
 NFPA 434-1998, Code for the Storage of Pesticides
 NFPA 480-~~1993~~ 1998, Standard for the Storage, Handling and Processing of Magnesium Solids and Powders
 NFPA 481-1995, Standard for the Production, Processing, Handling and Storage of Titanium
 NFPA 482-1996, Standard for the production, Processing, Handling, and Storage of Zirconium
 NFPA 485-1999, Standard for the Storage, Handling, Processing, and Use of Lithium Metal
 NFPA 490-~~1998~~ 1993, Code for the Storage of Ammonium Nitrate
 NFPA 495-1996, Explosive Materials Code
 NFPA 498-1996, Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives
 NFPA 501-1999, Standard on Manufactured Housing
 NFPA 501A-1999 1992, Standard for Firesafety Criteria for Mobile Home Installations, Sites, and Communities
 NFPA 501C-1993, Standard on Recreational Vehicles
 NFPA 501D-1993, Standard on Firesafety Criteria for Recreational Vehicle Parks and Campgrounds
 NFPA 505-1999, Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operation.
 NFPA 650-1998, Standard for Pneumatic Conveying Systems for Handling Combustible Particulate Solids
 NFPA 651-~~1998~~ 1993, Standard for the Machining and Finishing of Aluminum and the Production and Handling ~~Manufacture~~ of Aluminum Powder
 NFPA 654-~~1997~~ 1988, Standard for the Prevention of Fire and Dust Explosions in the Chemical, Dye, Pharmaceutical and Plastics Industry from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
 NFPA 655-1993, Standard for the Prevention of Sulfur Fires and Explosions
 NFPA 664-~~1998~~ 1993, Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities

NFPA 701-~~1999~~ 1989, Standard Methods of Fire Tests for Flame-Resistant Propagation of Textiles and Films
 NFPA 703-~~1995~~ 1992, Standard for Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials
 NFPA 704-~~1996~~ 1990, Standard System for the Identification of the Fire Hazards of Materials for Emergency Response
 NFPA 780-~~1997~~ 1992, Installation of Lightning Protection Systems Code
 NFPA 909-1997, Standard for the Protection of Cultural Resources, Including Museums, Libraries, Places of Worship, and Historical Properties
 NFPA 1122-1997, Code for Model Rocketry
 NFPA 1123-1995, Code for Fireworks Display
 NFPA 1124-1998, Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles
 NFPA 1125-1995, Code for the Manufacture of Model Rocket and High Power Rocket Motors
 NFPA 1126-1996, Standard for the Use of Pyrotechnics Before a Proximate Audience
 NFPA 1127-1998, Code for High Power Rocketry
 NFPA 1142-1999, Standard for Water Supplies for Suburban and Rural Fire Fighting
 NFPA 1194-1999, Standard for Recreation Vehicle Parks and Campgrounds
 NFPA 1221-~~1999~~ 1994, Standard for Communication for Emergency Services ~~the Installation, Maintenance and Use of Public Fire Service Communication Systems.~~
 NFPA 1561-2000, Standard on Emergency Services Incident Management System
 NFPA 1962-~~1998~~ 1993, Standard for the Care, Use, and Service Testing of Fire Hose Including Couplings and Nozzles
 NFPA 1963-~~1998~~ 1993, Standards for Fire Hose Connections
 NFPA 2001-2000, Standard on Clean Agent Fire Extinguishing Systems
 NFPA 8501-1997, Standard for Single Burner Operation
 NFPA 8502-1999, Standard for Prevention of Furnace Explosion/Implosions in Multiple Burner Boilers
 NFPA 8503-1997, Standard for Pulverized Fuel Systems
 ASTM E136-1987, Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750 degrees F
 (2) through (3) No change.
 (4) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: Batterymarch Park, Quincy, Massachusetts 02269. ANSI standards may be obtained from the American National Standards Institute, 1430 Broadway, New York, NY 10018. ANSI/ASME standards may be obtained from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017. ASTM standards may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. UL standards may be obtained from

Underwriters Laboratories, Inc., 333 Pfingston Road, Northbrook, IL 60062. All standards incorporated by reference in this rule are also available for public inspection during regular business hours at the Division currently located on the third floor (Room 326) of the Atrium Building, 325 John Knox Road, Tallahassee, Florida in Suite 604, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida.

Specific Authority 633.01(1), 633.022 FS. Law Implemented 633.01, 633.022 FS. History—New 5-14-86, Amended 2-12-87, 4-8-90, 10-30-91, 4-3-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2001

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

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Fire Prevention – Precautions Against
Fire, General

RULE CHAPTER NO.: 4A-28

RULE TITLES: Smoking Prohibited under Certain Conditions

RULE NOS.: 4A-28.003

Accumulations of Waste Materials 4A-28.006

Handling Readily Combustible Materials 4A-28.007

Requirements for Storage of Readily Combustible Materials 4A-28.009

Standpipes Required 4A-28.016

PURPOSE AND EFFECT: The purpose and effect of the revisions to this rule chapter are to repeal the chapter as no longer necessary in keeping with the 1996 and 1999 changes to Chapter 120, Florida Statutes.

SUMMARY: Repeals Chapter 4A-28 because it is no longer necessary and to bring it into compliance with the 1996 and 1999 revisions of Chapter 120, Florida Statutes.

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: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022 FS.

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

TIME AND DATE: 8:30 a.m., April 17, 2001

PLACE: Room 116, Larson Building, 200 East Gaines Street Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

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 Millicent King, (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-28.003 Smoking Prohibited under Certain Conditions.

~~(1) Smoking shall mean and include the carrying of lighted pipe, cigar, cigarette or tobacco in any form.~~

~~(2) Where conditions are such as to make smoking a hazard in any area of piers, wharfs, warehouses, stores, industrial plants, and in open spaces where combustible materials are stored or handled, the authority having jurisdiction is empowered and authorized to order the owner or occupant in writing to post "NO SMOKING" signs in each building, structure, room or place in which smoking shall be prohibited. The authority having jurisdiction shall designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted.~~

~~(3) "NO SMOKING" signs of approved sized lettering and location required in accordance with subsection (2).~~

~~(4) It shall be unlawful for any person to remove any legally required "NO SMOKING" sign or to smoke in any place where such signs are posted.~~

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022, 633.081 FS. History—New 9-16-65, Formerly 4A-28.03, Amended 5-14-86, 7-9-90, Repealed _____.

4A-28.006 Accumulations of Waste Materials.

~~Roofs, courts, yards, vacant lots and open spaces shall be kept free and clear of deposits or accumulations of waste paper, hay, grass, straw, weeds, litter or combustible waste or rubbish of any kind. All weeds, grass, vines or other growth, which endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property.~~

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022, 633.081 FS. History—New 9-16-65, Formerly 4A-28.06, Amended 5-14-86, Repealed _____.

4A-28.007 Handling Readily Combustible Materials.

~~No person making, using, storing or having in charge, or under his control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste material shall fail or neglect at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal or metal lined, covered, receptacles or bins.~~

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022, 633.081 FS. History—New 9-16-65, Formerly 4A-28.07, Amended 5-14-86, 7-9-90, Repealed _____.

4A-28.008 Requirements for Storage of Readily Combustible Materials.

~~Storage in buildings shall be orderly, shall not be within two feet of the ceiling, and not so located as to endanger exit from the building. Storage in the open shall not be more than twenty feet in height, shall be so located, with respect to adjacent buildings, as not to constitute a hazard, and shall be compact and orderly.~~

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022, 633.081 FS. History—New 9-16-65, Formerly 4A-28.08, Amended 5-14-86, Repealed _____.

4A-28.016 Standpipes Required.

~~Standpipes shall be required in buildings exceeding 50 feet in height, other than sprinklered buildings not over six stories in height, installed in accordance with the Standard of the National Fire Protection Association for the Installation of Standpipe and Hose Systems, NFPA No. 14, as adopted in Rule 4A-3.012, Florida Administrative Code, and incorporated herein by reference.~~

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History—New 7-9-90, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2001

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

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Uniform Fire Safety Standards for

Nonresidential Child Care Facilities

RULE TITLES: 4A-36

Purpose of Rules 4A-36.100

Application of Rules 4A-36.101

Staffing Ratios 4A-36.102

Occupancy Load 4A-36.103

Standards of the National Fire Protection

Association Adopted 4A-36.105

Emergency Forces Notification 4A-36.106

Standpipe Systems 4A-36.107

Family Day Care Homes and Group

Day Care Homes 4A-36.108

PURPOSE AND EFFECT: The purpose and effect of the revisions of this rule chapter are to revise laws implemented; revise chapter to apply to nonresidential Child Care Facilities and provide for standards for new Child Day Care Facilities; revise name of Department of Health and Rehabilitative Services to Department of Children and Family Services; provide clarification of the terms “Family Day Care Homes” and “Group Day Care Homes.”

SUMMARY: These changes make this rule chapter apply solely to nonresidential day care facilities; provides or updates standards; updates usage of terms.

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: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022 FS.

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

TIME AND DATE: 8:30 a.m., April 17, 2001

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

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 Millicent King, (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-36.100 Purpose of Rules.

The purpose of this rule chapter is to specify, as required by the Florida Statutes, uniform fire safety standards for both new and existing nonresidential Child Care Facilities designed to care for ~~6 or more~~ infants and children, ages 0 through 17 years, for a period of less than 24 hours per day. “Nonresidential Child Care Facilities” means and includes Day Care Homes, Large Family Day Care Homes, and Day Care Centers, as used in Chapter 402, Florida Statutes.

Specific Authority 633.01, 633.022 FS. Law Implemented 633.01(1), 633.022(1)(b), 402.305 FS. History—New 3-23-88, Amended _____.

4A-36.101 Application of Rules.

This rule chapter shall apply to both new and existing buildings used as nonresidential Child Care child care facilities.

Specific Authority 633.01, 633.022 FS. Law Implemented 633.01(1), 633.022(1)(b), 402.305 FS. History—New 3-23-88, Amended 10-10-91, _____.

4A-36.102 Staffing Ratios.

Ratios of staff personnel to children for both new and existing facilities shall be those ratios established by the Florida Department of Children and Family Services as required by Section 402.305(4), Florida Statutes, and as adopted pursuant thereto by the rules of the Florida Department of Children and Families Services in Chapter 65C-22.001(4), Florida Administrative Code.

Specific Authority 633.01, 633.022 FS. Law Implemented 633.01(1), 633.022(1)(b), 402.305 FS. History—New 3-23-88, Amended 6-15-98, _____.

4A-36.103 Occupancy Load.

For both new and existing facilities the occupant load for which means of egress shall be provided for any floor shall be those established in Section 402.305(6), Florida Statutes the maximum number of persons intended to occupy that floor but not less than one person for each 20 square feet of floor space used by the clients. The occupancy load referenced in NFPA 101 does not apply.

Specific Authority 633.01, 633.022 FS. Law Implemented 633.01(1), 633.022(1)(b), 402.305 FS. History—New 3-23-88, Amended 10-10-91, _____.

4A-36.105 Standards of the National Fire Protection Association Adopted.

(1) The standards of the National Fire Protection Association for life safety from fire, as provided in NFPA 101, Life Safety Code, as adopted in Rule 4A-3.012, Florida Administrative Code, incorporated herein by reference shall be the Uniform Fire Safety Standards for nonresidential Child Care Facilities, except as modified herein.

(a) New child care facilities caring for not more than 6 to 12 children, inclusively, shall meet the requirements of Sections 16.1, (excluding 16.1.6, which shall not apply), 16.4, 16.5, 16.6, and 16.7 of NFPA 101 for “Group Day Care Homes”, Section 10-8, NFPA 101, and in addition, shall comply with the height and construction limits of subparagraph 10-7.1.6, NFPA 101.

(b) New child care facilities caring for more than 12 children shall meet the requirements of Sections 16-1 through 16-5 and 16-7 of NFPA 101 for “Day Care Centers”, Section 10-7, NFPA 101.

(c) Existing child care facilities caring for 6 to 12 children, inclusively, shall meet the requirements of Sections 17-1 (excluding 17-1.6), 17-4, 17-5, 17-6, and 17-7 of NFPA 101 for “Group Day Care Homes”, Section 11-8, NFPA 101.

(d) Existing child care facilities caring for more than 12 children shall meet the requirements of 17-1 through 17-5 and 17-7 of NFPA 101 for “Day Care Centers”, Section 11-7, NFPA 101. Notwithstanding any provision of NFPA 101, the

~~following chart will apply for Minimum Construction Requirements for existing facilities but not for new construction.~~

HEIGHT AND CONSTRUCTION LIMITS

Number of Stories (counted starting at floor of exit discharge)					
Type of Construction	Age Group	1	2	3	4+
I(443), I(332), II(222)	0 through 5	*	*	*	*
I(443), I(332), (II222)	6 and older	*	*	*	*
II(111), III(211), V(111)	0 through 5	*	X*	N.P.	N.P.
II(111), III(211), V(111)	6 and older	*	X*	N.P.	N.P.
IV(2HH)-	0 through 5	*	X*	N.P.	N.P.
IV(2HH)	6 and older	*	N.P.	N.P.	N.P.
II(000)	0 through 5	*	X*	N.P.	N.P.
II(000)	6 and older	*	X*	N.P.	N.P.
III(200), V(000)	0 through 5	*	X*	N.P.	N.P.
III(200), V(000)	6 and older	*	X*	N.P.	N.P.

X = Permitted Construction Type

N.P. = Not Permitted.

X* = Permitted if entire building is protected throughout by an approved automatic sprinkler system.

(2) No change.

Specific Authority 633.01(1), 633.022 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 10-10-91, Amended 3-1-92, _____.

4A-36.106 Emergency Forces Notification.

(1) New Child Day Care Facilities shall be arranged to transmit the alarm automatically via any of the following means acceptable to the authority having jurisdiction and shall be in accordance with NFPA 72, National Fire Alarm Code (1999 edition):

- (a) An auxiliary alarm system.
- (b) A central station connection.
- (c) A proprietary system.
- (d) A remote station connection.

Where the facility is not served by a fire department, notification of appropriate emergency forces shall be transmitted by the most expedient means available immediately following emergency evacuation of the facility.

(2) Existing child day care facilities may use the notification system now in place providing it conforms to one of the following requirements:

Subparagraphs 10-7.3.4.4, and paragraph 7-6.4, NFPA 101, as adopted in 4A-3, F.A.C., is modified to provide alternative arrangements to the basic requirement of direct transmission as follows:

- (a)(1) Direct Alarm transmission to the fire department; or
- (b)(2) Notification by remote or central station systems; or
- (c)(3) Where staff beyond the requirements of the Department of ~~Children and Family Health and Rehabilitative Services~~ is present at all times during which the facility is in operation, notification may be achieved by telephone, provided the facility has at least one private one-party telephone line serving that facility only, thereby allowing for immediate, unimpeded notification of emergency forces. If this method of notification is selected, a staff member who is present at all times that the facility is in operation shall be appointed to be responsible for the immediate notification of emergency forces upon the activation or initiation of any detection or alarm device or system installed in the facility; or
- (d)(4) Where the facility is not served by a fire department, notification of appropriate emergency forces shall be transmitted by the most expedient means available immediately following emergency evacuation of the facility.

Specific Authority 633.01, 633.022 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 10-10-91, Amended _____.

4A-36.107 Standpipe Systems.

Standpipe systems shall be provided for all buildings over 50 feet in height, except buildings not over 6 stories high which are equipped with a complete automatic sprinkler systems, in accordance with NFPA 13, as adopted in Section 4A-3.012, Florida Administrative Code.

Specific Authority 633.01, 633.022 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 10-10-91, Amended _____.

4A-36.108 Family Day Care Homes and Group Day Care Homes.

The subclassifications and definitions of “Day Care Homes” as set forth in Section 16.6.1.4.1 and 17.6.1.4.1 of NFPA 101 2000 Edition, to wit, “Family Day Care Homes” and “Group Day Care Homes,” shall not apply to any facility licensed as a family day care home pursuant to Section 402.305, Florida Statutes. Any facility licensed as a Family Day Care Home pursuant to Section 402.305, Florida Statutes, shall be classified as a “Family Day Care Home” and defined in accordance with the definition of “Family Day Care Home” located in Section 402.302(7), Florida Statutes.

Specific Authority 633.022(1)(b) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2000

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Uniform Fire Safety Standards for Residential Facilities for Individuals with Developmental Disabilities	4A-38
RULE TITLES:	RULE NOS.:
Scope	4A-38.020
Discretionary Powers of the Authority Having Jurisdiction	4A-38.021
Standards of the National Fire Protection Association Adopted	4A-38.023
Documentation of Client’s Evacuation Status	4A-38.024
Operating Features	4A-38.026
Standards of the National Fire Protection Association Adopted	4A-38.028
Operating Features	4A-38.030

PURPOSE AND EFFECT: The purpose and effect of the changes to this rule chapter are to revise laws implemented; revise references to Department of Health and Rehabilitative Services to Department of Children and Family Services; clarify references to defined terms; provide for the local authority having jurisdiction (AHJ) to take over certain functions of property owners; adopt new provisions of the National Fire Protection Association (NFPA 101), i.e., Chapter 32 for new buildings and Chapter 33 for existing buildings.

SUMMARY: Revises laws implements, references to Department of Health and Rehabilitative Services; clarifies references to defined terms, provides for local AHJ to take over certain functions; adopts new provisions of NFPA 101.

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: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022 FS.

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

TIME AND DATE: 8:30 a.m., April 17, 2001

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

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 Millicent King, (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-38.020 Scope.

(1) These rules apply to any residential developmental disabilities facility required to be licensed by the Florida Department of Children and Family Health and Rehabilitative Services, pursuant to Section 393.067, Florida Statutes, Chapter 65B-38.005 and Chapter 65B-6, Florida Administrative Code. In any determination of the number of persons living in a facility, only those persons who are clients as defined in Section 393.13(4), Florida Statutes, shall be counted.

(2) No change.

(3) This rule chapter shall apply as follows:

(a) Part II shall apply to any residential facility, as defined in Section 393.063(39), Florida Statutes, which is providing room and board and personal care for individuals with developmental disabilities required to be licensed by the Florida Department of Children and Family Health and Rehabilitative Services, pursuant to Section 393.067, Florida Statutes, and Chapter 65B-6, Florida Administrative Code. These rules do not apply to day care centers or residential child care facilities.

(b) Part III shall apply to intermediate care facilities for developmentally disabled persons, as defined in 393.063(28), Florida Statutes, that are licensed pursuant to Chapter 65B-38, Florida Administrative Code.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 10-30-90, Amended _____.

4A-38.021 Discretionary Powers of the Authority Having Jurisdiction.

The authority having jurisdiction may modify these rules under the following conditions:

(1) The provisions of ~~chapter 3 and chapter 6 of NFPA 101A 101M~~, "Alternative Approaches to Life Safety", as referenced in Rule 4A-3.012, Florida Administrative Code, shall be considered acceptable as an alternative method.

(2) Alternatives/equivalency shall be documented and such documents shall be provided to the authority having jurisdiction and the property owner. Such documentation shall meet the requirements of Section 1-5 of NFPA-101 edition as adopted in Chapter 4A-3.012, Florida Administrative Code ~~property owner to include but not be limited to:~~

(a) When alternatives/equivalencies are used a A list of those fire code issues modified, identified and/or considered in the alternative/equivalency process shall be furnished to the authority having jurisdiction.

(b) If ~~chapter 3 and chapter 6 of NFPA 101A 101M~~, is used to establish equivalency then the evaluation documentation shall be provided to the property owner and the authority having jurisdiction.

(c) A brief statement describing the alternative/equivalency concepts used and the results of these concepts with respect to fire code conditions that may not literally comply with required codes shall be furnished to the authority having jurisdiction.

(3) through (4) No change.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 10-30-90, Amended _____.

4A-38.023 Standards of the National Fire Protection Association Adopted.

The standards of the National Fire Protection Association for life safety from fire, as provided in NFPA 101, Life Safety Code, Chapter 32 for New and Chapter 33 for Existing, the edition as adopted by Section 4A-3.012, Florida Administrative Code 1988 Edition, which is hereby adopted and incorporated by reference, shall be the uniform fire safety standards required for this state with respect to ~~retardation~~ facilities for the developmentally disabled, except as modified by this rule chapter. ~~Chapter 21, "Residential Board and Care Occupancies", shall be the uniform standard, with the exception as indicated in Section 21-3.1.3.2.~~

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 10-30-90, Amended 9-22-92, _____.

4A-38.024 Documentation of Client's Evacuation Status.

Documentation of client's evacuation status shall be based on the speed of evacuation. Speed of Evacuation is to be determined via documentation of actual fire drills conducted with the Department of Children and Family Health and Rehabilitative Services personnel present, as evidenced by their signature on at least two fire drill reports during the preceding year. As an alternative, the provisions of NFPA 101A, Chapter 5, the edition as adopted in Chapter 4A-3.012, Florida Administrative Code, may be used to evaluate clients' evacuation status.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 10-30-90, Amended _____.

4A-38.026 Operating Features.

Each facility coming within the scope of PART II retardation facility shall comply with the provision of Sections 32-7 31-4 or 33-7 31-7 of NFPA 101, whichever is applicable.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 10-30-90, Amended _____.

4A-38.028 Standards of the National Fire Protection Association Adopted.

The standards of the National Fire Protection Association for life safety from fire, as provided in NFPA 101, Life Safety Code, Chapter 32 for New and Chapter 33 for Existing 1988 Edition, the edition as adopted in Section 4A-3.012, Florida Administrative Code which is hereby adopted and incorporated by reference, shall be the uniform fire safety standards required for this state with respect to intermediate care facilities for persons with developmental disabilities. Chapters relating to Chapter 21, "Residential Board and Care Occupancies", shall be the uniform standard.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 10-30-90, Amended 9-22-92, _____.

4A-38.030 Operating Features.

Each intermediate care facility for the developmentally disabled shall comply with the provision of Section 32.7 31-4 or 33.7 31-7 of NFPA 101, whichever is applicable. Unless otherwise authorized by the authority having jurisdiction, fire exit drills shall be held with sufficient frequency to familiarize all occupants with the drill procedure and to have the conduct of the drill a matter of established routine. They shall be conducted no less frequently than once per month and shall be properly documented.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 10-30-90, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2001

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

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE RULE CHAPTER NO.:

Uniform Fire Safety Standards for Residential Child Care Facilities 4A-41

RULE TITLES: RULE NOS.:

Title 4A-41.001

Purpose 4A-41.002

Scope 4A-41.003

Standards of the National Fire Protection Association Adopted 4A-41.007

Separation Requirements 4A-41.011

Exits 4A-41.012

Emergency Lighting 4A-41.013

Segregation and Protection from Hazards 4A-41.014

Furnishings and Decorations 4A-41.016

Portable Fire Extinguishers 4A-41.017

Alarm and Detection Requirements 4A-41.019

Building Services and Equipment 4A-41.020

Fire Exit Drills 4A-41.024

Fire and Emergency Plan 4A-41.025

Wilderness Program 4A-41.026

PURPOSE AND EFFECT: The purpose and effect of the revisions of this rule chapter are to revise laws implemented; update chapter to provide for the Life Safety Code (NFPA 101) as it relates to residential board and care; adopt NFPA 30, Combustible Liquids, 30A, and NFPA 101; repeal references to nonresidential child care facilities; repeal reference to Chapter 10C-15, Florida Administrative Code (F.A.C.)

SUMMARY: These changes primarily update references to NFPA 101, adopts NFPA 30 and 30A, and repeals references to nonresidential child care facilities.

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: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022 FS.

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

TIME AND DATE: 8:30 a.m., April 17, 2001

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

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 Millicent King, (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-41.001 Title.

These rules, comprising Rule Chapter 4A-41, F.A.C., shall be known as "The Uniform Fire Safety Standards for Residential ~~and Nonresidential~~ Child Care Facilities."

Specific Authority 633.01 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 7-2-84, Formerly 4A-41.01, Amended 9-24-90, _____.

4A-41.002 Purpose.

The purpose of this rule chapter is to establish uniform standards to provide a reasonable degree of safety from fire in residential ~~and nonresidential~~ child care facilities. These rules

try to avoid requirements which might result in unreasonable hardships, or unnecessary inconvenience, or interference with the normal use and occupancy of a building, but at the same time insist upon compliance with a uniform standard for fire safety consistent with the public interest.

Specific Authority 633.01 FS. Law Implemented 633.01(1), 633.022(1)(b), 409.175(5)(f) FS. History--New 7-2-84, Formerly 4A-41.02, Amended 9-24-90,_____.

4A-41.003 Scope.

(1) These rules apply to any residential ~~or nonresidential~~ child care facility required to be licensed by the Florida Department of ~~Children and Family Health and Rehabilitative Services~~, pursuant to Section 409.175, Florida Statutes, in which full-time residence is provided to six or more children who are unrelated to the proprietor and who are under age 18. Programs which use such a facility include, but are not limited to, group homes which are administered by an agency, wilderness camps, maternity homes, (emergency shelters), and runaway shelters.

(2) These rules are concerned with life safety during fires and similar emergencies. They address particular matters of construction, protection, and occupancy of buildings to try to minimize danger to life from fire, smoke, fumes, or panic before buildings are vacated.

Specific Authority 633.01 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 7-2-84, Formerly 4A-41.03, Amended 9-24-90,_____.

4A-41.007 Standards of the National Fire Protection Association Adopted.

The standards of the National Fire Protection Association for life safety from fire, as provided in NFPA 101, Life Safety Code, as it relates to residential board and care, the edition as adopted in Rule 4A-3.012, Florida Administrative Code, shall be the uniform fire safety standards for this state with respect to residential ~~and nonresidential~~ child care facilities, including other buildings or structures located on the premises of said facilities.

Specific Authority 633.01 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 7-2-84, Formerly 4A-41.07, Amended 9-24-90,_____.

4A-41.011 Separation Requirements.

If a residential ~~or nonresidential~~ child care facility is located in a building which has occupants other than the residential ~~or nonresidential~~ child care facility, the building shall satisfy the provisions of the Florida Building Code local building code required by Section 553.73, Florida Statutes.

Specific Authority 633.01 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 7-2-84, Formerly 4A-41.11, Amended 9-24-90,_____.

4A-41.012 Exits.

(1) Means of Egress. Doors leading from rooms used by 100 or more persons in a residential ~~or nonresidential~~ child care facility shall be equipped with approved panic hardware.

(2) Marking Means of Egress. Exits signs shall not be required in a residential ~~or nonresidential~~ child care facility in which the total number of resident children is 16 or fewer.

Specific Authority 633.01 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 7-2-84, Formerly 4A-41.12, Amended 9-24-90,_____.

4A-41.013 Emergency Lighting.

(1) Emergency lighting shall be provided in all residential ~~and nonresidential~~ child care facilities, except wilderness programs campsites.

(2) Residential ~~and nonresidential~~ child care facilities in which the total number of resident children is fewer than 9 need not comply with subsection (1). However, this exception does not apply to emergency shelter care, or to runaway and transient youth shelters.

Specific Authority 633.01 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 7-2-84, Formerly 4A-41.13, Amended 9-24-90,_____.

4A-41.014 Segregation and Protection from Hazards.

(1) Commercial cooking equipment shall have hood systems be installed in accordance with NFPA 96, Standard for Ventilation Control and Fire Protection of the Installation of Equipment, for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment as adopted in Rule 4A-3.012, Florida Administrative Code.

(2) Flammable/combustible liquids.

(a) No change.

(b) If either flammable or combustible liquids in excess of 10 gallons in the aggregate are stored or dispensed on the premises of the facility, the facility shall comply with Chapter 4 of NFPA 30 Flammable and Combustible Liquids Code, the edition as the standards adopted in Rule 4A-3.012, Florida Administrative Code.

(c) No change.

Specific Authority 633.01 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 7-2-84, Formerly 4A-41.14, Amended 9-24-90,_____.

4A-41.016 Furnishings and Decorations.

(1) All residential ~~and nonresidential~~ child care facilities in which security is required shall use only mattresses having a fire retardant cotton core with a retardant outer cover.

(2) Polyurethane mattresses are prohibited in all residential ~~and nonresidential~~ child care facilities.

Specific Authority 633.01 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 7-2-84, Formerly 4A-41.16, Amended 9-24-90,_____.

4A-41.017 Portable Fire Extinguishers.

Residential ~~and nonresidential~~ child care facilities shall have at least one general purpose Class A, B, and C portable fire extinguisher for each floor. All required extinguishers shall have a minimum rating of 2A-10B:C and shall be placed so that the nearest extinguisher is not more than 75 feet from any other point in the facility.

Specific Authority 633.01 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 7-2-84, Formerly 4A-41.17, Amended 9-24-90,_____.

4A-41.019 Alarm and Detection Requirements.

(1) No change.

(2) Fire alarms installed in existing residential ~~and nonresidential~~ child care facilities with 16 or fewer residents may continue to be manually operated, powered by the building electrical service, but it is not required to be electrically supervised.

Specific Authority 633.01 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 7-2-84, Formerly 4A-41.19, Amended 9-24-90,_____.

4A-41.020 Building Services and Equipment.

(1) Unvented ~~fuel-fired~~ room heaters ~~shall not be used~~ ~~are prohibited~~ in residential ~~and nonresidential~~ child care facilities.

(2) Other heating equipment shall be of an approved type and shall be installed in accordance with the terms of its approval and with the manufacturer's instructions, and meet the requirements of applicable NFPA 101, 2000 edition, Section 9-2, as adopted in Rule Chapter 4A-60 standards as referenced in Rule 4A-3.012, Florida Administrative Code.

(3) No change.

Specific Authority 633.01 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 7-2-84, Formerly 4A-41.20, Amended 9-24-90,_____.

4A-41.024 Fire Exit Drills.

Unless otherwise authorized by the authority having jurisdiction, as defined in 633.121, Florida Statutes, fire exit drills shall be held with sufficient frequency to familiarize all occupants with the drill procedure and to have the conduct of the drill a matter of established routine. They shall be conducted no less frequently than once per month and shall be properly documented.

Specific Authority 633.01 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 7-2-84, Formerly 4A-41.24, Amended 9-24-90,_____.

4A-41.025 Fire and Emergency Plan.

Each residential ~~and nonresidential~~ child care facility shall develop a written fire and emergency evacuation plan which may include input from the authority having jurisdiction as described in Section 633.121, Florida Statutes.

Specific Authority 633.01 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 7-2-84, Formerly 4A-41.25, Amended 9-24-90,_____.

4A-41.026 Wilderness Program.

In addition to other applicable provisions of this rule chapter, the following provisions shall apply to wilderness programs licensed pursuant to Section 409.175, Florida Statutes, ~~and Chapter 10C-15, Florida Administrative Code:~~

- (1) Group Campsites.
 - (a) through (j) No change.
 - (k) Storage.
 - 1. and 2. No change.

3. If flammable or combustible liquids in excess of 10 gallons in the aggregate are stored or dispensed at the campsite, the storage shall comply with the provisions of NFPA 30, the edition as adopted in Rule 4A-3.012, Florida Administrative Code.

4. If a vehicle service station is located on the campsite, the storage shall comply with NFPA 30A, the edition as adopted in Rule 4A-3.012, Florida Administrative Code.

(2) No change.

Specific Authority 633.01 FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 7-2-84, Formerly 4A-41.26, Amended 9-24-90,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2001

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

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Uniform Fire Safety Standards for Mobile Home Parks And Recreational Vehicle Parks	4A-42

RULE TITLES:	RULE NOS.:
Purpose	4A-42.002
Definitions	4A-42.003
Standards of the National Fire Protection Association Adopted	4A-42.005

PURPOSE AND EFFECT: The purpose and effect of the revisions of this rule chapter are revise laws implemented; update NFPA 501A to 1996 edition.

SUMMARY: These changes revise laws implemented and update NFPA 501A to 1996 edition.

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: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022 FS.

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

TIME AND DATE: 8:30 a.m., April 17, 2001

PLACE: Room 116, Larson Building, 200 East Gaines Street Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines, Street, Tallahassee, Florida 32399-0342, (850)413-3620

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 Millicent King, (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-42.002 Purpose.

The purpose of these rules is to establish uniform requirements that will provide a reasonable degree of safety from fire in mobile home parks and recreational vehicle parks. These rules apply to both existing and new mobile home parks and recreational vehicle parks, except that the provisions of Section 633.01(4) ~~633.01(6)~~, Florida Statutes, are specifically applicable to existing mobile home parks. These rules try to avoid requirements that might result in unreasonable hardships or unnecessary inconveniences or interference with the normal use of the facilities.

Specific Authority 633.022(1)(b)~~04~~ FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 5-1-84, Formerly 4A-42.02, Amended 8-1-90,

4A-42.003 Definitions.

As used in this rule chapter, unless the context clearly requires otherwise,

(1) "Authority Having Jurisdiction" shall mean a duly authorized representative of an agency or agencies having legal enforcement authority, as described in 633.121, Florida Statutes.

(2) through (4) No change.

Specific Authority 633.022(1)(b)~~04~~ FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 5-1-84, Formerly 4A-42.03, Amended 8-1-90,

4A-42.005 Standards of the National Fire Protection Association Adopted.

(1) The standards of the National Fire Protection Association, Standard for Fire Safety Criteria for Manufactured Home Installations, Sites and Communities, NFPA 501A, the edition as adopted in Section 4A-3.012, Florida Administrative Code, and Standard for Fire Safety Criteria for Recreational Vehicle Parks and Campgrounds, NFPA 501D, 1996 edition, which is hereby adopted and incorporated by reference shall be the "Uniform Fire Safety Standards for Mobile Home Parks and Recreational Vehicle Parks," ~~as adopted more fully in Rule 4A-3.012, Florida Administrative Code.~~

(2) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts

02269-9101. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

Specific Authority 633.01, 633.022(1)(b) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 5-1-84, Formerly 4A-42.05, Amended 8-1-90,

NAME OF PERSON ORIGINATING PROPOSED RULE: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2001

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

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Uniform Fire Safety Standards for Transient Public Lodging Establishments, Timeshare Plans, and Timeshare Unit Facilities 4A-43

RULE TITLES: RULE NOS.:

Title 4A-43.001

Scope 4A-43.003

Automatic Smoke Detection Requirements 4A-43.009

Individually Annunciated at Panel 4A-43.0095

Standpipe and Hose Systems 4A-43.011

Special Compliance Schedule 4A-43.014

Historic Hotel Structures 4A-43.015

Standards of the National Fire Protection Association Adopted 4A-43.017

One and Two Family Dwellings, Recreational Vehicles and Mobile Homes Licensed as Public Lodging Establishments 4A-43.018

PURPOSE AND EFFECT: The purpose and effect of the revisions of this rule chapter are to revise laws implemented; make chapter applicable to timeshare plans or facilities; revise law implemented; revise to provide that existing facilities may continue to use battery powered smoke detectors with certain restrictions; adopt certain portions of NFPA 72; repeal adoption of NFPA 74-6-2; require all public lodging establishments and time share plans and units to be sprinklered in accordance with Sections 509.215 and 721.24, Florida Statutes; repeal provisions for extensions; adopt NFPA 72 and repeal NFPA 74.

SUMMARY: These changes make this rule chapter applicable to timeshare plans or facilities, provide for existing timeshare plans or facilities, require sprinklering, repeal provisions for extensions, and adopt NFPA 72 and repeal NFPA 74.

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: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022 FS.

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

TIME AND DATE: 8:30 a.m., April 17, 2001

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

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 Millicent King, (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULES IS:

UNIFORM FIRE SAFETY STANDARDS FOR TRANSIENT PUBLIC LODGING ESTABLISHMENTS, TIMESHARE PLANS, AND TIMESHARE UNIT FACILITIES.

4A-43.001 Title.

These rules, comprising Rule Chapter 4A-43, F.A.C. shall be known as "The Uniform Fire Safety Standards for Transient Public Lodging Establishments, Timeshare Plans, or Timeshare Unit Facilities."

Specific Authority 509.215(7), 633.01, 633.022(1)(b), 721.24(5) FS. Law Implemented 509.215(7), 633.01(1), 633.022(1)(b), 721.24(5) FS. History--New 11-12-85, Formerly 4A-43.01, Amended 5-14-91, _____.

4A-43.003 Scope.

(1) These rules apply to any transient public lodging establishment as defined and licensed by the Department of Business and Professional Regulation under paragraph (a) of subsection (4), and subsection (10), of Section 509.013 Chapter 509, Florida Statutes, and any time-share unit or time-share plan as defined in subsections (33) and (35) of Section 721.05 Chapter 721, Florida Statutes.

~~(2) These rules do not attempt to address those general fire prevention or building construction features that are normally functions of fire prevention and building codes.~~

Specific Authority 509.215(7), 633.01, 633.022(1)(b), 721.24(5) FS. Law Implemented 509.215(7), 633.01(1), 633.022(1)(b), 721.24(5) FS. History--New 11-12-85, Formerly 4A-43.03, Amended 8-24-87, 5-14-91, 5-23-94, _____.

4A-43.009 Automatic Smoke Detection Requirements.

(1) The single station smoke detectors specified for construction contracts before October 1, 1983, by Section 509.215, Florida Statutes, for transient public lodging establishments which are less than 3 stories in height and by section 721.24, Florida Statutes, for a time-share plan which is less than 3 stories in height shall be approved UL 217, listed single station smoke detector. Existing facilities may continue to use battery powered smoke detectors provided they are tested on a regular basis in accordance with paragraph (b) and replaced in accordance with the manufacturer's recommendations, as required in Section 2-6 of NFPA 72, the edition as adopted in section 4A-3.012, but not less than once every twelve (12) months. New facilities shall have the detectors powered by the building electrical service with a rechargeable battery as a secondary power supply in compliance with NFPA 72, Section 1-5.2.6, the edition as adopted in Section 4A-3.012, Florida Administrative Code. The detector may be powered by the building electrical service or battery power supply.

~~(a) If batteries are used in a single station smoke detector, as either the primary or the secondary source of energy, then All all such smoke detectors shall comply with NFPA 72, Section 2-3 74-3-3.1 the edition as adopted in Rule Chapter 4A-3 and the batteries shall be replaced in accordance with the detector manufacturer's recommendations per NFPA 74 6-1 as adopted in Rule Chapter 4A-3, F.A.C., but not less frequently than once every twelve (12) months.~~

(b) Battery powered, single station smoke detectors, where used, shall be tested and inspected not less frequently than once per week ~~as required by NFPA 74 6-2 as adopted in Rule Chapter 4A-3, F.A.C.~~ A log of the required tests and inspections shall be kept and available to the authority having jurisdiction at any time. This log shall include, but not be limited to, the following information and any other information as may be required by the authority having jurisdiction:

1. through 7. No change.

(c) No change.

(2) Specialized smoke detectors for the deaf and hearing-impaired as required by subsection (8) of Section 509.215, Florida Statutes, shall be listed by a nationally recognized testing laboratory for the intended use, and shall:

(a) Have a visual signaling appliance which has an effective intensity rating of at least 100 candela; and or,

(b) Be listed by a nationally recognized testing laboratory for the particular purpose of alerting the deaf and hearing impaired in the event of a fire.

Specific Authority 509.215(7), 633.01, 633.022(1)(b), 721.24(5) FS. Law Implemented 509.215(7), 633.01(1), 633.022(1)(b), 721.24(5) FS. History--New 11-12-85, Formerly 4A-43.09, Amended 8-24-87, 5-14-91, _____.

4A-43.0095 Individually Annunciated at Panel.

Single station smoke detectors which annunciate at a panel at a supervised location, where used, shall meet the following:

(1) No change.

(2) Trouble signals shall be audible and distinctive from alarm signals, and shall comply with NFPA 72 Section 1-5.4.6, the edition A-2-7.3 as adopted in Rule Chapter 4A-3.

(3) The annunciator system shall have primary power supplied in accordance with NFPA 72, Section 1-5.2.4, the edition A-2-6.3 and 2-6.7 as adopted in Rule Chapter 4A-3, F.A.C., and secondary power supplied in accordance with NFPA 72, Section 1-5.2.5, the edition A-2-6.4 as adopted in Rule Chapter 4A-3, F.A.C.

Specific Authority 509.215(7), 633.01, 633.022(1)(b), 721.24(5) FS. Law Implemented 509.215(7), 633.01(1), 633.022(1)(b), 721.24(5) FS. History—New 5-14-91, Amended _____.

4A-43.011 Standpipe and Hose Systems.

Standpipe and hose systems are required for all transient public-lodging establishments, timeshare units or timeshare plans which are located in buildings exceeding 50 feet in height or in buildings over six stories high which have a complete automatic sprinkler system. The standpipe and hose systems shall comply with the provisions of NFPA 14, the edition as adopted in Rule 4A-3.012, Florida Administrative Code. Both standpipe and hose are required for those buildings that do not have sprinkler systems. A standpipe with no hose, but hose connections, is required for those buildings that do have sprinkler systems.

Specific Authority 509.215(7), 633.01, 633.022(1)(b), 721.24(5) FS. Law Implemented 509.215(7), 633.01(1), 633.022(1)(b), 721.24(5) FS. History—New 11-12-85, Formerly 4A-43.11, Amended 8-24-87, 5-14-91, _____.

4A-43.014 Special Compliance Schedule.

All required public lodging establishments, time share plan or time share unit shall be sprinklered in accordance with Section 509.215 and Section 721.24, Florida Statutes. All systems must have been installed and operational by October 1, 1994, and the Division of the State Fire Marshal will no longer grant any extensions for delayed installations. Individuals failing to comply with the October 1, 1990, deadline for sprinklers as stipulated by Sections 509.215 and 721.24, Florida Statutes, may be granted an extension of time upon compliance with the following requirements:

(1) The individual shall submit a letter of notification of intent to request an extension to the State Fire Marshal. This letter shall be received in the Office of the State Fire Marshal in Tallahassee no later than 5:00 P.M. on October 1, 1990, and

(2) The individual shall submit an engineering design plan that is in compliance with Chapter 471, Florida Statutes, together with a construction schedule to the State Fire Marshal. The engineering design plan and the construction schedule together with evidence demonstrating that compliance with this section by the date required would impose an extreme

hardship and a disproportionate financial impact shall be received in the Office of the State Fire Marshal in Tallahassee no later than 5:00 P.M. on January 1, 1991.

(3) Any establishment that has been granted an extension pursuant to 509.215 or 721.24, Florida Statutes, shall post in a conspicuous location a sign in the registration area, so all persons registering will be made aware of the lack of sprinklers. The sign or signs shall be clearly visible with letters not less than 3 inches in height on a background of contrasting color bearing the following wording: "This Establishment Has Not Yet Installed The Approved Sprinkler System As Required By Florida Law." The sign shall be in English and in any other language common to the area as determined by the authority having jurisdiction.

(4) Individuals failing to comply with any extension granted pursuant to this rule may be granted no more than three one-year extensions provided the individual submits a letter requesting the extension together with a revised work schedule to the State Fire Marshal no later than ninety (90) days before the end of the immediately preceding extension period. The entire system must be installed and operational by October 1, 1994.

Specific Authority 509.215(7), 633.01, 633.022(1)(b), 721.24(5) FS. Law Implemented 509.215(7), 633.01(1), 633.022(1)(b), 721.24(5) FS. History—New 11-12-85, Formerly 4A-43.14, Amended 8-24-87, 5-14-91, _____.

4A-43.015 Historic Hotel Structures.

(1) Any request to utilize the special provisions of subsection 509.215(6), Florida Statutes, shall be made in writing to the Director of the Division of State Fire Marshal.

(2) The special historical review task force, as designated in Section 509.215(6)(b), Florida Statutes, committee shall review the application of fire safety standards required by Section 509.215, Florida Statutes, and shall address other fire safety provisions pursuant to the authority of Section 633.01, Florida Statutes.

Specific Authority 509.215(7), 633.01, 633.022(1)(b), 721.24(5) FS. Law Implemented 509.215(7), 633.01(1), 633.022(1)(b), 721.24(5) FS. History—New 11-12-85, Formerly 4A-43.15, Amended 8-24-87, 5-14-91, _____.

4A-43.017 Standards of the National Fire Protection Association Adopted.

(1) Construction contract let after September 30, 1983; a transient public lodging establishment or time share plan as described in Sections 509.215(1)(a) or (b) and 721.24(1)(a) or (b), Florida Statutes, for which the construction contract is let after September 30, 1983, shall, in addition to the special protective features specified in Section 509.215(1) or 721.24(1), Florida Statutes, comply with all applicable standards as adopted in Chapter 4A-3, Florida Administrative Code.

(2) Construction contract let before October 1, 1983; a transient public lodging establishment or time share plan as described in Sections 509.215(2) and 721.24(2), Florida Statutes, for which the construction contract was let before

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines, Street, Tallahassee, Florida 32399-0342, (850)413-3620

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 Millicent King at (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-47.001 Title.

~~These rules comprising Rule Chapter 4A-47 shall be known as the "Uniform Fire Safety Standards for Elevators."~~

~~Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History—New 2-23-88, Repealed~~.

4A-47.002 Purpose.

~~The purpose of this Rule Chapter is to specify measures to provide a reasonable degree of public safety from fire in Elevators, both new and existing. These rules try to avoid requirements which might result in unreasonable hardships or unnecessary inconvenience, but at the same time insist upon compliance with uniform fire safety standards for the protection of life safety and necessary to protect the public interest, even though a financial hardship may result in some individual cases.~~

~~Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History—New 2-23-88, Repealed~~.

4A-47.003 Scope.

~~These rules apply to the construction, installation, operation, inspection and testing of Elevators for Fire Safety. The rules further specify additional requirements for the installation of fire detection equipment. They apply to new installations on the effective date of these rules and existing installations as stated herein or when the installation is being replaced with a new system.~~

~~Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History—New 2-23-88, Repealed~~.

4A-47.004 Definitions.

~~(1) "ANSI/ASME" refers to the American National Standards Institute Publication, sponsored and published by the American Society of Mechanical Engineers.~~

~~(2) "Approved" means accepted by the authority having jurisdiction upon evaluation of compliance with appropriate standards for the product or procedure in question; or by reason of testing and listing by an approved nationally recognized testing laboratory.~~

~~(3) "Authority Having Jurisdiction" means the organization, office or individual responsible for "approving" equipment, an installation or a procedure.~~

~~(4) "Elevator" means a hoisting and lowering mechanism, equipped with a car or platform which moves in guide rails and serves two or more landings and is classified by the following types:~~

~~(a) elevator, freight—an elevator primarily used for carrying freight and on which only the operator and the persons necessary for unloading and loading the freight are permitted to ride.~~

~~(b) elevator, gravity—an elevator utilizing gravity to move the car.~~

~~(c) elevator, inclined—an elevator which travels at an angle or inclination of 70 degrees or less from the horizontal.~~

~~(d) elevator, multideck—an elevator having two or more compartments located one immediately above the other.~~

~~(e) elevator, observation—an elevator designed to permit exterior viewing by passengers while the car is traveling.~~

~~(f) elevator, passenger—an elevator used primarily to carry persons other than the operator and persons necessary for loading and unloading.~~

~~(g) elevator, power—an elevator utilizing energy other than gravitational or manual to move the car.~~

~~(h) elevator, electric—a power elevator where the energy is applied by means of an electric driving machine.~~

~~(i) elevator, hydraulic—a power elevator where the energy is applied, by means of a liquid under pressure, in a cylinder equipped with a plunger or piston.~~

~~(j) elevator, direct plunger hydraulic—a hydraulic elevator having a plunger or cylinder directly attached to the car frame or platform.~~

~~(k) elevator, electro hydraulic—a direct plunger elevator where liquid is pumped under pressure directly into the cylinder by a pump driven by an electric motor.~~

~~(l) elevator, maintained pressure hydraulic—a direct plunger elevator where liquid under pressure is available at all times for transfer into the cylinder.~~

~~(m) elevator, roped hydraulic—a hydraulic elevator having its piston connected to the car with wire ropes.~~

~~(n) elevator, screw column—a power elevator having an uncounterweighted car which is supported, raised, and lowered by means of a screw thread.~~

~~(5) "Existing" shall mean elevator installations for which an elevator or building construction permit has been issued prior to the adoption of these rules.~~

~~(6) "Fire Barrier" shall mean a continuous membrane, whether vertical or horizontal, such as a wall or floor assembly, that is designed and constructed with a specified fire resistance rating to limit the spread of fire and which will also restrict the movement of smoke. Such barriers may have protected openings.~~

~~(7) "Hoistway" (Shaft) shall mean an opening through a building or structure for travel of elevators extending from the pit floor to the roof or floor above.~~

(a) ~~Blind hoistway — the portion of a hoistway (shaft) where normal landing entrances are not provided.~~

(b) ~~Multiple hoistway — a hoistway (shaft) with more than one elevator.~~

(c) ~~Single hoistway — a hoistway (shaft) with a single elevator.~~

(8) ~~“Hoistway enclosure” means the fixed structure, consisting of vertical walls or assemblies listed for the intended purpose, which isolates the hoistway from all other areas or from an adjacent hoistway and in which the hoistway doors and door assemblies are installed.~~

(9) ~~“Listed” refers to equipment or materials included in a list published by an organization acceptable to the “authority having jurisdiction” and concerned with product evaluation, provided that the organization maintains periodic inspection of production of listed equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.~~

(10) ~~“Machine Rooms or Spaces” shall mean a room or rooms accommodating control equipment or other machinery associated with the elevator.~~

(11) ~~“New” shall mean elevator installations for which an elevator or building construction permit has been issued after the effective date of these rules.~~

(12) ~~“NFPA” means the standards of the National Fire Protection Association.~~

(13) ~~“Standard” means a document containing mandatory requirements, using the word “shall” to indicate requirements.~~

(14) ~~“Story” means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. For purposes of this rule chapter the first story shall begin at the floor assembly of the lowest story which is served by the elevator.~~

(15) ~~“Number of Stories” shall mean, for purposes of this rule chapter, the number of stories determined by beginning with the lowest story and counting all stories which are connected by the elevator hoistway (shaft).~~

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History—New 2-23-88, Amended 11-29-89, Repealed _____.

4A-47.005 Interpretation of this Rule Chapter.

~~The State Fire Marshal shall be the final administrative interpreting authority regarding the rules in this Rule Chapter.~~

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History—New 2-23-88, Repealed _____.

4A-47.006 Enclosure of Elevator Hoistways, Machine Rooms and Machine Spaces.

~~(1) All new elevator hoistways, machine rooms, control equipment, sheaves and other machinery associated with elevators shall be enclosed throughout their height with fire resistive enclosures as required by the building code and ANSI A17.1 (1987 edition). Exception: Observation elevators installed in areas not requiring fire resistive ratings.~~

~~(2) Existing elevator hoistways, machine rooms, control equipment, sheaves and other machinery associated with elevators shall be enclosed throughout their height and protected as listed below:~~

~~(a) Enclosures connecting four stories or more — 2 hour fire barriers.~~

~~Exception No. 1: 1-hour if construction requires a 1-hour fire barrier.~~

~~Exception No. 2: 1-hour, if assembly or health care occupancies.~~

~~Exception No. 3: 1 hour, if detention or correctional occupancy, or apartment buildings and protected throughout by an automatic sprinkler system.~~

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History—New 2-23-88, Amended 11-29-89, Repealed _____.

4A-47.008 Installation of Automatic Smoke and Heat Detectors.

~~(1) Automatic Smoke Detectors shall be installed according to the provisions of Section 211, Emergency Operation and Signaling Devices, ANSI A17.1 — 1987 edition, as incorporated herein by reference, except as modified by this rule chapter.~~

~~(2) Automatic Smoke Detectors required to be installed by the provisions of this rule chapter shall also comply with the provisions of NFPA 72 A 1987 edition, specifically Chapters 2 and 3, as adopted in Rule 4A 3.012, F.A.C.~~

~~(3) The installation of wiring for Fire Detection Equipment for Elevators shall be in accordance with the provisions of NFPA 70, Article 760, 1987 edition, Fire Protection Signaling Systems, National Electrical Code, as adopted in Rule 4A 3.012, F.A.C.~~

~~(4) Operation of Elevators under Fire or Other Emergency Conditions — Elevators having a travel distance of 25 feet or more shall conform to the requirements of ANSI A17.1, Safety Code for Elevators and Escalators, Rule 211.3, 1987 Edition, as incorporated herein by reference.~~

~~(5) Operation of elevators in sprinklered buildings regardless of the travel distance shall comply with the provisions of ANSI A17.1, 1987 edition, Section 211.3b.~~

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History—New 2-23-88, Amended 11-29-89, Repealed _____.

4A-47.009 Special Provisions for Automatic Sprinklers in Non-Hydraulic Elevators.

~~(1) When an Automatic Sprinkler System is to be installed throughout a building for complete fire protection coverage, the provisions of ANSI A17.1, Rule 102.2(c)(4) 1987 edition, which is incorporated herein by reference, shall be applicable. An approved fixed temperature (1350 F) heat detector shall be installed as the means to automatically disconnect the main power supply to the affected elevator(s) prior to the application~~

of water. The main power supply shall not be self-resetting. The fixed temperature detector shall not be construed to be a part of the building alarm system.

(2) When an Automatic Sprinkler System is to be installed throughout a building for complete fire protection coverage, the elevator equipment room and hoistway shall be sprinklered in accordance with the provisions of NFPA 13, 1989 edition, as adopted herein by reference and in Rule 4A 3.012, FAC. The sprinkler head shall have an activation temperature greater than the fixed temperature heat detector required in 4A 47.009(1).

Exception No. 1: If the elevator equipment room is above the highest occupiable floor within the structure then the sprinkler head shall be deleted.

Exception No. 2: The sprinkler head at the top of elevator hoistway in buildings that are greater than 3 stories shall be deleted in hoistway enclosures that meet the requirements of Rule 4A 47.006(1).

(3) The sprinkler system may be of the wet or pre action design, excluding manual override. If the system is of pre action design, the fixed temperature detector required in 4A 47.009(1) shall activate the pre action system.

(4) Sprinkler heads in the elevator equipment room and hoistway shall be protected in accordance with the provisions of Section 3-11.8, NFPA 13, 1989 edition.

(5) In elevator equipment rooms of elevators that are equipped with fire fighter service in accordance with the provisions of Section 211, ANSI A17.1, 1987 edition, smoke detectors shall be installed in accordance with Section 211.3b, ANSI A17.1, 1987 edition. In addition to activating Phase I elevator recall, the elevator equipment room smoke detector shall cause a suitable warning light to flash. The warning light shall be located adjacent to the "Phase I" recall switch or elevator hall button at the designated and alternate fire department access level.

(6) A warning sign shall be incorporated with or adjacent to the light and contain the following wording: "Do Not Use Elevator." The minimum size for the letters on the sign shall be 1/8 inch. This smoke detector and warning light shall not be construed to be a part of the elevator control system.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History—New 2-23-88, Amended 5-19-88, 11-29-88, Repealed _____.

4A-47.010 Special Provisions for Automatic Sprinklers in Hydraulic Elevators.

(1) When an Automatic Sprinkler System is to be installed throughout a building for complete fire protection coverage, the provisions of ANSI A17.1, Rule 102.2(e)(4) (1987 edition) which is incorporated herein by reference, shall be applicable. The heat detector required in 4A 47.009(1) of this rule chapter shall be installed as the means to automatically disconnect the main power supply to the affected elevator(s) prior to the

application of water. The main power supply shall not be self-resetting. The fixed temperature detector shall not be construed to be a part of the building alarm system.

(2) When an Automatic Sprinkler System is to be installed throughout a building for complete fire protection coverage, the elevator equipment room and hoistway shall be sprinklered in accordance with the provisions of NFPA 13 (1989 edition), as adopted herein by reference and in Rule 4A 3.012, FAC. The sprinkler head shall have an activation temperature greater than the fixed temperature heat detector required in 4A 47.009(1).

(3) The sprinkler system may be of the wet or pre-action design, excluding manual override. If the system is of pre-action design, the fixed temperature detector required in 4A 47.009(1) shall activate the pre-action system.

(4) Sprinkler heads in the elevator equipment room and hoistway shall be protected in accordance with the provisions of Section 3-11.8, NFPA 13 (1989 edition).

(5) In elevator equipment rooms of elevators that are equipped with fire fighter service in accordance with the provisions of Section 211, ANSI A17.1 (1987 edition), smoke detectors shall be installed in accordance with Section 211.3b, ANSI A17.1 (1987 edition). In addition to activating Phase I elevator recall, the elevator equipment room smoke detector shall cause a suitable warning light to flash. The warning light shall be located adjacent to the "Phase I" recall switch or elevator hall button at the designated and alternate fire department access level.

(6) A warning sign shall be incorporated with or adjacent to the light and contain the following wording: "Do Not Use Elevator." The minimum size for the letters on the sign shall be 1/8 inch. This smoke detector and warning light shall not be construed to be part of the elevator control system.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History—New 11-29-88, Repealed _____.

4A-47.011 Adoption of the Florida Elevator Safety Code. The following shall be in compliance with those standards adopted in Chapter 61C-5, Florida Elevator Safety Code:

(1) Enclosures of elevator hoistways, machine rooms, and machine spaces;

(2) Automatic smoke detectors and heat detectors; and

(3) Automatic sprinklers in hydraulic and non-hydraulic elevators.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2000

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Fire Safety Standards Fire Alarm Systems
 RULE CHAPTER NO.: 4A-48

RULE TITLES: Scope
 RULE NOS.: 4A-48.002

Testing Laboratories Application for Certification 4A-48.004
 Record of Completion 4A-48.005
 Specifications for Fire Alarm Tags Monitoring 4A-48.006
 4A-48.008

PURPOSE AND EFFECT: The purpose and effect of the revisions of this rule chapter are to update laws implemented; provide for continuation of use of certain fire alarm systems provided they are fully functional and approved by the authority having jurisdiction; provide for fire alarm systems to be approved by nationally recognized testing laboratory; substitute Record of Completion for test certificate in 4A-48.005(1), F.A.C.; provide additional requirements for fire alarms; provide certain requirements for companies wishing to do monitoring in fire departments' areas.

SUMMARY: These changes update laws implemented; provide for continuation of use of certain fire alarm systems provided they are fully functional and approved by the authority having jurisdiction; provide for fire alarm systems to be approved by nationally recognized testing laboratory; substitute Record of Completion for test certificate in 4A-48.005(1), F.A.C.; provide additional requirements for fire alarms; provide certain requirements for companies wishing to do monitoring in fire departments' areas.

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: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022 FS.

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

TIME AND DATE: 8:30 a.m., April 17, 2001

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620
 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 Millicent King at (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-48.002 Scope.

These rules apply to both new and existing fire alarm systems as of the effective date of the rule. Those systems which were based on product and engineering practices recognized as being acceptable at the date of installation but are not in compliance with currently adopted standards may continue in use, provided they are functional and approved approval by the authority having jurisdiction.

Specific Authority 633.70(4), 633.701(7) FS. Law Implemented 633.01(1), 633.022(2)(b), 633.70(4), 633.701(7) FS. History--New 6-28-90, Amended _____.

4A-48.004 Testing Laboratories Application for Certification.

Equipment used for the installation of a fire alarm system shall be approved by a nationally recognized testing laboratory. All information concerning the equipment shall be submitted to the authority having jurisdiction. Any testing laboratory desiring to be certified by the State Fire Marshal shall submit a "State of Florida Application for Certification Form" (Form DI4A-48-1), which is incorporated herein by reference and will be effective on the effective date of this rule. Copies of this form are available from the Department of Insurance, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

Specific Authority 633.70(4), 633.701(7) FS. Law Implemented 633.01(1), 633.022(2)(b), 633.70(4), 633.701(7) FS. History--New 6-28-90, Amended 11-16-94, _____.

4A-48.005 Record of Completion Test Certificate.

(1) Information applicable in National Fire Protection Association (NFPA) Standards shall be a minimum requirement and shall be contained in the Record of Completion test certificate provided to the consumer when the fire alarm system is installed or improved (see figure 1-7.2.1, NFPA 72 the edition as adopted in 4A-3.012(1), F.A.C (1993 edition).

(2)(a) The requirements for fire alarm system components, devices, and systems shall be tested, maintained, and inspected using the guidelines set forth in NFPA 72, as adopted in rule 4A-3.012(1), Florida Administrative Code, and incorporated by reference therein.

(b) All inspections and testing work performed on a fire alarm system shall be reported in detail on the a system record log using the form required in provided in figure 7-5.1, NFPA 72, figure 7-5.2.2. the edition as adopted in Section 4A-3.012, F.A.C (1993 edition). This form shall be located and maintained at the property protected by the fire alarm system and be readily available for inspection.

(3) All repairs shall be recorded, by the repairing company, in the system record log and contain the following information:

(a) through (f) No change.

(4)(a) Any Only defective or non-functioning items discovered during any fire alarm system test or inspection shall be reported immediately, and shall also be reported in writing to the authority having jurisdiction, as described in Section 633.121, Florida Statutes pursuant to section 633.121, Florida Statutes, within five fifteen business days from the date the defective or non-functioning item is discovered. Written notification shall include a description of the problems found and corrective action taken.

(b) Any non-functioning system or interruption of monitoring shall be reported immediately, by telephone if possible, and shall also be reported in writing or by electronic means to the authority having jurisdiction, as described in Section 633.121, Florida Statutes, within five business days from the date the non-functioning system or interruption of monitoring is discovered. Written notification shall describe the cause of the interruption and the corrective action or actions that were taken.

(c) If the non-functioning system was due to improper or faulty installation practices, the authority having jurisdiction shall report such facts to the Department of Business and Professional Regulation.

(5) If the system is being maintained by a servicing contract and the servicing contract expires, is delegated, or changed, the authority having jurisdiction shall be notified.

Specific Authority 633.70(4), 633.701(7) FS. Law Implemented 633.01(1), 633.022(2)(b), 633.70(4), 633.701(7) FS. History–New 6-28-90, Amended 11-16-94, _____.

4A-48.006 Specifications for Fire Alarm Tags.

(1) No change.

(2) Standard Fire Alarm Tags – Specifications.

(a) through (b) No change.

(c) Tags shall contain the following information:

1. No change.

2. Name of person performing the work and the license holder's initials.

3. No change.

4. Type of systems involved according to NFPA 72, as adopted in Section Rule 4A-3.012, Florida Administrative Code.

5. through 6. No change.

(d) through (e) No change.

(3) through (5) No change.

Specific Authority 633.70(4), 633.701(7) FS. Law Implemented 633.01(1), 633.022(2)(b), 633.70(4), 633.701(7) FS. History–New 6-28-90, Amended 6-30-91, 11-16-94, _____.

4A-48.008 Monitoring.

(1) Automatic emergency forces notification and any type of monitoring of fire alarm signals shall be installed and operate in accordance with the applicable NFPA standards adopted in Rule 4A-3.012(1), Florida Administrative Code, and incorporated by reference therein.

(2) Any company wishing to do monitoring or is currently monitoring in a fire department's area shall notify the authority having jurisdiction of that location. The authority having jurisdiction shall be notified when any monitoring is discontinued within 24 hours and follow-up that notification by written notification.

Specific Authority 633.70(4), 633.701(7) FS. Law Implemented 633.01(1), 633.022(2)(b), 633.70(4), 633.701(7) FS. History–New 11-16-94, Amended _____.

ADD PAGE FOR FIGURE "A"

Tags shall be punched with a standard 1/8" or 1/4" hole punch in all relevant data sections before placing the tag on the fire alarm panel.

Any tag required by the state fire marshal which indicates that the fire alarm system, or any component thereof, has been serviced, repaired, altered, replaced, or tested shall be removed before a new tag is placed on the fire alarm system.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2001

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

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Uniform Fire Safety Standards for

RULE CHAPTER NO.: 4A-49

Self-Service Gasoline Stations

RULE TITLES: Fire Protection Standards Adopted

RULE NOS.: 4A-49.003

Attendant on Duty

4A-49.004

PURPOSE AND EFFECT: The purpose and effect of the revisions to this rule chapter are to update NFPA provisions adopted and require that an attendant be on duty while fuel is offered for sale to the public.

SUMMARY: Updates NFPA provisions adopted and requires that an attendant be on duty while fuel is offered for sale to the public.

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: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022 FS.

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

TIME AND DATE: 8:30 a.m., April 17, 2001

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

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 Millicent King at (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-49.003 Fire Protection Standards Adopted.

(1) No change.

(2) Additional applicable fire protection standards specifically referenced in Chapter 6, NFPA 30, the edition as adopted in Section 4A-3.012, F.A.C., and Chapter 9, NFPA 30A, the edition as adopted in Section 4A-3.012, F.A.C., and Chapter 28-2, NFPA 1, the edition as adopted in Section 4A-30.012, F.A.C., which are applicable to self-service gasoline stations and the edition of such standards listed in Rule 4A-3.012 shall apply.

(3) No change.

Specific Authority 633.01, 633.022(1)(b), 526.141(7) FS. Law Implemented 633.01, 633.022, 526.141(7) FS. History--New 8-1-90, Amended

4A-49.004 Attendant on Duty.

All self-service gasoline service stations shall have at least one attendant on duty and present on the premises of the station while the station is open to the public or at any time fuel is offered for sale to the public. The duties of the attendant are specified by subsection (3) of Section 526.141, Florida Statutes, and NFPA 30A, Section 9-4, the edition as adopted in Section 4A-3.012, Florida Administrative Code.

Specific Authority 633.01, 633.022(1)(b), 526.141(7) FS. Law Implemented 633.01, 526.141(7) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2001

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

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Fees Rule Chapter

RULE CHAPTER NO.: 4A-52

RULE TITLES: Application

RULE NOS.: 4A-52.003

Fees

4A-52.004

PURPOSE AND EFFECT: The purpose and effect of the revisions of this rule chapter are to revise laws implemented; clarify application of fees; update to conform to change in statute of application to state-leased buildings; clarify application of inspection fees.

SUMMARY: Revises laws implemented; clarifies application of fees; updates fees to conform to change in statute of application to state-leased buildings; clarifies application of inspection fees.

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: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022 FS.

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

TIME AND DATE: 8:30 a.m., April 17, 2001

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

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 Millicent King at (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULE IS:

4A-52.003 Application.

The State Legislature mandates that the State Fire Marshal shall perform the following functions for which fees shall be charged:

(1) Inspect each state-owned ~~or state-leased~~ building on a recurring basis, as defined in Section 4A-3.012 and inspect high hazard state owned occupancies at least annually for compliance with applicable fire safety standards for state-owned ~~and state-leased~~ buildings.

(2) through (4) No change.

Specific Authority 633.01, 633.085(5) FS. Law Implemented 633.01(1), 633.085 FS. History--New 6-18-91, Amended _____.

4A-52.004 Fees.

(1) Review of plans for all new construction, renovations, alterations, or changes of occupancy.

~~(a)1. The plans review fee for all new construction, renovations, alterations, or changes of occupancy for state-owned or state-leased buildings is computed by multiplying the estimated construction cost by .00062.~~

(a)1.2. Beginning January 1, 1994, The the plans review fee for all new construction, renovations, alterations, or changes of occupancy for state-owned and state-leased buildings shall will be computed by multiplying the estimated cost of construction by .0025.

~~2.3.~~ If no construction cost is involved in a change of occupancy, the plans review fee will be calculated at the rate of \$.02 per square foot of newly occupied space.

~~3.4.~~ The minimum fee for each plans review is \$100 per building.

(b)1. The plans review fees set forth in (1)(a) of this rule includes 3 cover two (2) inspections; or site visits.

a. When applicable, one mandatory site visit to observe the inspection on the underground fire protection main. This site visit is to occur prior to cover-up; and

b.a. One optional inspection, conducted at the discretion of the State Fire Marshal's Plans Review or Firesafety Inspection Section, to occur prior to close-in of the building; and

c.b. One mandatory inspection to occur prior to occupancy of the building.

2. No change.

(c) through (d) No change.

(2) Fire safety inspections on existing buildings.

(a) The fee for recurring or annual fire safety inspections; ~~and any additional inspections needed to ensure code compliance,~~ for state-owned buildings is computed by multiplying the value of the building, as reported by to the Division of Risk Management for coverage in the state's property self-insurance program, ~~(V)~~ (V) by .0002.

$$\text{Fee} = V \times .0002$$

This fee includes any additional inspection or inspections that may be necessary to help insure compliance with the fire prevention code. The minimum fee for each inspection is \$100 per building.

~~(b) The fee for recurring or annual fire safety inspections for state-leased buildings is \$.03 per square foot of net-leased area. The minimum fee for each inspection is \$100 per building.~~

~~(b)(e)~~1. The Division of State Fire Marshal shall bill annual fire inspection fees by September 1 of each year.

2. The bill for inspection fees sent to a state agency would cover fees for all space, ~~whether owned or leased,~~ occupied by that agency.

3. through 4. No change.

Specific Authority 633.01, 633.085(5) FS. Law Implemented 633.01(1), 633.085(5) FS. History--New 6-18-91, Amended 10-20-93, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2000

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Uniform Fire Safety Standards for Hospitals and Nursing Homes
RULE CHAPTER NO.: 4A-53
RULE TITLE: Scope
RULE NO.: 4A-53.003

PURPOSE AND EFFECT: The purpose and effect of the revisions of this rule chapter are to clarify that these rules apply to new and existing hospitals and nursing homes.

SUMMARY: These changes make this rule chapter apply to new and existing hospitals and nursing homes.

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: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022 FS.

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

TIME AND DATE: 8:30 a.m., April 17, 2001

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

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 Millicent King, (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULE IS:

4A-53.003 Scope.

(1) These rules are concerned with life safety during fires and similar emergencies. They address particular matters such as devices, systems installations, protection, and occupancy of

buildings to try to minimize danger to life from fire, smoke, fumes or panic before buildings, structures or premises are vacated.

(2) These rules apply to both new and existing hospitals and nursing homes.

Specific Authority 633.01, 633.022(1)(b) FS. Law Implemented 633.01(1), 633.022 FS. History--New 9-3-90, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2001

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

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Uniform Fire Safety Standards for Correctional Facilities
RULE CHAPTER NO.: 4A-54

RULE TITLES: Scope
Definitions
Mattresses
Stair Treads
RULE NOS.: 4A-54.003
4A-54.004
4A-54.006
4A-54.007

PURPOSE AND EFFECT: The purpose and effect of the revisions of this rule chapter are to revise laws implemented; provide that rules are applicable to both new and existing correctional facilities; adopt and incorporate Department of Management Services, General Services Standard 850-500-170 or ASTM E 906; adopt NFPA 101, Chapter 22 or 23, as applicable.

SUMMARY: Revises laws implemented; provides that rules are applicable to both new and existing correctional facilities; adopts and incorporates Department of Management Services, General Services Standard 850-500-170 or ASTM E 906; adopt NFPA 101, Chapter 22 or 23, as applicable.

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: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022 FS.

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

TIME AND DATE: 8:30 a.m., April 17, 2001

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

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 Millicent King, (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-54.003 Scope.

(1) These rules are concerned with life safety during fires and similar emergencies. They address particular matters such as devices, systems installations, protection, and occupancy of buildings to try to minimize danger to life from fire, smoke, fumes or panic before buildings, structures or premises are vacated.

(2) These rules apply to both new and existing correctional facilities.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 6-6-90, Amended _____.

4A-54.004 Definitions.

(1) No change.

(2) "Authority having jurisdiction" shall refer to a duly authorized representative of an agency or agencies having statutory legal code enforcement responsibilities.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 6-6-90, Amended _____.

4A-54.006 Mattresses.

(1) Polyurethane mattresses ~~without durable fire retardant covers~~ are prohibited in correctional facilities.

~~(2) Existing polyurethane mattresses with durable fire retardant covers shall be used only in open type housing and medium/minimum custody areas where the likelihood of intentionally set fires are minimal.~~

~~(2)(3)~~ Existing cotton core mattresses, with fire retardant treated cotton, may be used in areas of high risk of intentional ignition or where rescue or evacuation will be impeded. Wherever possible, cover existing cotton mattresses with a fire retardant outer cover.

~~(3)(4)~~ New purchases of mattresses for new or existing correctional facilities shall be for fire-retardant cotton core with durable fire retardant outer coverage, or fiber-filled material conforming to the flammability requirements set forth in the following standards:

(a) CFR 16, Part 1632, ~~1994 edition~~, which is incorporated herein by reference; or

(b) U.L. Standard 1895, Standard for Fire Test of Mattresses, which is incorporated herein by reference; or

(c) Department of Management Services, General Services Standard, 850-500-170, which is incorporated herein by reference; or

(d) ASTM E 906, which is incorporated herein by reference.

(4) General Services Standard, 850-500-170 may be obtained by writing to the State Fire Marshal at 200 East Gaines Street, Tallahassee, Florida 32399-0340, or by visiting the office of the State Fire Marshal at the Atrium, Third Floor, 325 John Knox Road, Tallahassee, Florida 32303.

(5) ASTM E 906 may be obtained by contacting the American National Standards Institute, Inc., 11 West 42nd Street, 13th Floor, New York, New York 10036 or by visiting the office of the State Fire Marshal at the Atrium, Third Floor, 325 John Knox Road, Tallahassee, Florida 32303.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 6-6-90, Amended _____.

4A-54.007 Stair Treads.

Stair treads in correctional facilities shall be in compliance with Chapter 22 or 23 of NFPA 101, as applicable, the edition as adopted in Section 4A-3.012, Florida Administrative Code of the grated or solid types.

Specific Authority 633.01 FS. Law Implemented 633.01(1), 633.022(2) FS. History--New 6-6-90, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2001

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

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Uniform Fire Safety Standards for

RULE CHAPTER NO.:

Public Food Service Establishments 4A-55

RULE TITLES: RULE NOS.:

Purpose 4A-55.002

Scope 4A-55.003

Definitions 4A-55.004

PURPOSE AND EFFECT: The purpose and effect of the revisions of this rule chapter are to revise laws implemented; substitute a public food service establishment for correctional facilities; repeal 4A-55.004, Definition, as unnecessary.

SUMMARY: Revises laws implemented; substitutes a public food service establishment for correctional facilities; repeals 4A-55.004, Definition, as unnecessary.

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: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022 FS.

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

TIME AND DATE: 8:30 a.m., April 17, 2001

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

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 Millicent King, (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-55.002 Purpose.

(1) No change.

(2) These rules try to avoid requirements which might result in unreasonable hardships, or unnecessary inconveniences or interference with the normal use and occupancy of a public food service establishment correctional facilities, but at the same time insist upon compliance with uniform standards for fire safety consistent with the public interest, even though a financial hardship may result in some individual cases.

Specific Authority 633.01, 633.022(1)(b) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 9-3-90, Amended.

4A-55.003 Scope.

(1) These rules are concerned with life safety during fires and similar emergencies. They address particular matters such as devices, systems installations, protection, and occupancy of buildings to try to minimize danger to life from fire, smoke, fumes or panic before buildings, structures or premises are vacated.

(2) These rules apply to both new and existing public food service establishments.

Specific Authority 633.01, 633.022(1)(b) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 9-3-90, Amended.

4A-55.004 Definitions.

(1) "Approved" shall mean accepted by the authority having jurisdiction upon evaluation of compliance with appropriate standards for the product or procedures in question, or by reason of testing and listing or approval by a recognized testing laboratory.

(2) "Authority having jurisdiction" shall refer to a duly authorized representative of an agency or agencies having legal code enforcement responsibilities.

Specific Authority 633.01, 633.022(1)(b) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 9-3-90, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2001

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

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Uniform Fire Safety Standards for Migrant Labor Camps 4A-56

RULE TITLES: RULE NOS.:
Definitions 4A-56.004

Manufactured Homes in Migrant Labor Camps 4A-56.006

PURPOSE AND EFFECT: The purpose and effect of the revisions of this rule chapter are to revise laws implemented; provide technical clarification of references; revise applicability of chapter to migrant labor camps using manufactured homes.

SUMMARY: Revises laws implemented; provides technical clarification of references; revises applicability of chapter to migrant labor camps using manufactured homes.

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: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022 FS.

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

TIME AND DATE: 8:30 a.m., April 17, 2001

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620
 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 Millicent King, (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-56.004 Definitions.

(1) No change.

(2) "Authority having jurisdiction" ~~means shall refer to~~ a duly authorized representative of an agency or agencies having statutory legal code enforcement responsibilities, as described in Section 633.121, Florida Statutes.

Specific Authority 633.01, 633.022(1)(b) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 6-6-90, Amended _____.

4A-56.006 Manufactured Homes in Migrant Labor Camps Standards for Mobile Homes.

Migrant labor Camps using manufactured homes shall comply with NFPA 501A, Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities, the edition as adopted in 4A-4.012, Florida Administrative Code.

~~(1) Those mobile homes manufactured in 1977 or before shall comply with the N.F.P.A. 501B mobile home standard for the year of their manufacture. Those standards are 501B, Chapter 3, 1964 edition; 501B, Part 8, 1968 edition; 501B, Part 8, 1971 edition; 501B, Part 8, 1972 edition; 501B, Parts 8 and 9, 1973 edition; 501B, Part 8, 1974 edition; 501B, Chapter 2 and Appendix to Chapter 2, 1977 edition, which are hereby incorporated by reference and may be obtained by writing to the National Fire Protection Association at Batterymarch Park, Quincy, Massachusetts 02269.~~

~~(2) Those mobile homes manufactured after 1977 shall comply with Federal Requirements of 24 CFR, Chapter XX, Part 3280, Manufactured Home Construction and Safety Standards, which are hereby incorporated by reference.~~

Specific Authority 633.01, 633.022(1)(b) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 6-30-91, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2001

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Manufactured Buildings	9B-1
RULE TITLES:	RULE NOS.:
Definitions	9B-1.002
Administration and Department Responsibilities	9B-1.003
Adoption of Model Codes	9B-1.004
Enforcement Authority	9B-1.0055
Certification of Third Party Agencies	9B-1.006
Manufacturer Certification	9B-1.007
Inspections	9B-1.0085
Design Plan and Systems Approval	9B-1.009
Component System	9B-1.0095
Manufacturer's Quality Assurance Manual	
Control Procedures	9B-1.010
Alterations	9B-1.011
Reciprocity	9B-1.014
Department Insignia	9B-1.016
Schedule of Fees	9B-1.020
Change of Manufacturer's Status	9B-1.021
Manufacturer Obligations Upon Sale of Building	9B-1.022
Oversight, Complaint	9B-1.023
Factory-Built Schools, Certifications	9B-1.026
Factory-Built Schools, Plan Review	9B-1.027
Factory-Built Schools, Inspections and Work	
Progress Reports	9B-1.028
Factory-Built Schools, Insignia and Data Plate	9B-1.030

PURPOSE, EFFECT AND SUMMARY: In 2000, the Legislature enacted substantial statutory amendments which effected the Department's authority implemented by Rule 9B-1, F.A.C. Additionally, the Florida Building Commission has completed a review of the manufactured building program in anticipation of its authority which should take effect during 2001. The Department promulgates the following amendments and additions to 9B-1, F.A.C., to implement the legislative mandates and Commission recommendations. Specifically, the amendments provide for the inspection and plan review for factory-built schools; delegate greater autonomy and authority to the third-party entities performing plan review and inspection services; define the Department's role in certifying and monitoring manufacturers and third party agencies; impose plan review criteria developed by the Florida Building Commission; clarify the interrelationship between the building code and the fire prevention code as they pertain to manufactured buildings; establish inspection standards and repeal reciprocity provisions as duplicitous of statute.

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: 320.01(2)(a), 553.37, 553.37(1),(2),(4), 553.37, 553.38, 553.38(1), 553.73(2), 553.381, 553.415 FS.

LAW IMPLEMENTED: 553.36, 553.37, 553.37(1)-(8), 553.38, 553.38(1),(2), 553.381, 553.39, 553.415 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: 1:00 p.m., April 23, 2001

PLACE: Randall Kelley Training Center, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-1.002 Definitions.

For the purpose of this chapter, the following words, unless the context does not permit, shall have the meanings indicated:

(1) Third Party Agency – An individual or entity, which may be a private sector entity, a state department with building construction responsibilities or a local government ~~Approved Inspection Agency~~ — An organization determined by the Department pursuant to Rule 9B-1.006 to be especially qualified by reason of facilities, personnel, experience, and demonstrated reliability, to be qualified pursuant to this chapter to review plans for or inspect the construction of investigate, test, and evaluate manufactured building units, systems, or the component parts thereof together with the plans, specifications, and quality control procedures to ensure that such units, systems, or component parts are in full compliance with the codes and standards herein adopted by the Department pursuant to this part and to assign and attach the insignia of the Department to label such units complying with those standards.

~~(2) Approved~~ — Conforming to the requirements of the Department of Community Affairs.

(3) through (4) renumbered (2) through (3) No change.

~~(4)(5) Component~~ – Any three dimensional assembly, subassembly, or combination of elements for use as a part of a building, which may include structural, electrical, mechanical, plumbing and fire protection systems, and other building systems affecting life safety.

~~(6) Damage~~ — ~~Damage or breakage occurring to a manufactured building or any part thereof causing it not to comply with the applicable quality control manuals or the requirements of this chapter.~~

~~(5)(7) Dealer~~ – Any person, corporation or business engaged in leasing, selling, or both buying; leasing; and selling manufactured buildings.

(8) through (9) renumbered (6) through (7) No change.

~~(10) Field Technical Service~~ — ~~Interpretation and clarification in the field by the Department of technical data relating to the application of this chapter.~~

(11) through (13) renumbered (8) through (10) No change.

~~(14) Listed~~ — ~~Equipment or materials or structures included in a list published by an approved listing agency.~~

~~(15) Listing Agency~~ — ~~An agency under contract with the Department which is in the business of listing or labeling products that have been tested to approved standards and found safe for use in a specific manner.~~

~~(11)(16) Local Building Official~~ – The officer or other designated authority or their duly authorized representative charged with the administration of the applicable technical codes in the subject jurisdiction ~~local government technical codes.~~ This term is synonymous with “building official” as that term is defined in s. 468.603(1), F.S.

~~(12) Enforcement Agency~~ – An agency of state or local government with authority to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures or facilities.

~~(17) Local Government~~ — ~~Any municipality, county, district or combination thereof comprising one or more governmental units.~~

~~(13)(18)~~ No change.

~~(14)(19) Manufactured Building~~ – A closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include but not be limited to residential, commercial, institutional, storage, and industrial structures.

~~(20) Manufacture Certification~~ — ~~Conforming to the recognized codes and regulatory requirements adopted by the Department of Community Affairs.~~

~~(15)(21) Manufacturer – Any person who, or entity which, has been certified to produce, modify, or produce and modify produces and/or modifies a manufactured buildings for placement in the State of Florida.~~

~~(16)(22) No change.~~

~~(23) Model Codes—All of the Standard Codes listed in the above paragraphs are those published by the Southern Building Code Congress International, Inc.~~

~~(17)(24) Modification – Any change to a manufactured building; which affects the structural, electrical, thermal, mechanical, plumbing systems, life safety, means of egress, material flammability/flare spread or handicap accessibility of the building to persons with disabilities.~~

~~(18)(25) Occupancy Classification – The purpose for which a building, or part thereof, is used or intended to be used as defined in the codes and standards adopted herein.~~

~~(19)(26) No change.~~

~~(20)(27) Quality Control Manual – A Manual prepared by each manufacturer for its manufacturing plants which contains all aspects of quality control procedures to be utilized by an entity or individual performing a function regulated hereby outlined in Rule 9B-1.010.~~

~~(21)(28) Recertified Building – A manufactured building which has been previously approved by the Department and which has been subjected to the supplemental procedures provided in this chapter for subsequent approval modified from the originally approved plans. The portion of the building being modified must comply with the applicable codes. Each building must be used for the occupancy classification for which it was certified by the Department.~~

~~(29) Recertification Insignia—An approved device or seal issued by the Department to indicate that a manufactured building has been modified in compliance and accordance with the provisions of this chapter.~~

~~(30) Recognized Testing Organization—An organization which tests and labels equipment and materials for compliance with relevant standard or standards. Recognized organization shall comply with qualification criteria of Rule 9B-1.003(5).~~

~~(22)(31) Residential Building – Any structure in which families or households live or in which sleeping and accessory accommodations are provided which is not classified as an Institutional Occupancy as defined in the Standard Building Code, including but not limited to, dwellings, multiple-family dwellings, hotels, motels, dormitories, and lodging houses or as defined by the Standard Building Code.~~

~~(32) Site—The location on which a manufactured building is modified, manufactured, installed or is to be installed.~~

~~(33) through (34) renumbered (23) through (24) No change.~~

~~(35) System Prototype—A specific design of manufactured building designated by the manufacturer to be the standard for reproduction. A system prototype may include options that do not affect the performance function of any system.~~

~~(36) Temporary Building at Construction Site—Any building or shed which is temporary, and used for the storage of materials, equipment or other functions which are exclusively for construction purposes.~~

~~(25) Factory-built School – Any building designed or intended for use as a school building which is manufactured in whole or in part at an off site facility, including prefabricated educational facilities, factory-built educational facilities and modular built educational facilities that are designed to be portable, relocatable, demountable, or reconstructible, are used primarily as classrooms or the components of an entire school and do not fall under the provisions of ss. 320.822-320.862, F.S.~~

~~(26) Traveler – a form utilized in a manufacturing facility in conjunction with the manufacturer’s quality control program to indicate that all quality control inspections are conducted during the manufacturing process and that all inspections indicate compliance with the approved plans.~~

Specific Authority 553.37(1), 553.415 FS. Law Implemented 553.36, 553.415 FS. History—New 1-17-72, Amended 2-23-75, 12-8-75, 3-1-80, 9-29-82, Formerly 9B-1.02, Amended 1-1-87, 3-1-92, 3-1-95, _____.

(Substantial rewording of Rule 9B-1.003 follows. See Florida Administrative Code for present text.)

9B-1.003 Administration and Department Responsibilities Activities.

(1) Forms – The following forms are hereby adopted by reference for use in administering this part.

- FMBP 1-00 Manufacturer Application for State Approval – 1 page
- FMBP 2-00 Agency Application for State Approval – 1 page
- FMBP 3-00 Manufacturer’s Renewal Application – 1 page
- FMBP 4-00 Agency Renewal Application – 1 page
- FMBP 5-00 In-Plant Inspection Report – 1 page
- FMBP 6-00 Insignia Request Form – 1 page
- FMBP 7-00 Component System Insignia Request Form – 1 page
- FMBP 8-00 Insignia Acknowledgment and Inspection Information – 1 page
- FMBP 9-00 Reinsignia Request – 1 page
- FMBP 10-00 Manufacturer Performance Monitoring Checklist – 2 pages
- FMBP 11-00 Agency Performance Monitoring Checklist – 1 page
- FMBP 12-00 Manufactured Building Permit Information – 1 page

FMBP 13-00	Invoice – 1 page
FMBP PS-1-00	Application for School Boards
FMBP PS-5-00	Work Performance Report
FMBP PS-7-00	Insignia Request Form for Factory-Built Schools

(2) Certification – The Department shall certify manufacturers and third party agencies in accordance with this rule chapter. Certifications shall be for a period of three years which shall be measured on a yearly cycle running from July 1 through June 30. The expiration date of the certification shall be measured from July 1 of the year that application is made. All certifications, licenses and approvals granted by the Department pursuant to Rule Chapter 9B-1, F.A.C., are subject to revocation for failure to adhere to Rule Chapter 9B-1, F.A.C., the codes and standards adopted herein, or Chapter 553, F.S. Proceedings against certifications, insignia and approvals shall be in accordance with Chapter 120.60, F.S.

(3) Monitoring – The Department, through its employees or its designated performance auditors, shall monitor the performance of third party agencies and manufacturers. Each certified manufacturer and each certified third party agency shall be subject to a performance audit at a minimum of once every three years. Unannounced visits to offices and manufacturing facilities shall be utilized unless impractical based upon the nature of the business to be monitored. Information obtained through monitoring shall remain confidential to the extent permitted by law. Agencies and manufacturers shall provide the auditor access to records, facilities and personnel as requested by the auditor. The auditor shall collect information through interviews, examination of documents and observation of activity to determine whether the manufacturer or third party agency comply with the codes and standards adopted herein and this chapter. Any determination of nonconformance with any applicable provision shall be reported to the Department and the manufacturer or third party agency or both the third party agency and the manufacturer. The report shall identify the facts that support the finding of nonconformity and recommend corrective action. The Department shall determine the appropriate corrective action subject to the requirements of s. 120.60, F.S.

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

Specific Authority 553.37(1),(2) FS. Law Implemented 553.37(1),(2), 553.381 FS. History—New 1-17-72, Amended 2-23-75, 3-1-80, 11-1-84, Formerly 9B-1.03, Amended 1-1-87, 1-1-89, 3-1-92, 3-1-95, 9-7-00, _____.

9B-1.004 Adoption of Model Codes.

(1) Building Code – The design and fabrication of manufactured buildings and components, shall comply with the technical requirements of the Standard Building Code, referenced in Rule 9B-3.047, Florida Administrative Code, including Appendix M, except that as follows: (a) Chapters 1 and 32 shall be deleted.

(2) Life Safety Code (NFPA 101) – Buildings designed and manufactured by these rules shall conform to the requirements of the Life Safety Code, referenced in ss. Sections 633.022 and 633.025, Florida Statutes.

(3) No change.

(4) Gas Code – The design, fabrication and installation of gas piping systems and equipment in or on manufactured buildings shall comply with the requirements of the Standard Gas Code, referenced in Rule 9B-3.047, Florida Administrative Code, except as follows:

- (a) Chapter 1 shall be deleted.
- (b) See paragraph (7) below.

(5) Plumbing Code – The design, fabrication and installation of plumbing systems and equipment, in or on manufactured buildings shall comply with the requirements of the Standard Plumbing Code, referenced in Rule 9B-3.047, Florida Administrative Code, except as follows: (a) Chapter 1 shall be deleted.

(6) Mechanical Code – The design, fabrication and installation of mechanical systems and equipment, in or on manufactured buildings shall comply with the requirements of the Standard Mechanical Code, referenced in Rule 9B-3.047, Florida Administrative Code, except as follows: (a) Chapter 1 shall be deleted.

(7) Liquefied Petroleum Gas – The design, fabrication, and installation of gas piping systems and equipment for Liquefied Petroleum Gas in or on all manufactured buildings shall comply with the requirements of Chapter 527, F.S., of the Florida Statutes (NFPA 54).

(8) No change.

(9) Energy Code – The thermal performance of manufactured buildings shall comply with the Florida Energy Efficiency Code for Building Construction referenced in Rule 9B-13, Florida Administrative Code.

(10) Accessibility Standards – Manufactured buildings shall comply with Chapter 553, Part V, Florida Statutes.

(11) Glass Standard – The design and installation of glass in or on a manufactured building must comply with the Standard Building Code referenced in Rule 9B-3.047, Florida Administrative Code, and Chapter 553, Part III, Florida Statutes.

(12) Building Official – For purpose of this chapter, where reference is made in any of the above mentioned codes in Rule 9B-1.004, F.A.C., to the building official, the plumbing or mechanical inspector official, to the administrative authority or enforcement official, or to any such authoritative person, it shall mean the Manufactured Buildings Program Administrator.

(13) No change.

(14) The above shall not apply to any building exempted pursuant to ~~§~~Section 553.73, Part VII, ~~Florida Statutes~~.

(15) No change.

(16) ~~Notwithstanding the foregoing provisions of this section, factory-built schools shall be subject to the following: Relocatable buildings used in the public school system, being manufactured and/or built away from the installation site, may be inspected by an inspection/plans review agency under contract with the Department of Community Affairs. The buildings must comply with the Uniform Building Codes adopted by the Department of Education and bear the Department of Community Affairs insignia of approval.~~

(a) Existing Buildings. Factory-built schools utilized as educational facilities prior to October 4, 2000, are hereby designated as existing buildings and shall comply with the requirements of Chapter 5, State Requirements for Educational Facilities (SREF), 1999 edition, adopted herein by reference. A copy of SREF can be obtained from Department of Education, Division of Educational Facilities, 325 West Gaines Street, Room 1054, Tallahassee, Florida 32399-0400.

(b) New Construction. Factory-built schools other than existing buildings shall be manufactured and installed as required by Chapter 7, State Requirements for Educational Facilities (SREF), 1999 edition, adopted herein by reference. A copy of SREF can be obtained from Department of Education, Division of Educational Facilities, 325 West Gaines Street, Room 1054, Tallahassee, Florida 32399-0400.

(17) Manufactured buildings, including factory-built schools, shall be subject to fire safety criteria and enforcement thereof as provided in Chapter 633, F.S., and rules adopted pursuant thereto.

Specific Authority 320.01(2)(a), 553.37(1), 553.38(1), 553.415, 553.73(2) FS. Law Implemented 553.37(8), 553.38(1), 553.415 FS. History–New 1-17-72, Amended 6-19-74, 2-23-75, 12-21-76, 3-20-79, 3-1-80, 6-24-80, 9-29-82, 1-29-84, 11-1-84, Formerly 9B-1.04, Amended 1-1-87, 1-1-89, 1-1-90, 3-1-92, 3-1-95, _____.

9B-1.0055 Enforcement Authority.

The Enforcement Agency is authorized to enforce all limitations on the plan approval as indicated on the data plate.

Specific Authority 320.01(2)(a), 553.37(1), 553.38(1), 553.73(2) FS. Law Implemented 553.37(8), 553.38(1) FS. History–New _____.

(Substantial rewording of Rule 9B-1.006 follows. See Florida Administrative Code for present text.)

9B-1.006 Certification of Third Party Agencies Delegation of Inspection Authority: Qualifications, Acceptance.

(1) Individuals or entities who desire to perform plan review, inspection, or both plan review and inspection of manufactured buildings shall be certified by the department. Those inspectors and plans reviewers employed by entities to perform the delegated functions do not require individual certification as an agency to the extent that the delegated functions are performed within the scope of the individuals regular course of employment. Individuals or entities performing delegated functions as an independent contractor for a third-party agency shall be individually certified.

(2) Application – The applicant shall submit a completed application (Form FMBP 2-00) with application fee amount stated in the Schedule of Fees. The application shall contain the following information.

(a) Name, address, and phone number of the applicant. If the applicant is a corporation, the application shall identify the officers and directors of the corporation, as well as the identity of any shareholders that hold controlling ownership interest in the corporation. If the applicant is a partnership, the application shall identify each partner.

(b) Names and professional license types and numbers of all employees or contractors employed or otherwise utilized for inspections or plans review or both inspections and plans review within the State of Florida.

(c) A statement of independence which shall be signed by the individual, each of the partners of a partnership, or the chief operating officer of a corporation to be certified. The statement shall be notarized and dated within the twelve months immediately preceding its submission. The statement shall affirm that the agency, any independent contractors utilized by the agency and its employees have no financial interest in any manufacturer other than providing professional plans review and inspection services and that the third party agency is not owned, operated, or controlled by any manufacturer or dealer.

(d) An affirmation that the agency shall comply with the Florida Manufactured Buildings Act and the Rule Chapter 9B-1, F.A.C.

(e) Proof of general liability insurance with minimum coverage limits of \$1,000,000.

(3) Agency’s Quality Assurance Program Manual – The applicant shall submit a quality assurance manual to the department with the application which shall at a minimum contain the following sections.

(a) An introduction to the agency – A brief history, types of services provided.

(b) Outline of internal quality control plan and person in charge of quality control. How the agency plans to meet duties and responsibilities stated in subsection (4) below.

(c) An organizational chart showing relationship between administration, operation, and quality control responsibilities including plan reviewers and inspectors by name and title. Identify if they are employees or under contract.

(d) Personnel resumes shall be included for architects, engineers, plan reviewers, inspectors, and their supervisors. Applicable education, experience, and license number shall be indicated in the resume.

(e) Training program – Programs for required continuing education, seminars, discussions on code compliance, plan reviews, inspections, department requirements, etc.

(f) Inspection procedures – including inspection checklists for code compliance, inspection records, correction notice, reinspection, inspection visits and scope of inspections.

(g) Procedure for control of insignia;

(h) Procedure for maintenance of records.

(4) Duties and Responsibilities – Upon certification, the agency shall be entitled to conduct such plans review and inspection services for which it is qualified pursuant to these rules and shall comply with the following general duties and responsibilities.

(a) The agency shall act faithfully on behalf of the Department implementing the laws and rules of the manufactured buildings program.

(b) The primary duty and responsibility of the agency is to assure that the buildings and components manufactured are compliant with the applicable codes.

(c) Upon agency's approval of plans, satisfactory inspection of a building, or both approval of plans and a building constructed in accordance with those plans, electronic copies in a readable format on a standard compact disk of the plans as approved, the inspection report, or the plans and inspection report shall be forwarded to the Department.

(d) The agency shall biennially evaluate manufacturer's quality assurance program.

(5) The agency shall maintain its independence as certified until the expiration or resignation of its certification. An agency shall not perform plans review or inspect buildings that are designed by the agency, its employees or its contractors.

(6) Renewal – The third party agency shall renew its certification once every three years and update the information provided in its initial application using Form FMBP 4-00. Renewal must be requested no fewer that 60 days and no more than 90 days prior to the expiration date of the third party agency's certification. If application is made for renewal fewer than 60 days prior to the expiration date, but not after the

expiration date, a late fee of \$25.00 shall be charged. The Agency must meet the qualifications in effect upon the date of renewal to have its certification renewed.

Specific Authority 553.37(1), 553.38(1) FS. Law Implemented 553.37(8) FS. History–New 1-17-72, Amended 2-23-75, 12-8-75, 11-14-76, 3-23-77, 3-1-80, 9-29-82, 4-21-83, 11-1-84, Formerly 9B-1.06, Amended 1-1-87, 3-1-92, 3-1-95,_____.

(Substantial rewording of Rule 9B-1.007 follows. See Florida Administrative Code for present text.)

9B-1.007 Manufacturer Certification Requirements.

(1) All individuals or entities manufacturing buildings or components for installation in Florida must be certified by the department. In the event that a manufacturer has more than one facility producing manufactured buildings, the manufacturer shall obtain certification for each such facility individually.

(2) Initial Certification Requirements – A manufacturer must submit to the department the following for certification:

(a) Application Package – a completed application; application fee; certificate of product liability insurance with coverage not less than \$1,000,000; and a copy of the contract with a certified third-party agency for plan review and inspection services.

(b) Identification of principals which shall at a minimum include the names of partners if the manufacturer is a partnership or its officers, directors, controlling owners and registered agent if the manufacturer is a corporation.

(c) Description of manufacturing facility including at a minimum the size of shed(s) for weather protection of building materials and buildings under construction or repair, the size of yard at the facility for storing buildings and a site plan of the facility.

(d) A Quality Assurance Program Manual which also may be called Quality Control Manual (QC Manual) in triplicate.

(3) The manufacturer shall submit a separate application for each of its plant locations. The Quality Assurance Program Manual shall be kept at each location.

(4) Renewal – The manufacturer shall renew its certification once every three years and update the information provided in its initial application using Form FMBP 3-00. Renewal must be requested no fewer than 60 days and no more than 90 days prior to the expiration date of the third party agency's certification. If application is made for renewal fewer than 60 days prior to the expiration date, but not after the expiration date, a late fee of \$25.00 shall be charged. The manufacturer must meet the qualifications in effect upon the date of renewal to have its certification renewed.

Specific Authority 553.37(1), 553.38(1), 553.381 FS. Law Implemented 553.37, 553.37(8), 553.38(1) FS. History–New 1-17-72, Amended 2-23-75, 11-14-76, 3-1-80, 11-4-84, Formerly 9B-1.07, Amended 1-1-87, 1-1-89, 3-1-95, 9-7-00,_____.

9B-1.0085 Inspections.

(1) Inspections shall be conducted at the manufacturing facility by an appropriately licensed representative of the Third Party Agency selected by the manufacturer. The inspections shall be to ensure that the buildings are being manufactured in compliance with the applicable codes and the approved plans. Once a Third Party Agency has inspected a manufactured building, the manufacturer shall not seek to have the building inspected by another agency, nor shall any agency inspect a building that has already been inspected by another unless the subsequent inspection is at the direction of the Department or unless the building or modification thereto is being inspected for recertification by the Department.

(2) At a minimum, a certified Third Party Agency shall:

(a) With regard to manufactured buildings, observe the manufacture of the first building built subsequent to the plan approval or the selection of the agency, whichever occurs last, from start to finish, inspecting all subsystems thereof. Continual observation and inspection shall continue until the third party agency determines that the implementation of the manufacturer's quality control program in conjunction with application of the approved plans and specifications and the manufacturer's capabilities result in a building that meets or exceeds the standards adopted herein. Thereafter, the agency shall inspect each module produced during that production run during at least one point during the manufacturing process and shall inspect the entire production line during each plant inspection, so that a minimum of seventy-five percent (75%) of the modules inspected will have a minimum of one of the subsystems (electrical, plumbing, structural, mechanical or thermal) exposed for inspection.

(b) With regard to components, observe the manufacture of the first unit assembled subsequent to the plan approval or the selection of the agency, whichever occurs last, from start to finish, inspecting all subsystems thereof. Continual observation and inspection shall continue until the third party agency determines that the implementation of the manufacturer's quality control program in conjunction with application of the approved plans and specifications and the manufacturer's capabilities result in a component that meets or exceeds the codes and standards adopted herein. Thereafter, the Third Party Agency shall inspect not less than fifty percent (50%) of the components in that production run.

(c) During each inspection, the agency shall verify that the manufacturer's in-plant quality-control program is working as set forth in the approved quality-control manual.

(d) Should work stop on a particular module or component for a period of two months, reinspection shall be required.

(3) When a Third Party Agency discovers a deviation from the Code or the approved plans which creates or threatens an imminent life safety hazard, all buildings or components which have progressed through that stage of production since the agencies previous inspection shall be inspected to ensure the

absence of that deviation, and the agency shall immediately notify the manufacturer and the Department in writing. Any building or component exhibiting the deviation shall be brought into conformance with the applicable code or the approved plans by the manufacturer within thirty days of notification of the deviation by the third party agency. The corrective action must be left available for reinspection by the Third Party Agency.

(4) The Third Party Agency shall note all inspections, deviations and corrective actions in a written inspection report and shall complete the Inspection Report portion of the Building Code Information System available via the Internet.

(5) The agency shall give a copy of the inspection report(s) to the manufacturer for record and shall retain another copy. The agency or the manufacturer shall provide a copy of an inspection report to the department when requested.

Specific Authority 553.38 FS. Law Implemented 553.38 FS. History--New

9B-1.009 Design Plan and Systems Approval.

(1) General. A final design plan approval shall be contingent upon compliance with these rules and the building codes specified in Rule 9B-1.004, F.A.C. All submittals to the Third Party Agency ~~Department~~ shall be in triplicate and shall be made through the manufacturer's approved inspection agency. The Third Party Agency reviewing the plans shall notify a manufacturer of any apparent errors or omissions and request any additional information necessary to evaluate the plans submitted within thirty days of receipt of the plans. The Department shall have the authority to seek revocation of a plan ~~final~~ approval by a Third Party Agency if, through monitoring activities, the Department discovers that the plans fail to comply with the standards adopted herein ~~of all plans and systems~~.

(2) Design Plan Approval Application. Initial application to the ~~Agency Department~~ for design plan approval shall include:

(a) Completed application forms, ~~attached hereto and incorporated by reference in 9B-1.003(6), effective January 1, 1987.~~

(b) Three completed sets of design plans and specifications, prepared by an architect or engineer licensed to practice in the State of Florida, except as exempted by Florida law ~~Section 481.229, F.S., or Section 471.003, F.S.~~; legible quality control manuals, supporting calculations and any required test results for each system and prototype to be approved. Based on compliance with the codes in Rule 9B-1.004, F.A.C., the Third Party Agency's plans examiner licensed under Chapter 468, F.S., ~~approved inspection agency's certified plans examiner~~ shall approve or disapprove the manufacturer's submittal. If the submittal is approved, the individual shall affix a stamp authorized by the Department, on each ~~sheet print~~, the cover of the quality control manual and

supporting data in manual form. Plans drawn to a scale less than 1/8" to the foot are not acceptable. ~~For microfiche purposes, P~~plans shall be legible for reproduction purposes.

(c) If the plans are for a residential manufactured building, certification from the design professional responsible for the plans that the structure has been designed only for erection or installation on a site-built permanent foundation and is not designed to be moved once so erected or installed. If the residential manufactured building is transportable in one or more sections and is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, the manufacturer shall certify that the manufactured building has been excluded from regulation by the United States Department of Housing and Urban Development. Design plan filing fees as required by the fee schedule in Rule 9B-1.020.

(3) System Approval. The manufacturer may submit through the inspection agency for Department approval a system of construction which may include any or all elements of building systems such as structural, mechanical, plumbing, and electrical elements or components. Such submission shall include all documents and data providing complete information necessary for evaluation of the system's performance and capabilities for its intended use. ~~The local government is responsible for inspecting the assembly of the components to assure compliance with the locally adopted code.~~

(4) Calculations and Test Procedures.

(a) Where it is necessary to substantiate any structural design or method of construction, calculations and supporting data, signed by a Florida Licensed Architect or Professional Engineer, where required by law or the department shall be submitted to the Third Party Agency department.

(b) ~~The load-bearing capacity of elements or assemblies shall be; determined in accordance with the applicable code; either by calculations in accordance with generally established principles of engineering design, or by physical tests allowed by the code. When the composition or configuration of elements, assemblies, or details of structural members are such that calculations of their safe load-carrying capacity, basic structural integrity or fire resistance cannot be accurately determined in accordance with generally established principles of engineering design, such structural properties or fire resistance of such members of assemblies must comply with the Standard Building Code referenced in 9B-1.004. Tests shall be performed by a recognized testing organization that can demonstrate compliance with Rule 9B-1.003(4)(5), F.A.C. Tests shall be directed, witnessed and evaluated by a licensed architect or professional engineer. Test procedures and results shall be reviewed and evaluated by the Third Party Agency Department.~~

(5) A licensed modular plan reviewer shall review each set of documents so submitted, including without limitation the plans, specifications and design calculations, for compliance with the appropriate code and this part and shall utilize a checklist. The plans review and the checklist utilized therewith shall at a minimum contain the following elements: Manufacturers Plan Approval Revoked.

(a) ~~For commercial buildings: The manufacturer's plan approval shall terminate within ninety (90) days if he fails to update his submittal to the latest editions of the State adopted codes. Revocation of plans approval may also occur if the manufacturer is without inspection agency services, or upon the failure of the manufacturer to comply with any of the provisions of this chapter.~~

1. Building including determination of occupancy group and special occupancy requirements, and determination of minimum type of construction;

2. Fire resistant construction requirements including fire resistant separations, fire resistant protection for type of construction, protection of openings and penetrations of rated walls, fire blocking and draftstopping and calculated fire resistance;

3. Fire suppression systems including early warning, smoke evacuation systems schematic, fire sprinklers, standpipes, pre-engineered systems, and riser diagram;

4. Life Safety systems including occupant load and egress capacities, early warning systems, smoke control, stair pressurization, and systems schematic;

5. Occupancy Load/Egress Requirements including gross and net occupancy load, means of egress including exit access, exit and exit discharge, stairs construction/geometry and protection, doors, emergency lighting and exit signs, specific occupancy requirements, construction requirements, and horizontal exits/exit passageways;

6. Structural requirements including termite protection, design loads, wind requirements, building envelope, structural calculations (if required), wall systems, floor systems, roof systems, threshold inspection plan, and stair systems;

7. Materials including wood, steel, aluminum, concrete, plastic, glass, masonry, gypsum board and plaster, insulating (mechanical), roofing and insulation;

8. Accessibility requirements including accessible route, vertical accessibility, toilet and bathing facilities, drinking fountains, equipment, special occupancy requirements and fair housing requirements;

9. Interior requirements including interior finishes (flame spread/smoke develop), light and ventilation and sanitation;

10. Special systems including elevators, escalators and lifts;

11. Electrical including wiring including services, feeders and branch circuits, overcurrent protection, grounding, wiring methods and materials, and GFCI's, equipment, special occupancies, emergency systems, communication systems, low-voltage, and load calculations;

12. Plumbing including minimum plumbing facilities, fixture requirements, water supply piping, sanitary drainage, water heaters, vents, roof drainage, back flow prevention, irrigation, location water supply line, grease traps, environmental requirements and plumbing riser;

13. Mechanical including energy calculations, exhaust systems including clothes dryer exhaust, kitchen equipment exhaust and specialty exhaust systems, equipment, equipment location, make-up air, roof mounted equipment, duct systems, ventilation, combustion air, chimneys, fireplaces and vents, appliances, boilers, refrigeration, bathroom ventilation and laboratory;

14. Gas including gas piping, venting, combustion air, chimneys and vents, appliances, type of gas, fire places, LP tank location and riser diagram/shut-offs.

(b) For residential one and two family buildings: Upon revocation of plan approval, assigned insignias not used prior to the date of a manufacturer's revocation are void and shall be returned to the Department. The Department shall reimburse the amount paid for the insignias to the manufacturer.

1. Building including fire resistant construction if required, fire including smoke detector locations, egress including egress window size and location and stairs construction requirements, structural requirements including complete wall section from lowest element of the building through roof including assembly and materials, connector tables, wind requirements and structural calculations (if required), and accessibility requirements including show/identify accessible bath;

2. Electrical including service location, panel location and load calculations;

3. Plumbing including minimum plumbing facilities and fixture location based on floor plan;

4. Mechanical including energy calculations, equipment and duct layout and chimney and fireplaces if required;

5. Gas including location of gas appliances and indicate combustion air locations.

(c) The manufacturer's state certification shall terminate when the manufacturer filed a petition for a declaration of bankruptcy.

(6) Plan Approval Expiration – Upon revision of the building codes adopted herein, plan approvals shall expire upon the latter of the effective date of that revision or ninety (90) days from adoption of that revision by the Florida Building Commission unless the manufacturer files with the department a sworn statement by a Third Party Agency that the plans have been reviewed and that they are in compliance with the revisions to the adopted codes. ~~Non-conforming~~

~~Application. Should the application or subsequent plans submittal not conform to the requirements of these rules, the applicant shall be notified in writing. If corrections have not been received by the Department within 60 days of such notice, the application will be deemed abandoned and all fees submitted shall apply towards departmental cost incurred with any excess returned. Subsequent resubmission shall be the same as for a new application.~~

(7) Evidence of Third Party Agency department approval. Approved plans and specifications shall be evidenced by a letter certificate from the Agency department. Approved copies of the design plans and specifications shall be returned to the manufacturer with an agency a state approval letter indicating the limitations, if any, of such approval. An approved copy of the plans shall be available for inspection use at each place of manufacture which shall be made available for inspection and monitoring. Upon approval of the plans, the Third Party Agency shall submit a copy of the plans bearing the approval stamp to the Department together with a list of any limitations of that plan approval and a separate copy of the plans and limitations on compact disk in a readable format. The Third Party Agency shall also remit the plan filing fees established in Rule 9B-1.020, F.A.C.

(8) Manufacturer's Component Data Plate. Each component or package of like components shall contain a manufacturer's data plate which indicates the limiting characteristics and design criteria of such components for determining how they are to be installed and utilized within their capabilities. Such data plate information shall be approved by the agency and the department.

(9) Manufacturer's Modular Data Plate. The manufacturer shall install on all industrialized buildings and components prior to leaving the manufacturing plant a data plate which shall be permanently mounted on or about the electrical panel and which shall contain, but not be limited to, the following design information when applicable.

- (a) ~~Manufacturer number of modules;~~
- (b) ~~Manufacturer Certification Number plan number;~~
- (c) ~~Date of Manufacture serial number;~~
- (d) ~~Date of Alteration insignia number;~~
- (e) ~~Number of Modules occupancy classification;~~
- (f) ~~Construction Type fire rating of exterior walls;~~
- (g) ~~Occupancy Use Classification construction classification;~~
- (h) ~~Florida Insignia Number maximum floor live load;~~
- (i) ~~Serial Number maximum snow load (roof live load);~~
- (j) ~~Agency Plan Number maximum wind load (velocity);~~
- (k) ~~Standard Plan Approval Number seismic zone (0, 1, 2, 3);~~
- (l) ~~Maximum Floor Load (pounds per square foot), Live Load and Dead Load thermal transmittance value (Uo) of: walls, roof/ceiling and floors;~~

(m) Roof Load; Live Load and Dead Load ~~date the building was constructed;~~

(n) Wind Velocity Rating;

(o) “U” rating of Floor, Wall, and Roof;

(p) Approved for Flood Zone Usage; and

(q) Limitations of the plan approval by the Third Party Agency.

(10) ~~A professional engineer or architect registered by the State is authorized to prepare modifications to a manufacturer’s typical, model which has received prior approval by the department. Any modifications shall bear the appropriate seal required by Section 481.221, F.S., or 471, F.S., as appropriate. Such modifications shall be approved by the inspection agency prior to submission to the department. The manufacturer has the option of beginning construction of the building after receiving the inspection agency approval at his own risk or delaying construction until the department has approved the modification. If the department determines that the designer has erred or made modifications which do not conform to the codes adopted herein, no insignias will be released until the deficiencies have been corrected.~~

(11) ~~All material submitted by the manufacturer to the department in the form of design plans, engineering data, test results, quality control manual and other design information relating to their application will be considered as confidential information of the applicant until such time as approval has been issued by the department.~~

Specific Authority 553.37(1) FS. Law Implemented 553.38(1) FS. History–New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, 1-29-84, 11-1-84, Formerly 9B-1.09, Amended 1-1-87, 3-1-92, 3-1-95,_____.

9B-1.0095 Component System.

(1) A manufacturer may prefabricate building components such as wall, floor, or roof panels in standardized sections that are assembled in building construction. These components may be certified under the Florida Manufactured Buildings Program.

(2) The applicable enforcement agency is responsible for inspecting installation of components.

(3) The manufacturer shall submit documents and data providing complete information necessary for evaluation of the component’s performance and capabilities for its intended use. Method of construction, calculations and test procedures shall be certified by a Florida registered architect or engineer and shall be as follows:

(a) Method of construction and detail drawings shall be submitted;

(b) Structural calculations in accordance with established principles of engineering design;

(c) When the component is such that calculations of their safe structural integrity or fire resistance cannot be accurately determined, tests shall be performed by a recognized testing organization. Test procedures and results shall be submitted;

(d) All components shall comply with the applicable building codes;

Specific Authority 553.37, 553.38 FS. Law Implemented 553.37, 553.38 FS. History–New _____.

(Substantial rewording of Rule 9B-1.010 follows. See Florida Administrative Code for present text.)

9B-1.010 Manufacturer’s Quality Assurance Manual Control Procedures.

The manufacturer’s Quality Control Manual shall at a minimum contain the following information.

(1) Organizational Element:

(a) Introduction of the manufacturer – a brief history which shall, at a minimum include the length of time that the manufacturer has been in the manufactured buildings industry, where it is incorporated, whether it is a division of any parent organization, the identity of products it manufactures, and the location of the facility.

(b) An organizational chart showing responsible management and supervisory positions by title and name. A job description for each of the positions shall be provided.

(c) Brief resume of all personnel in management and supervisory positions including the Quality Control Manager showing education and experience.

(d) Administrative procedure for revision of quality control procedure and Q. C. Manual.

(e) Procedure for retaining permanent records of plans, travelers, inspection reports, serial numbers of buildings, insignias used, first destination of labeled buildings or components.

(f) Method and frequency for training of quality control and production personnel.

(2) Design and Specification Control:

(a) Procedures for revisions to plans.

(b) Recording system of drawings and specifications.

(3) Material Control:

(a) Inspection procedure of materials, equipment and supplies when received.

(b) Method of storing and protection of building materials and equipment against damage.

(c) Provision for disposal of rejected materials, equipment and supplies.

(d) Forms used.

(4) Production Control:

(a) A description of manufacturing process – method and sequence of construction.

(b) Check lists of material specifications and workmanship inspections performed at each stage of production by supervisors, corrective actions taken, use of traveler.

(c) Frequency of quality control inspections.

(d) List of tests to be performed, testing equipments, results and technical data acceptable.

(e) Procedures for timely preventive and remedial measures.

(f) Assignment of authority to accept or reject work.

(g) Provision for disposition of rejected items.

(h) Forms used.

(5) Finished Product Control and Identification of Products:

(a) Procedure for handling and storage of finished buildings/modules and components.

(b) Preparation for shipping, transportation, and delivery.

(c) Serial numbering system of buildings or components and location of the serial number not readily removable.

(d) Location of manufacturer's data plate. Information to contain in the data plate.

(e) Location of Florida State insignia.

(f) Forms used.

Specific Authority 553.37(1) FS. Law Implemented 553.37(1),(8) FS. History—New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, Formerly 9B-1.10, Amended 1-1-89, 3-1-92, 3-1-95, 9-7-00,_____.

9B-1.011 ~~Change in Status, Alterations.~~

~~(1) Changes to Approved Plans and/or QCM. Where the manufacturer proposes changes to the plans, quality control manual or procedures, three copies of such changes shall be submitted to the Department through the inspection agency for approval.~~

~~(2) Change of Ownership. Where there is a change of ownership of a manufacturing business having the Department's approval, the new owner shall forward to the Department a new agency contract, organizational chart, exclusive rights to states' certified plans and notify the Department of such change within ten (10) days. If the new owner submits a statement that he will continue to manufacture in accordance with previously approved plans, new application and plan filing fees pursuant to the fee schedule in these rules and regulations shall not be required.~~

~~(3) Change of Name or Address. In the event of a change in the name or address of any manufacturer or inspection agency, the Department shall be notified in writing within ten (10) days.~~

~~(4) Discontinuance of Manufacture. When a manufacturer discontinues production of a model carrying the Department's plan approval, the manufacturer shall, within ten (10) days, advise the Department of the date of such discontinuance.~~

~~(1)(5) Alteration or Conversion. Any unauthorized modification, alteration or conversion made to an approved manufactured building prior to installation shall void the insignia of approval. The insignia affixed to the building shall be confiscated by the inspection agency or the local building official as authorized by the Department and returned to the Department.~~

~~(2)(6) No change.~~

(a) In order to recertify a used manufactured building the owner must provide the approved inspection agency with a set of the original or as-built plans of the building reflecting the proposed modifications. When the agency approves the plans to modify the building, the manufacturer is authorized to begin work on it. The agency shall forward copies ~~a copy~~ of the approved plans to the Department as provided in Rule 9B-1.009(7), F.A.C., for its ~~review~~ and records. Once the agency has tested and/or evaluated each system in the building and certifies to the Department that the building is in compliance with the applicable codes, the Department will issue a recertification insignia to be affixed to the building.

(b) through (d) No change.

~~(3)(7) On-site Modifications. On-site modification to manufactured buildings must be inspected by either an agency approved by the Department or by the local building official and must comply with the applicable codes. The manufactured building is not subject to locally adopted codes until it is taken out of compliance with the applicable state approved plans by modifications, or the occupancy classification has changed. The local jurisdiction has superseding authority over any on-site modifications to a manufactured building or may delegate this authority to the Department in writing on a case-by-case basis. Upon issuance of a certificate of occupancy for the modified manufactured building, the old insignia shall be removed and returned to the Department.~~

Specific Authority 553.37(1) FS. Law Implemented 553.37(1), (4) FS. History—New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, 11-1-84, Formerly 9B-1.11, Amended 1-1-87, 3-1-92, 3-1-95,_____.

9B-1.014 Reciprocity.

Specific Authority 553.37(1) FS. Law Implemented 553.37(1), (6), 553.38(1) FS. History—New 1-17-72, Amended 2-23-75, 3-20-79, 3-1-80, 9-29-82, 11-1-84, Formerly 9B-1.14, Amended 1-1-87, 1-1-89, 3-1-92, 3-1-95, Repealed_____.

9B-1.016 Department Insignia and Insignia Control Form.

(1) Each manufactured building, re-certified building, and components approved by the Third Party Agency shall be affixed with or component containing any portion of a closed system manufactured or modified by a manufacturer for sale or installation in Florida shall bear the appropriate insignia prior to leaving the manufacturing plant except factory-built school buildings.

~~(2) Each Insignia fees shall be charged as provided in the Schedule of Fees affixed to the unit in a visible location as approved by the department and whenever possible on the electrical distribution panel cover.~~

~~(3) Assigned insignias are not transferable from one building to another, or from one manufacturer to another manufacturer transferable and are void when not affixed as assigned. All such voided insignias shall be returned to, or may be confiscated by, the department.~~

(4) The control of the insignia shall remain with the Department and will be revoked by the Department in the event of violation of the conditions of approval. All such voided insignias shall be returned to the Department.

(5) Insignias shall be ordered from the Department utilizing insignia request Form FMBP 6-00, FMBP 7-00 or FMBP-PS-7-00. Fees for insignia as provided in Rule 9B-1.020, F.A.C., shall be submitted at the time of the request for insignia. One insignia shall be required for each building. An insignia control form shall be attached to the approved plans, and the identification numbers on the insignia control form shall match the serial number and insignia number affixed to the building.

(6) The Department shall issue insignias for those buildings and components built from previously approved plans. No insignia shall be issued until the plans for that building have been approved. Transporting or installing buildings or components which contain code deficiencies or which do not bear insignias shall be grounds for decertification of the manufacturer or agency or both.

(7) Insignias shall be mailed to the manufacturer's inspection agency. The Department shall reissue insignias if it is notified by the Third Party Agency that the insignias have not been received within fifteen days from the date of mailing. If a building and/or component is shipped to the installation site without bearing the state insignia, the Department shall supervise the affixing of the insignia on the building and/or component in the field and the manufacturer shall be required to incur the cost.

(8) The agency shall affix insignias to buildings only after inspection and determination that the building or component is in compliance with the building codes.

(9) After insignia is affixed, no alteration shall be made before installation.

(10) Insignias shall be denied to buildings and components not conforming with approved plans or system design.

(11) Affixing insignia to a building or components which has code deficiencies or do not conform to the approved plan, shall be grounds for decertification of the manufacturer or agency or both. In such case insignia shall be removed by the agency or the Department.

Specific Authority 553.37(1) FS. Law Implemented 553.37(1)-(5), 553.38 FS. History—New 1-17-72, Amended 9-17-73, 2-23-75, 3-1-80, 6-24-80, 9-29-82, 11-1-84, Formerly 9B-1.16, Amended 1-1-87, 3-1-92, 3-1-95, _____.

(Substantial rewording of 9B-1.020 follows. See Florida Administrative Code for present text.)

9B-1.020 Schedule of Fees.

The Department shall charge the following fees for the indicated items:

(1) Manufacturer's certification application fee is \$300. Once a manufacturer has had at least one manufacturing facility certified, the manufacturer shall pay an application fee of \$100 for each additional manufacturing facility to be certified.

(2) Third Party Agency certification application fee is \$600.

(3) Manufacturers will be assessed a \$300.00 fee for certification and upon renewal for the initial manufacturing facility and a \$150.00 for certification and renewal each manufacturing facility thereafter.

(4) Inspections/Plans Review Agency will be assessed a \$900 fee for certification and upon renewal.

(5) Field technical service \$40.00 per man hour, plus expenses payable when service is rendered.

(6) Insignia Fees:

(a) Factory-built school used in the public school system insignia fee is \$30.00 for each building.

(b) Panelized Construction for Modular Residential or Commercial Buildings erected at installation site. The insignia fee shall be determined in the following manner:

Three dollars (\$3.00) per 100 square feet of floor area or major fraction thereof, based upon the plan with the largest floor area for each of the following sub-systems:

1. Foundation;

2. Floor;

3. Interior Walls;

4. Exterior Walls;

5. Ceiling and/or Roof;

The insignia shall be affixed to each panel prior to the panel leaving the manufacturing facility.

(c) Manufactured buildings that are less than 720 square feet in area as installed, and are not approved for use for human habitation such as storage sheds and lawn storage buildings: \$10.00 per building.

(d) Manufactured buildings and components not otherwise provided above: \$60.00 per module.

(7) All fees are non-refundable.

Specific Authority 553.37(1) FS. Law Implemented 553.37(7) FS. History—New 1-17-72, Amended 2-1-72, 2-23-75, 12-8-75, 3-20-79, 3-1-80, 9-29-82, 11-1-84, Formerly 9B-1.20, Amended 1-1-87, 1-1-89, 1-1-90, 3-1-92, 3-1-95, _____.

9B-1.021 Change of Manufacturer's Status.

(1) Change of Ownership – When the ownership of a manufacturer changes, the new owner shall take the following steps.

(a) Inform the department in writing within 10 days of such change and give effective date of change.

(b) The new owner shall submit a completed manufacturer's application to the department.

(c) Submit an organizational chart of the management identified by title and name of officers.

(d) Send resume of officers in the management to the department.

(e) Send a certificate of product liability insurance to the department.

(f) A service contract with the plan review/inspection agency.

(g) If the new owner received exclusive rights to use state approved plans and the quality control manual of the previous owner, it shall be informed to the department.

(h) Certification of Quality Control Manual by agency. Make name changes and other changes in the Quality Control Manual where applicable. The department shall assign a new manufacturer's identification number.

(2) Change of Name and Address – In the event of a change in the name or address of any manufacturer or plan review/inspection agency, the department shall be notified within ten days.

(3) Change of agency – The following procedure shall be followed when a manufacturer changes plan review/inspection agency.

(a) The manufacturer shall inform the department of its change of agency reflecting effective date. The manufacturer shall not be without an agency.

(b) The manufacturer shall submit to the department a copy of the service agreement with the new agency reflecting an effective date.

(c) The new agency shall review and approve the existing or an updated Quality Control Manual of the manufacturer and submit to the department.

(4) Termination of state certificate – When a manufacturer or an agency decides to discontinue doing business, the department shall be informed in writing at least thirty (30) days in advance and such discontinuance shall act as a resignation of the certification.

Specific Authority 553.37(1) FS. Law Implemented 553.37(1),(4) FS. History–New _____.

9B-1.022 Manufacturer Obligations Upon Sale of Building.

The manufacturer shall provide a TRANSPORTATION AND INSTALLATION BOOKLET with each building and component package. It shall include:

(1) Precautions and instructions for transportation of modules; and

(2) Installation instructions.

Specific Authority 553.38 FS. Law Implemented 553.38 FS. History–New _____.

9B-1.023 Oversight, Complaint.

(1) Any person, firm or corporation, with a substantial interest in any action or any failure to act in conformity with these rules, including without limitation the technical standards and administrative provisions adopted hereby, may file a

complaint to the department. Such complaints may be with regard to the conduct of the department, the agency, the manufacturer or any of their employee(s).

(2) It is the responsibility of the manufacturer to correct code violations. The agency that approved the plans for the subject building or inspected the building shall investigate complaints and make a recommendation to the department regarding the existence of a code violation and disposition thereof. This activity shall be subject to monitoring, and the Department shall make an independent determination about the existence of a violation.

(3) Any complaint should contain sufficient information including the following:

(a) Parties involved;

(b) Description of grievance;

(c) Important dates and transactions;

(d) What is being affected; and

(e) Relief sought by the applicant.

Specific Authority 553.38(2), 553.39 FS. Law Implemented 553.38(2), 553.39 FS. History–New _____.

9B-1.026 Factory-Built Schools, Certifications.

(1) Manufacturers. Prior to manufacturing factory-built schools for utilization in the State of Florida, a manufacturer shall be certified by the Department as provided in Rule 9B-1.007, F.A.C., and shall be subject to the continuing requirements thereof to maintain certification. Fees for certification of manufacturers shall be as provided in Rule 9B-1.020, F.A.C.

(2) Third Party Plan Review. The Department shall contract with an individual or entity to perform plan review pertaining to factory-built schools. Such individual or entity shall be subject to certification as a Third Party Agency as provided in Rule 9B-1.007, F.A.C. Maximum fees that the third party entity may charge those seeking plan approval shall be established by contract between the Department and the Plan Review entity.

(3) Inspectors and Third Party Inspection Entities. All entities that perform inspections of factory-built schools shall be certified by the Department as provided in Rule 9B-1.006, F.A.C., shall be certified as Uniform Building Code Inspectors and shall be subject to the continuing requirements thereof to maintain certification. Inspectors permanently employed by local school boards and community colleges shall be granted an exemption from certification by the Department pursuant to Rule 9B-1.006, F.A.C., upon written request of the Local School Board or Community College. All entities that perform inspections, whether exempt from certification or not, shall submit a quality assurance manual to the Department with the application, which shall at a minimum contain the following sections:

(a) Introduction to the agency, including a brief history and types of services provided;

(b) Outline of the agency's internal quality control plan, including the name and title of the person in charge of quality control and how the agency plans to meet the duties and responsibilities imposed by this chapter;

(c) Organizational chart showing the relationship between administration, operation, and quality control responsibilities, including a list of inspectors by name and title, identifying each as an employee or under contract;

(d) Personnel resumes;

(e) Training program, including programs for required continuing education, seminars, discussions on code compliance, inspections and department requirements;

(f) Inspection procedures, including inspection checklists for code compliance, inspection records, correction notice, reinspection, inspection visits and scope of inspections;

(g) Test procedures and methods pertaining to tests required by the applicable building codes;

(h) Procedure for control of insignia; and

(j) Procedure for maintenance of records.

Specific Authority 553.415 FS. Law Implemented 553.415 FS. History—New

9B-1.027 Factory-Built Schools, Plan Review.

Plan review of plans for factory-built schools shall be performed by the Third Party Agency selected by the Department. An applicant for plan approval shall submit complete plans to an agency in the manner and format agreed to by the agency and the applicant. Plan submittals shall include a schedule of inspections which shall be performed periodically as necessary to assure that the building complies with applicable standards. Upon determination by the agency that the plans submitted comply with all applicable standards, the agency shall certify such determination by affixing an approval stamp on each page of the plans, and shall return one copy to the applicant, maintain an original set, and submit one copy electronically to the Department. The agency shall be compensated for the actual cost of the plan review by the applicant. No manufacturing activity shall commence until plan approval has been obtained from the Third Party Agency. Plan review at a minimum shall include those items identified in Rule 9B-1.009(5)(a), F.A.C.

Specific Authority 553.415 FS. Law Implemented 553.415 FS. History—New

9B-1.028 Factory-Built Schools, Inspections and Work Progress Reports.

(1) Inspectors. The school board or community college (educational entity) which is to utilize the factory-built school shall be responsible for compliance with inspection requirements.

(2) Existing Buildings. Factory-built schools designated as existing buildings shall be inspected prior to July 1, 2001, to determine compliance with the applicable standards. All deficiencies shall be noted in an inspection report provided to

the educational entity upon completion of the inspection. Activities performed to rehabilitate a non-compliant building shall be subject to plan review and reinspection. Upon an inspector's determination that the building complies with the applicable standards, the inspector shall provide to the Department the information as required on the data plate for the building and identify the building as satisfactory for use as an educational facility on the Building Code Information System when that system becomes available on the Internet.

(3) New Construction. All buildings other than existing buildings shall be subject to inspection during the manufacturing process. The educational entity shall ensure that factory inspections are performed periodically and are sufficient to ensure that the building and its systems comply with the applicable standards. The inspector shall require the correction of all deficiencies found during the manufacturing process. Upon an inspector's determination that the building complies with the applicable standards, the inspector shall provide to the Department the information as required on the data plate for the building and identify the building as satisfactory for use as an educational facility on the Building Code Information System when that system becomes available on the Internet.

(4) Recurring Inspections. Factory-built schools shall be inspected once each year to determine continued compliance with the applicable standards. Noncompliance shall result in the building being found unsatisfactory. Unsatisfactory findings shall be reported to the Department and identified on the Building Code Information System when that system becomes available on the Internet.

(5) Manufacturers and their agents and employees, Inspectors and those representatives of the educational entity responsible for supervising work related to the manufacture and installation of a factory-built school shall complete and execute a Work Performance Report, Form FMBP-SB-5-00. There shall be at least one Work Performance Report for all periods during which a factory-built school is being manufactured or installed. The report shall be executed by that person who actually supervised the work during the period for which the report is completed. The completed reports shall be kept and maintained by the entity that has actual physical custody of the building.

Specific Authority 553.415 FS. Law Implemented 553.415 FS. History—New

9B-1.030 Factory-Built Schools, Insignia and Data Plate.

(1) Generally. Each factory-built school building utilized for educational purposes shall bear the insignia of the Department and a data plate. Application for insignia shall be made by the educational entity utilizing the factory-built school on the form designated in Rule 9B-1.003, F.A.C. Insignia shall be issued to the inspector who completes the inspection of the building as installed. The data plate shall be fabricated by the manufacturer of new buildings and the owner

of existing buildings of durable material with the required information inscribed thereon. The insignia and data plate shall be permanently mounted on or about the electrical panel. Insignia shall be mounted on the building for which the insignia has been issued by the inspector having completed the inspection of the building as installed. Insignia and data plates are non-transferable. The data plate shall provide the following information:

- (a) Manufacturer;
- (b) Manufacturer certification number;
- (c) Date of manufacture;
- (d) Date of alteration;
- (e) Number of modules;
- (f) Construction type;
- (g) Occupancy use classification;
- (h) Florida insignia number;
- (i) Serial number;
- (j) Agency plan number;
- (k) Standard plan approval number;
- (l) Maximum floor load (pounds per square foot), live load, and dead load;
- (m) Roof load, live load and dead load;
- (n) Wind velocity rating;
- (o) "U" rating of floor, wall and roof;
- (p) Whether the building is approved for flood zone usage;
- (q) Whether the building is approved for enhanced hurricane protection zone usage;
- (r) Whether the building is designed for use as a public shelter in enhanced hurricane protection areas; and
- (s) Limitations of the plan approval by the third-party agency.
- (t) Whether the building is rated as satisfactory for use as an educational facility.
- (2) Issuance of Insignia. Insignias to be affixed to factory-built schools shall be issued to the educational entity upon receipt by the Department of an inspection report finding that the building is satisfactory for educational purposes and containing information required for the data plate.
- (3) Revocation. An inspector shall notify the Department of any unsatisfactory finding as the result of an installation or annual inspection. The insignia of the Department shall be revoked upon a determination that the factory-built school fails to comply with the applicable standards. Revocation shall be accomplished through procedures established by Section 120.60, F.S.
- (4) Fees. Fees shall be paid prior to issuance of insignia for factory-built schools. One insignia shall be issued per building. The fees for insignia shall be as provided in Rule 9B-1.020, F.A.C. Such fees are non-refundable.

Specific Authority 553.415 FS. Law Implemented 553.415 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Program Administrator, Codes and Standards, Division of Housing and Community Development
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph Myers, Director, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2000

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Contractors – Highway – Qualification to Bid	14-22
RULE TITLES:	RULE NOS.:
General Procedural Requirements	14-22.0011
Rating the Applicant	14-22.003
Eligibility for Obtaining Proposal Documents	14-22.008
Over-Bidding	14-22.009
Suspension, Revocation, or Denial of Qualification	14-22.012
Contractor Non-Responsibility	14-22.0141
Forms	14-22.015

PURPOSE AND EFFECT: The proposed amendment is to update and clarify provisions of Rule Chapter 14-22, including substantive amendments, restructuring of the rule chapter, and editorial revisions. In addition, the tables in Rule 14-22.003 showing ratings for Management and Administration of Work and Work Performance are being removed from the text of the rules. The rating factors will be contained in a new form, which is being incorporated by reference in Rule 14-22.015.

SUMMARY: This is a proposed amendment and restructuring of seven rules within Rule Chapter 14-22. The rating tables for Management and Administration of Work and Work Performance are being removed from the text and replaced by a form.

SPECIFIC AUTHORITY: 334.044(2), 337.14(1) FS.

LAW IMPLEMENTED: 120.569, 337.11(3)(b), 337.11(5)(a)1.-3., 337.11(7)(b)1., 337.11(7)(c), 337.14, 337.16, 337.164, 337.165, 337.167 FS.

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.

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: 2:00 p.m., April 23, 2001

PLACE: 605 Suwannee Street, Suwannee Room (Room 250), Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-22.0011 General Procedural Requirements.

(1) This rule chapter sets forth requirements for ~~qualifying~~ applicants to be certified by the Department as qualified who ~~wish~~ to bid for the performance of road, bridge, or public transportation construction contracts, in excess of \$250,000.

(2) Except for the provisions of Rules 14-22.012 and 14-22.0141, this rule chapter does not apply to bidders who wish to bid on construction contracts of \$250,000 or less, or other contracts not having to do with the construction of roads, bridges, or other public transportation projects.

(3) Time. The provisions of Rule 28-106, F.A.C., shall apply in computing any period of time prescribed by this rule chapter.

(4) Request for Hearing. All requests for hearing shall be in writing and shall be filed with the Clerk of Agency Proceedings, Department of Transportation, MS 58, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0458. A request for hearing is filed when it is delivered to and received by the Clerk of Agency Proceedings at the above address and accordingly, is not timely filed unless it is received by the Clerk of Agency Proceedings within the appropriate time period.

(5) Definitions.

(a) The following terms shall have the meanings set forth in Section 337.165, Florida Statutes: “contractor,” “contract crime,” “convicted” or “conviction,” and “affiliate.”

(b) The term “affiliate” also shall include those companies which:

1. Have the same person or entity holding at least five percent ownership interest in both companies ~~owning a majority of the stock of the companies.~~

2. Have one of the companies holding an ownership interest in ~~owning all or a majority of the stock of~~ the other.

3. Have a common director(s) or officer(s).

4. Have one company financing the other, or otherwise making financial advances to the other.

5. Have one company subscribing to all the capital stock of the other, or otherwise causing the incorporation of the other.

6. Have one company paying the salaries, expenses, or losses of the other.

7. Have the directors of one company directing the actions of the directors or officers of the other, so that the directors or officers of each company do not act independently of each other.

8. Have one business entity so closely allied with another business entity through an established course of dealings, such as lending of financial assistance or engaging in joint ventures, as to cause a public perception that the two firms are one entity.

(c) The term “applicant” means the person, firm, or combination of persons or firms for which qualification is desired. Joint ventures are addressed in Rule ~~Section~~ 14-22.007.

(d) The term “bidder” means an entity which is ~~prequalified~~ according to this rule chapter, and which possesses sufficient current capacity to obtain bid proposal documents from the Department.

(e) The terms “~~business~~”, “~~business purposes~~” or “~~construction assets~~” means assets used for the construction of roads, bridges, or public transportation projects. The terms “~~non-business~~”, “~~non-business purposes~~” or “~~non-construction assets~~” means assets not used for the construction of roads, bridges, or public transportation projects.

(f) The term “qualified equipment appraiser” means an individual employed by an equipment company that sells, rents, or leases the general type of equipment being appraised, or a company or individual(s) engaged in the business of appraising equipment regularly used in the construction of roads, bridges, or other transportation projects.

(g) The term “qualified real estate appraiser” means an individual who meets all of the requirements of the laws of the state in which the appraisal occurs. Real estate appraisals on Florida real estate must be performed by a “Certified General Appraiser,” as defined in Section 475.611, Florida Statutes.

(h) The term “construction revenues” means all revenues earned through contracting for the performance of road, bridge, and other construction projects (to include all revenues derived from providing administration, labor, material, equipment, supplies, and services necessary to fulfill contractual obligations incurred in the performance of road, bridge, and other construction projects).

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.569, 337.11(3)(b), 337.11(5)(a)1-3., 337.11(7)(b)1., 337.11(7)(c), 337.14, 337.16, 337.164, 337.165, 337.167 FS. History—New 11-10-82, Amended 8-25-83, Formerly 14-22.011, Amended 12-20-89, 1-4-94, 7-1-95, 8-6-96, 1-17-99,

14-22.003 Rating the Applicant.

(1) Verification of Information. The Department will make such inquiries and investigations as deemed necessary to verify and evaluate whether the applicant is competent, is

responsible, and possesses the necessary financial resources to perform the desired work, based upon the following applicant's statements regarding:

(a) ~~The necessary Organization and management, including construction experience, and past work performance record of the applicant or applicant's employees, whether with or prior to their employment by that applicant, including deficiency in quality of completed work, any history of payment of liquidated damages, untimely completion of projects where liquidated damages were not paid, uncooperative attitude, contracts litigation, claims, and defaults in Florida or other states possessed by the applicant's employees.~~

(b) ~~Adequate Equipment, as shown on the equipment list for the requested classes of work. Adequate equipment shall be basic equipment used by the industry in the normal construction for each class of work or called for in the Standard Specifications for Road and Bridge Construction in force at the time of application.~~

~~(c) Work performance record, including the quality of completed work, any history of payment of liquidated damages, untimely completion of projects where liquidated damages were not paid, cooperative attitude, contracts litigation, claims, and defaults.~~

~~(c)(d) Integrity, including evaluation of truthfulness of statements in the application and in other contractual documents and responsibility.~~

~~(d) Financial resources, sufficient to establish a Maximum Capacity Rating (MCR) as set forth in (2) below. The Department will consider any other relevant financial information.~~

~~(2) MCR Maximum Capacity Rating.~~

~~(a) Definition and Formula. The Maximum Capacity Rating (MCR) shall be the total aggregate dollar amount of uncompleted work an applicant may have under contract at any one time as prime contractor and/or subcontractor, regardless of its location and with whom contracted. The MCR is determined by the Department using the following formula:~~

~~MCR = AF x CRF x ANW, in which~~

~~MCR = Maximum Capacity Rating~~

~~AF = Ability Factor (determined from the Ability Score as provided below)~~

~~CRF = Current Ratio Factor (determined as provided below)~~

~~ANW = Adjusted Net Worth (for rating purpose, determined as provided below).~~

~~1. Ability Score.~~

a. New applicants and applicants who have not been qualified under this rule for more than two years shall have their Ability Factor determined from the total Ability Score resulting from evaluations of the applicant's organization, management, work experience, and letters of recommendation. The maximum values used in determining the ability score for the above applicants are as follows:

ABILITY SCORE	
ORGANIZATION AND MANAGEMENT	MAXIMUM VALUE
Experience of Principals	15
Experience of Construction Supervisors	15
WORK EXPERIENCE	
Completed Contracts	
Highway and bridge related	
Non-highway and bridge related	10
ONGOING CONTRACTS	
Highway and bridge related	25*
Non-highway and bridge related	10
TOTAL	100
*MAXIMUM VALUE SHALL BE INCREASED TO 35 IF APPLICANT'S EXPERIENCE IS EXCLUSIVELY IN HIGHWAY AND BRIDGE CONSTRUCTION.	

b. If the applicant has been qualified under this rule within the last two years, and the Department has three or more Prime Contractor Past Performance Reports on file for projects completed for the Department within five years of the application filing date which have not been previously used to determine an Ability Score, the applicant's Ability Score shall be calculated by adding the scores of these reports plus the average score from the previous application and dividing this sum by the number of scores used. Prime Contractor's Past Performance Reports shall reflect the applicant's organization, management and demonstrated work performance, including work sublet to others, set forth in Form 700-010-25, which is incorporated by reference in Rule 14-22.015, as follows:

MANAGEMENT AND ADMINISTRATION OF THE WORK	MAXIMUM VALUE
PRECONSTRUCTION CONFERENCE PRESENTATION	
Maintenance of traffic plan furnished	5
Erosion control and water pollution plan furnished	5
Written proposed work schedule furnished	5
Tentative work project schedule furnished	5
Additional permits and licenses required by the contractor identified or acquired	5
Sources for contract materials provided	5
Potential subcontractors identified	5
All forms necessary to meet E.E.O. requirements completed and furnished	5
Contractor's construction vehicle registration documentation provided	5
CONTRACT COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY (E.E.O.), LABOR, ON THE JOB TRAINING (O.J.T.), AND DISADVANTAGED BUSINESS ENTERPRISE (D.B.E.)	
Complied with E.E.O. hiring goals	5
Displayed company E.E.O. policy statement for duration of contract	5
Furnished certified payrolls to the Department as required for themselves and their subcontractors	5
Corrected wage violations within time frame stipulated	5
Complied with applicable labor regulations	5
Completed on the job (O.J.T.) training for worker classifications submitted	5
Satisfied contract D.B.E. requirements	5
PROJECT RECORDS AND CONTRACT DOCUMENTATION	
Submitted subcontract requests in a timely manner (Reasonably prior to the subcontracting needed on the job)	10
Rental agreements provided to the department prior to deployment of equipment on the job	10
Certification for materials furnished when materials were delivered or stockpiled	10
Invoices and delivery tickets furnished for materials used	10
Shop drawings submitted to allow time for required review	10
Responded to correspondence from the department by the date requested	10
Provided the Department a copy of written permission for operations conducted on private property adjacent to the project	10
EFFECTIVENESS IN SCHEDULING AND ORGANIZING CONSTRUCTION OPERATIONS AND NEGOTIATING CONTRACT MODIFICATIONS	
Materials were ordered and delivered early enough to be available for use when needed	30
Advanced planning and coordination was done on complicated or critical work to assure a smooth operation	40
Coordinated subcontractor operations to maintain work schedule	30
Organized and coordinated all operations to maintain work schedule preventing delays or stoppages of work	40
Notified the Department in advance of personnel or schedule changes and shut-downs for adverse weather, holidays, or other circumstances	20
Handled necessary modifications to the contract promptly and in a cooperative manner	20
Submitted documentation for extra work, time extensions, or claims that was organized and complete	30

WORK PERFORMANCE	MAXIMUM VALUE
EXECUTION OF THE WORK	
Provided supervisory personnel that demonstrated experience in the types of work performed	30
Committed manpower that possessed skill levels commensurate with assigned duties to maintain work schedule	30
Performed work on other production items available when work on controlling items was prevented	10
Started and completed intermediate or critical project phases within scheduled time plus authorized extensions	20
Took necessary steps to minimize and immediately correct hazardous job site conditions and operations	30
Cooperated in the performance of the work with other contractors on or adjacent to the project.	10
Supervised subcontractors to maintain work schedule and insure contract compliance	30
Complied with conditions stipulated in regulatory permits	30
Adhered to the requirements stipulated in the contract and project plans	10
Provided accurate engineering and survey layout	20
Promptly corrected all deficient work to comply with the contract requirements	20
WORK QUALITY AND INTERFACE WITH THE DEPARTMENT'S INSPECTION OF THE WORK	
Provided resources to produce uniform quality to the finished work	40
Informed Department project personnel in advance of scheduled day-to-day items of work	20
Allowed sufficient time for completing job site sampling and testing of materials	30
Gave sufficient notice for the Department project personnel to provide for and complete required inspection before continuing with affected work	30
Informed the project personnel when conflicts with existing portions of the work were encountered	20
Provided and maintained adequate survey station markers and grades to allow for necessary inspection	10
Endeavored to resolve problems at the project level and followed the chain of authority in the Department	20
MAINTENANCE OF TRAFFIC (M.O.T.)	
Provided and maintained necessary signing, striping, and traffic control devices to safely move traffic through the construction zone	40
Provided qualified personnel for the set-up and servicing of M.O.T. operations	30
Utilized appropriate and safe methods to switch, close, or open lanes under live traffic	40
Coordinated construction operations that directly affected the traveling public so as to minimize impact to the public	30
Provided properly trained and fully equipped personnel for flagging traffic	20
Provided and maintained a current list of personnel available for non-working hour emergencies	20
INTERACTION OF CONSTRUCTION OPERATIONS WITH EXISTING FACILITIES AND COMPLETED WORK	
Installed and maintained erosion control devices in accordance with approved erosion control plan	20
Protected private property and business facilities along the right of way or adjacent to the project	10
Provided and maintained adequate access to adjacent property	20

Coordinated daily construction activities with adjacent business operations to reduce adverse effects	30
Provided prompt response to legitimate complaints from adjacent business or property owners	20
Protected accepted work from damage from continuing construction operations	10
JOB SITE SAFETY CONDITIONS	
Enforced contract safety regulations for construction operations	20
Enforced contractor's own safety policies for construction operations	20
Maintained work site in an organized and safe condition	20
Provided workers safety training and equipment	20
Maintained, in good working order, safety warning devices and safety gear on construction equipment	20
EQUIPMENT PROVISION AND UTILIZATION	
Had on site the amount and types of equipment required to maintain work schedule	10
Utilized equipment that met the contract requirements and produced an acceptable finished product	10
Repaired and maintained production equipment	10
INTERFACE WITH UTILITIES	
Demonstrated effort to schedule and coordinate with utility companies prior to beginning construction operations affecting those utilities	10
Took adequate measures to protect existing utility equipment and property	10
Immediately notified utility companies and the Department when construction operations interrupted or damaged utilities	10
Demonstrated a cooperative effort to work together with utility companies as needed to correct unforeseen problems	10
FINAL COMPLETION OF THE WORK	
Completed work within contract time plus authorized extensions	5
Retained a work force sufficient to timely complete final clean-up	5
Completed all punch list items in a timely manner	5
Final paperwork and documentation was submitted	5
PERFORMANCE SCORE CALCULATION. TOTAL SCORE DIVIDED BY MAXIMUM RATING ATTAINABLE MULTIPLIED BY 100 EQUALS PERFORMANCE SCORE.	

c. If the applicant has been qualified under this rule within the last two years, and the Department does not have three or more Prime Contractor Past Performance Reports on file for the applicant for projects completed for the Department within five years of the application filing date, then the Ability Factor (AF) from the applicant's last successful application will be brought forward and used.

d. The average Ability Score determined in a. or b. above is converted to an AF Ability Factor pursuant to Rule Section 14-22.003(2)(a)2., or the AF Ability Factor is brought forward as indicated in c. above. The AF Ability Factor is then used in the formula pursuant to Rule Section 14-22.003(2)(a) to compute the applicant's MCR Maximum Capacity Rating.

2. Ability Factor. The Ability Score for new and active applicants shall determine the Ability Factor (AF) as follows:

Ability Score	AF
Less than 54	1
55-64 or less	2
65-69	3
70-73	4
74-76	5
77-79	6
80-84	8
90-93	12
94-97	14
98-100	15

a. Notwithstanding the requirements in Rule Sections 14-22.003(2)(a) and 14-22.003(2)(a)1.a., 1.b., 1.c., 1.d., and 14-22.003(2)(a)2. above, the AF will be limited to a maximum of 4, if the applicant receives an ability score of 76 or less on the initial application, or receives an ability score of 76 on two or more Prime Contractor Past Performance Reports on file for projects completed during the 12 month period preceding the

applicant's fiscal year ending date for which the Certificate of Qualification is being issued. The use of a surety commitment letter to raise the MCR is prohibited under this limitation.

b. This AF limitation will remain in effect during the current qualification period.

3. Current Ratio Factor (CRF). The current ratio is the number resulting from dividing the adjusted current assets by the adjusted current liabilities. The actual current ratio from 0.60 up to a maximum of 2.00 will be used as the ~~CRF Current Ratio Factor~~. For current ratios greater than 2.00, 2.00 will be used as the ~~CRF Current Ratio Factor~~. The applicant will be denied qualification if ~~its~~ ~~their~~ current ratio is less than 0.60.

4. Adjusted Net Worth (ANW). The ~~ANW Adjusted Net Worth~~ must be a positive value for the applicant to be considered for qualification. The ~~ANW Adjusted Net Worth~~ used in the ~~MCR Maximum Capacity Rating~~ formula will be the amount of capital and surplus (net worth) adjusted as follows:

a. Value allowed for equipment shall be the book value, or 50 percent of actual value given by a qualified equipment appraiser, whichever is greater. Equipment appraisals must be dated no ~~earlier~~ ~~older~~ than six months prior to receipt of the application.

b. Value allowed for real estate used for business purposes (road, bridge, or public transportation construction) shall be:

(I) The book value or the value given by a qualified real estate appraiser, (~~r~~Real estate appraisals shall be dated no ~~earlier~~ ~~older~~ than two years prior to the date the application is filed), less

(II) encumbrances against same (~~s~~Such encumbrances will not also be deducted elsewhere).

c. No value will be allowed for real estate, ~~or~~ ~~and~~ any other property not used in road, bridge, or public transportation construction, and no allowance shall be given for homesteads or personal property.

d. Assets of doubtful value shall be eliminated in part or entirely.

e. Contingent liabilities shall be treated as actual liabilities, wholly or in part, depending on the probability of such liabilities becoming actual liabilities.

5. ~~Maximum Capacity Rating (MCR)~~. The calculated ~~MCR Maximum Capacity Rating~~ shall be rounded off according to the following scale:

- Up to \$500,000 – round off to nearest \$10,000
- Above \$500,000 to \$2,000,000 – round off to nearest \$25,000
- Above \$2,000,000 – round off to nearest \$50,000

(b) Bonding Capacity.

1. Except for the provisions of Rule Section 14-22.003(2)(a)2.a., above, an ~~An~~ applicant qualifying who qualifies for a positive rating under the above provisions, has an Ability Score of ~~80~~ ~~75~~ or higher, and has a Current Ratio Factor of at least 1.00, shall be allowed to raise ~~its~~ ~~their~~ ~~MCR~~

~~Maximum Capacity Rating~~ upon receipt of evidence of a current bonding capacity exceeding the calculated ~~MCR Maximum Capacity Rating~~ from a surety company authorized to do business in Florida. Such evidence shall be in the form of a letter of commitment executed by an officer of the surety who is authorized to bind the surety, with a power of attorney attached. The surety letter must be dated within four months of the request and cover the certification period. The limit for an ~~MCR Maximum Capacity Rating~~ issued on the basis of such bond commitment for applicants with an Ability Score of ~~80~~ ~~75~~ through 90 will be determined by the following "Surety Capacity" formula:

$$SC = SM \times MCR \times (CRV \div TRV)$$

In which:

- SC = Surety Capacity
- SM = Surety Multiplier (Determined from Ability Score – Surety Multiplier Table as provided below)
- MCR = Maximum Capacity Rating (Determined as provided in 14-22.003(2)(a))
- CRV = Construction Revenues (As set forth in applicant's financial statements per 14-22.002(2)(c)2.)
- TRV = Total Revenues (As set forth in applicant's financial statements)

ABILITY SCORE – SURETY MULTIPLIER TABLE			
Ability Score	Surety Multiplier	Ability Score	Surety Multiplier
75	2.0	83	4.2
76	2.2	84	4.6
77	2.4	85	5.0
78	2.6	86	5.6
79	2.8	87	6.2
80	3.0	88	6.8
81	3.4	89	7.4
82	3.8	90	8.0

2. Except for the provisions of 14-22.003(2)(a)2.a., above, ~~the MCR the Maximum Capacity Rating~~ for firms that have an Ability Score of 91 or greater will be the "Aggregate of Contracts" amount stipulated in the surety commitment letter. ~~An MCR Maximum Capacity Rating~~ established through the use of a surety commitment letter shall not exceed the "Aggregate of Contracts" amount stipulated in the surety commitment letter.

3. Except for the provisions of Rule Section 14-22.003(2)(a)2.a., above, use ~~Use~~ of a surety commitment letter to increase an applicant's ~~MCR Maximum Capacity Rating~~ will only be considered if at the time of application the applicant's ~~CRF Current Ratio Factor~~ is at least 1.00, as defined in Rule Section 14-22.003(2)(a)3., and the applicant has an Ability Score of ~~80~~ ~~75~~ or higher. No event(s) during the qualification period subsequent to the ending date of the

audited financial statements used for qualification will be considered in determining an applicant's CRF Current Ratio Factor.

~~4. Newly established companies with a Current Ratio Factor of at least 1.00 may use a surety commitment letter as described above, provided the applicant has received an Ability Score of 75 or higher. The Maximum Capacity Rating issued on the basis of such bond commitment shall be determined by multiplying the surety commitment amount(s) by 0.50.~~

(3) Classification of Work.

(a) Applicant request for class(es) of work. Applicants shall indicate each class of work for which they desire qualification. The Department will consider qualifying the applicant only in the specific class or classes of work requested.

(b) The major classes of work are as follows:

1. Major Bridges:

- a. Bridges which include bascule spans.
- b. Bridges which include curved steel girders.
- c. Bridges with multi-level roadways.
- d. Bridges of concrete segmental construction.
- e. Bridges which include steel truss construction.
- f. Bridges which include cable stayed construction.
- g. Bridges of conventional construction which are over a water opening of 1,000 feet or more.

2. Intermediate Bridges are bridges that contain none of the types of construction listed under Major Bridges and span lengths exceeding 50 feet (center to center of cap).

3. Minor Bridges are bridges with span lengths not exceeding 50 feet (center to center of cap) and total length not exceeding 300 feet. A Minor Bridge shall not contain any type of construction listed under Major Bridges or Intermediate Bridges.

4. Bascule Bridge Rehabilitation.

5. Grading (includes clearing and grubbing, excavation, and embankment).

6. Drainage (includes all storm drains, pipe culverts, culverts, etc.).

7. Flexible Paving (includes limerock, shell base and other optional base courses, soil-cement base, mixed-in-place bituminous paving, bituminous surface treatments and stabilizing).

8. Portland Cement Concrete Paving.

9. Hot Plant-Mix Bituminous (includes structural and surface courses).

(c) Specialty classes of work are as follows:

1. Electrical work (includes roadway, bridge, and runway lighting).

2. Fencing.

3. Guardrail.

4. Grassing, Seeding, and Sodding.

5. Landscaping.

6. Traffic Signals.

7. Computerized Traffic Control Systems.

8. Bridge Painting.

9. Pavement Markings (includes delineators, traffic stripe painting, and thermoplastics).

10. Roadway Signing.

(d) Such other classes of work not normally performed by road and bridge contractors as the applicant may request.

Specific Authority 120.53(1)(a), 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a)1.-3., 337.11(7)(b)1., 337.11(7)(c), 337.14, 337.164, 337.167 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(4), Amended 3-23-79, 11-10-82, 8-25-83, 1-9-84, 10-1-85, Formerly 14-22.03, Amended 12-20-89, 4-22-92, 1-4-94, 7-1-95, 7-2-95, _____.

14-22.008 Eligibility for Obtaining Proposal Documents.

(1) Proposal documents for a specific project(s) shall be issued only to a prospective bidder who has a Current Capacity equal to or larger than the budgeted contract amount and a Certificate of Qualification, which expires on or after the date proposals are to be received, covering one or more classes of work which, in the aggregate, comprises 50 percent or more of the Department's budget estimate of the total value of normal work included in the proposal documents, ~~and who also has a Current Capacity equal to or larger than the budgeted contract amount.~~

(2) The term "normal work" as used herein means all work in the contract not designated in the proposal document or the Specifications as Specialty Work.

(3) The term "Current Capacity" as used herein is as defined in Rule Section 14-22.006(1).

(4) Eligibility for obtaining proposal documents shall have no effect on determination of the Current Capacity.

(5) A qualified bidder will be issued proposal documents for any number of projects, provided the estimated contract amount of any individual project requested does not exceed their Current Capacity. Except for the provisions of Rule Section 14-22.003(2)(a)2.a., above, qQualified firms that desire to bid a project which exceeds their Current Capacity, ~~and whose CRF Current Ratio Factor~~ was at least 1.00 based on the financial statements used for current qualification, and that have an Ability Score of 80 ~~75~~ or higher, will be allowed to bid that specific project if the firm furnishes a commitment letter from a surety company, authorized to do business in Florida, that the project amount does not exceed the firm's Surety Capacity as established by Rule Section 14-22.003(2)(b)1., ~~and that provides sufficient surety coverage to allow the firm to be eligible to receive bidding documents for that specific project only.~~ Issuance of proposal documents by the Department will be subject to payment of applicable costs by the qualified bidder.

(6) The bid shall be signed by the owner for sole proprietorships; partner(s) authorized to bind the entity for a partnership; the president or vice president for corporations; and for limited liability companies an ~~the~~ authorized executing

official. Bids submitted by a joint venture shall be signed by the authorized executing officials of the business entities comprising the joint venture and the attorney-in-fact for the joint venture.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a)1.-3., 337.11(7)(b)1., 337.11(7)(c), 337.14, 337.164 FS. History—Formerly Chapter 14-8, Amended 7-1-68, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, Formerly 14-22.08, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95,_____.

14-22.009 Over-Bidding.

(1) Any bid that exceeds the Current Capacity of the bidder shall be disqualified and rejected unless the bidder fulfills the requirements of Rule Section 14-22.009(3).

(2) In the event a bidder submits the low bid on two or more projects in the same letting where and the aggregate dollar amount of the bids is greater than the Current Capacity of the bidder, and the bidder is unable to increase its their Current Capacity by fulfilling the requirements of Rule Section 14-22.009(3), the Department shall select the particular project or projects for to award that will be in the best interest of the Department, and is within the bidder's Current Capacity, and shall disqualify and reject their other bid or bid(s).

(3) Before the Department takes action under the provisions of either of the preceding two paragraphs, the bidder shall be notified in writing of the Department's action and, except for the AF provisions of Rule Section 14-22.003(2)(a)2.a., above, shall be allowed a period of 10 days from the date the bid was opened to submit evidence to justify an increase in its their Current Capacity, such as additional bonding capacity (only permitted for firms that possess a Current Ratio Factor of at least 1.00 based on financial statements for current qualification and that have an Ability Score of 75 or higher) or that work on existing contracts has been subcontracted to others. Proposed subcontracts under unexecuted contracts will not be considered. If the Department finds the evidence justifies a change in the bidder's Current Capacity, its their Current Capacity shall be changed accordingly. Any such change based on bonding capacity will be subject to the Surety Capacity requirements of Rule Section 14-22.003(2)(b)1. and subject to a time limit.

(4) The determination of the successful bidder on any project or projects in which bids have been disqualified under the provisions of this section shall be made without consideration of the bid or bids so disqualified bid(s).

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a) 1.-3., 337.11(7)(b)1., 337.11(7)(c), 337.14, 337.165 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, Formerly 14-22.09, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95,_____.

14-22.012 Suspension, Revocation, or Denial of Qualification.

(1) The Department will, for good cause, ~~as that term is defined in Section 337.16(2), Florida Statutes,~~ suspend, revoke, or deny any contractor's qualification to bid. A suspension, revocation, or denial for good cause pursuant to this rule shall prohibit the contractor from bidding on any Department construction contract for which ~~pre~~qualification is required by Section 337.14, Florida Statutes, ~~and~~ shall constitute a determination of non-responsibility to bid on any other Department construction or maintenance contract, and shall prohibit the contractor from acting as a material supplier or, subcontractor, ~~or consultant~~ on any Department contract or project during the period of suspension, revocation, or denial. As provided in Section 337.16(2), Florida Statutes, such good cause shall include, but shall not be limited to, the provisions of paragraphs (a) and (b) through (e) below. When a specific period of revocation, denial, or suspension is not specified by this rule, the period shall be based on the criteria set forth in ~~of~~ Rule Section 14-22.0141(4), F.A.C., as well as Department contractor certification activities.

(a) The contractor's Certificate of Qualification shall be suspended, revoked, or denied or ~~revoked~~ for at least one year when it is determined by the Department that any one of the following has occurred:

1. One of the circumstances specified under Section 337.16(2)(a), (b), ~~or~~ (d), or (e), Florida Statutes, has occurred.

2. Affiliated contractors submitted more than one proposal for the same work. In this event the Certificate of Qualification of all of the affiliated bidders will be revoked or denied. All bids of affiliated bidders will be rejected.

3. The contractor made or submitted to the Department false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any Department contract, including the Certification of Current Capacity to the Department.

~~4. The contractor defaulted on any Department contract, or a the contract surety assumed control of financial responsibility for, took over any Department contract of from the contractor.~~

~~(b) When the Department determines that a contractor has submitted a false, deceptive, or fraudulent Certification of Current Capacity to the Department, the Certificate of Qualification of a contractor will be suspended or denied as provided in subparagraphs 1. and 2. Any bid submitted with a false, deceptive, or fraudulent Certification of Current Capacity shall be disqualified and rejected.~~

~~(b) A~~ The contractor's shall have its Certificate of Qualification shall be suspended, revoked, or denied; for a period of 90 days upon a first occurrence, 180 days upon a second occurrence within three years of the first occurrence, or one year upon a third occurrence within three years of the first occurrence, when it is determined by the Department that one of the following has occurred:-

1. The contractor failed to timely furnish all contract documents required by the contract specifications or special provisions, or by any state or federal statutes or regulations.

2. The contractor failed to register, pursuant to Chapter 320, Florida Statutes, all motor vehicles operated in this state. In the event the contractor submits a second false, deceptive, or fraudulent Certification of Current Capacity within two years after the end of a suspension under subparagraph 1., the Department will revoke or deny the contractor's Certificate of Qualification to bid for a period not exceeding one year.

3. The contractor failed to notify the Department's Contracts Administration Office within 10 days of the contractor or any of its affiliates being declared in default or otherwise not completing work on a contract, or being suspended from qualification to bid or denied qualification to bid by any other public agency, semi-public agency, or private entity. This suspension will be in addition to any period of denial or revocation resulting from violation of (a) above.

~~(e) If the contractor is an affiliate of a contractor who has been determined non-responsible, pursuant to Rule 14-22.0141, or whose Certificate of Qualification was suspended, revoked, or denied and the contractor is dependent on the affiliation for personnel, equipment, bonding capacity, or financial resources, then that contractor's Certificate of Qualification shall be suspended, revoked, or denied for the same time period as the affiliate.~~

~~(d) A contractor's Certificate of Qualification shall be suspended for a period of four months when it is determined by the Department that the contractor failed to notify the Contracts Administration Office within 10 days of being declared in default, suspended from qualification to bid or denied qualification to bid by any public agency, semi public agency, or private entity.~~

~~(e) A contractor's Certificate of Qualification shall be suspended for a period not to exceed four months when it is determined by the Department that either one of the following has occurred:~~

~~1. The contractor failed to timely furnish all contract documents required by the contract specifications or special provisions to be provided after the Department's offer of final payment. However, the contractor shall be reinstated to the qualified bidders list upon providing all outstanding documents, unless its Certificate of Qualification has expired.~~

~~2. The contractor failed to register, pursuant to Chapter 320, Florida Statutes, all motor vehicles operated in this state. However, the contractor shall be reinstated to the qualified bidders list upon providing a notarized affidavit of such registration unless its Certificate of Qualification has expired.~~

(2) The Department shall deny or ~~deny~~ the Certificate of Qualification to bid of any contractor and its affiliates for a period of 36 months, pursuant to Section 337.165, Florida Statutes, when it is determined by the Department that the contractor has, subsequent to January 1,

1978, been convicted of a contract crime within the jurisdiction of any state or federal court. Any such contractor shall not act as a prime contractor, material supplier, subcontractor, or consultant on any Department contract or project during the period of denial or suspension, revocation, or denial.

(3) The Certificate of Qualification of a contractor found delinquent under Section 337.16(1), Florida Statutes, shall be denied, suspended, or revoked as provided in that statute. A suspension or revocation shall prohibit the contractor from being a subcontractor on Department work during the period of suspension or revocation, except when a prime contractor's bid has used prices of a subcontractor who becomes disqualified after the bid and before the request for authorization to sublet is presented.

(4) Any decision by the Department to suspend, revoke, or deny a contractor's Certificate of Qualification to bid will be provided to the contractor in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, when the Department's intent is to deny a Certificate of Qualification for reasons other than delinquency or conviction for contract crime, the petition must be filed with the Department's Clerk of Agency Proceedings within 10 ~~24~~ days after receipt of the Department's notice, in accordance with Sections 337.14 and 337.16, Florida Statutes. When the Department's intent is to revoke or suspend a Certificate of Qualification or deny a Certificate of Qualification for delinquency or conviction for contract crime, Rule 28-106.111, F.A.C., except that when Department action is based on a contract crime or delinquency, the petition shall be filed within 21 ~~40~~ days of receipt of the Department's notice, pursuant to Rule 28-106.111, F.A.C. ~~Substantially affected persons may file a request for a variance from or waiver of applicable Department rules in accordance with Section 120.542, Florida Statutes, and Rule Chapter 28-104, F.A.C.~~

(5) If a contractor's Certificate of Qualification is revoked, suspended, or denied and the contractor receives an additional period of revocation, suspension, or denial of its Certificate of Qualification, the time periods will run consecutively.

~~(6)(5) The suspension, revocation, or denial of any qualification to bid shall not affect obligations under any pre-existing contracts, except as may be amended by the parties.~~

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 334.044(27), 337.11, 337.14, 337.16, 337.164, 337.165, 337.167 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.12, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 2-16-99, _____.

14-22.0141 Contractor Non-Responsibility.

(1) Contractors who wish to bid for the performance of construction contracts less than or equal to \$250,000, or any maintenance contracts, are presumed to be responsible bidders

unless the Department determines that good cause exists to declare the contractor non-responsible, which shall include the following one of the following occurs:

(a) One of the circumstances specified in Section 337.16(2), Florida Statutes, occurs;

(b) The contractor or its affiliate defaulted on any Department contract, or the contract surety assumed control of or financial responsibility for, ~~took over~~ any Department contract ~~of from~~ the contractor;

(c) The contractor's qualification to bid is suspended, revoked, or denied for good cause from qualification to bid or denied qualification to bid by any public agency or semi-public agency;

(d) The contractor made or submitted to the Department false, deceptive, or fraudulent statements, certifications, or materials in any claim for payments or any information required by any Department contract;

(e) The contractor failed to comply with contract requirements, or failed to follow Department direction in the execution of a contract; ~~The contractor is otherwise determined by the Department to be non-responsible pursuant to Subsection (2);~~

(f) The contractor did not pay its subcontractors or suppliers in a timely manner or in compliance with contract documents;

~~(g)(f)~~ The contractor or affiliate(s) ~~or affiliates~~ has been convicted of a contract crime, as provided in Section 337.165, Florida Statutes;

~~(g) Qualifications, which the contractor does not possess, have been included in the proposal package for specialized work;~~

(h) An affiliate of ~~t~~The contractor has previously been determined by the Department to be non-responsible, and the specified period of suspension, revocation, or denial remains in effect.

~~(2) In addition to the criteria set out in Subsection (1), the Department shall determine a contractor to be non-responsible pursuant to Section 337.16(2), Florida Statutes:~~

~~(1)(a) When a review of the performance of a contractor performing under contract on construction contracts less than or equal to \$250,000, or any maintenance contracts reveals The contractor has demonstrated instances of poor or unsatisfactory performance, deficient management resulting in project delay, or poor quality workmanship, a history of payment of liquidated damages, untimely completion of projects where liquidated damages were not paid, uncooperative attitude, contract litigation, claims, or defaults the Department will consider all surrounding circumstances and make a professional determination of contractor non-responsibility of any contractor determined to be deficient. The Department shall then proceed in accordance with Subsection (4).~~

~~(j)(b) When the Department determines that any other circumstance constituting "good cause" under Section 337.16(2), Florida Statutes, exist. The Department shall then proceed in accordance with Subsection (4).~~

~~(3) In the event that any of Subsections (1)(a) through (f) occur, the Department shall proceed in accordance with Subsection (4).~~

~~(2)(4) Determination of Contractor Non-Responsibility. The determination of contractor non-responsibility will be made by the appropriate District Secretary. The Contractor District Secretary will be determined to be declare the contractor non-responsible and ineligible to bid on Department contracts for a period of time, based on the seriousness of the deficiency.~~

(a) Examples of factors affecting the seriousness of a deficiency are:

1. Impacts on project schedule, cost, or quality of work;
2. Unsafe conditions allowed to exist;
3. Complaints from the public;
4. Delay or interference with the bidding process; and
5. The potential for repetition;:-
6. Integrity of the public construction process; and
7. Effect on the health, safety, and welfare of the public.

(b) This rule does not limit the Department's ability to reject a bid submitted by a contractor for a particular contract based upon the contractor being non-responsible.

~~(3)(b) Notice of intended agency action under this section Any decision to suspend the contractor from bidding will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201 and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C. except that when Department action is based on a contract crime, the petition shall be filed within 10 days of receipt of the Department's notice. Substantially affected persons may file a request for a variance from or waiver of applicable Department rules in accordance with Section 120.542, Florida Statutes, and Rule Chapter 28-104, F.A.C.~~

~~(e) If a contractor receives two or more suspensions during the same period, the suspensions will be served consecutively.~~

~~(5) This rule does not limit the Department's ability to reject a bid submitted by a contractor for a particular contract as non-responsible, should any of the events in Subsections (1)(a) through (f) occur.~~

Specific Authority 334.044(2) FS. Law Implemented 337.16(2) FS. History--New 4-12-95, Amended 12-7-97,_____.

14-22.015 Forms.

The following forms are incorporated by reference as part of the rules of the Department and are available from the Contracts Administration Office, 605 Suwannee Street, Mail Station 55, Room 1-B 60, Tallahassee, Florida 32399-0455:

Form Number	Date	Title
375-020-32	12/98 10/93	Application for Qualification
375-020-21	10/93	Status of Contracts on Hand
375-020-22	08/00 02/95	Certification of Current Capacity
700-010-25	03/01	Contractor Past Performance Rating

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.53(1)(b), 337.14, 337.164, 337.167 FS. History--New 11-10-82, Amended 8-25-83, Formerly 14-22.15, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: William Aubaug, Highway Operations Director
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 16, 2001

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water – A Regional Water Supply Authority

RULE TITLE: Agency Description
 RULE NO.: 49B-1.007

PURPOSE AND EFFECT: The purpose of this proposed amendment is to accurately reflect the membership of Tampa Bay Water, pursuant to its Amended and Restated Interlocal Agreement, as well as its statutory authorization. The City of New Port Richey is a party to that Agreement, and should be included as a party in the existing rule.

SUMMARY: This rule identifies the member governments and statutory authorization of Tampa Bay Water, A Regional Water Supply Authority.

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

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

SPECIFIC AUTHORITY: 163.01(5)(h), 373.1962, 373.1963 FS.

LAW IMPLEMENTED: 373.1962, 373.1963 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., April 16, 2001
 PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, FL 33761-3930

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donald D. Conn, General Counsel, Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, FL 33761-3930

THE FULL TEXT OF THE PROPOSED RULE IS:

49B-1.007 Agency Description.

(1) Tampa Bay Water, A Regional Water Supply Authority, is a public body authorized by Sections ~~373.1962 and 373.1963~~, Florida Statutes. It was created by Interlocal Agreement pursuant to Section 163.01, Florida Statutes. The Counties of Hillsborough, Pasco and Pinellas, and the municipalities of Tampa, ~~and~~ St. Petersburg, and New Port Richey are the parties to that Agreement.

(2) through (4) No change.

Specific Authority 163.01(5)(h), ~~363.1962, 363.1963~~ FS. Law Implemented 363.1962, ~~363.1963~~ FS. History--New 1-11-81. Formerly 16M-1.07, 16M-1.007, Amended 7-29-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barrie Buenaventura

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donald D. Conn, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 23, 2001

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water – A Regional Water Supply Authority

RULE TITLE: Well Mitigation Policy
 RULE NO.: 49B-3.005

PURPOSE AND EFFECT: Consistent with its responsibilities and Water Use Permit requirements, Tampa Bay Water mitigates complaints regarding domestic wells located within specified areas in the vicinity of its wellfields. Due to extreme drought conditions in the Tampa Bay Water area, the volume of complaints regarding domestic wells located within prescribed mitigation areas has substantially increased. This increase in complaints has resulted in unavoidable delays between receipt of a complaint and actual mitigation under the terms of the current rule. The purposes and effects of the proposed amendment to Rule 49B-3.005 (Well Mitigation Policy) are to prioritize the mitigation of wells for existing legal users, to establish standards and criteria for wells that are to be mitigated for non-existing legal users, to define domestic wells eligible for mitigation, and to enable Tampa Bay Water to comply with the requirements of its Water Use Permits. It is intended that this amendment operate prospectively from the date of its adoption.

SUMMARY: This rule identifies domestic wells eligible for mitigation by Tampa Bay Water, and defines the mitigation area for each wellfield owned and operated by Tampa Bay Water.

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

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

SPECIFIC AUTHORITY: 163.01, 373.1962, 373.1963 FS.

LAW IMPLEMENTED: 163.01, 373.223(1)(b), 373.196, 373.1963 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., April 16, 2001

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, FL 33761-3930

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donald D. Conn, General Counsel, Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, FL 33761-3930

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 49B-3.005 follows. See Florida Administrative Code for present text.)

49B-3.005 Well Mitigation Policy.

Tampa Bay Water shall mitigate on a priority basis all eligible water level and related complaints regarding domestic wells for existing legal users, as well as other eligible domestic wells constructed with a minimum of 147 feet (210 feet in the case of the South Central Hillsborough Regional Wellfield) of 4 or 5-inch galvanized steel or PVC casing, except in those instances of well failure due to an Act of God (i.e. lightning strikes, power failure, and flooding). Mitigation under this policy shall be without a determination of the cause of the well failure. This procedure shall not limit the authority of the Southwest Florida Water Management District to require additional mitigation by rule or applicable water use permit condition. To be eligible for mitigation, a domestic well must be located within the mitigation area established for each wellfield in the current water use permit. In those cases where the current water use permit does not prescribe a mitigation area, the boundary of the mitigation area shall be the five (5) foot drawdown contour in the Floridan Aquifer caused by permitted peak month withdrawals from the wellfield, or a circle(s) whose radius extends two (2) miles from each active production well, whichever is greater.

Specific Authority 163.01, 373.1962, 373.1963 FS. Law Implemented 163.01, 373.223(1)(b), 373.196, 373.1963 FS. History–New 5-24-93, Amended 4-16-95, Formerly 16M-3.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Kennedy, P.E.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry L. Maxwell, General Manager

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 23, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Chiropractic Services RULE NO.: 59G-4.040

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2001. The effect will be to incorporate by reference in the rule the current Florida Medicaid Chiropractic Services Coverage and Limitations Handbook.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2001.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of 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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 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., April 17, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Jackson, Medicaid Program Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.040 Chiropractic Services.

(1) No change.

(2) All chiropractic services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Chiropractic Services Coverage and Limitations

Handbook, ~~January 2001~~ ~~January 2000~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History--New 6-1-89, Amended 7-1-91, 12-31-91, 3-17-92, 4-21-92, 11-9-92, 7-5-93, 1-19-94, Formerly 10C-7.066, Amended 10-10-94, 5-25-95, 1-9-96, 10-21-97, 5-24-99, 4-23-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen Jackson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2001

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Dental Services

RULE NO.: 59G-4.060

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Dental Coverage and Limitations Handbook, January 2001. The effect will be to incorporate by reference in the rule the current Florida Medicaid Dental Coverage and Limitations Handbook, January 2001.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Dental Coverage and Limitations Handbook, January 2001.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 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., April 17, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Millard Howard, Agency for Health Care Administration, Medicaid Program Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7328

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Coverage and Limitations Handbook, ~~January 2001~~ ~~January 2000~~, and Florida Medicaid Provider Reimbursement Handbook, Dental 111, October 1999, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. All three handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Millard Howard

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2001

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Hearing Services

RULE NO.: 59G-4.110

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2001. The effect will be to incorporate by reference in the rule the current Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2001.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Hearing Services Coverage and Limitations Handbook, August 1999.

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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 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., April 17, 2001

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3 MS 20, Conference Room C, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.110 Hearing Services.

(1) No change.

(2) All physicians, audiologists and hearing aid specialists enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2001 ~~July 2000~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated by reference in Chapter 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Helen Sancho

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 5, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Optometric Services RULE NO.: 59G-4.210

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2001. The effect will be to incorporate by reference in the rule the current Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2001.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2001.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of 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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 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., April 17, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Debra H. Marshall, Agency for Health Care Administration, Medicaid Program Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7354

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.210 Optometric Services.

(1) No change.

(2) All optometry practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2001 ~~January 2000~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated by reference in Chapter 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New, 4-13-93, Amended 7-1-93, Formerly 10C-7.069, Amended 12-21-97, 10-13-98, 5-24-99, 4-23-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Debra H. Marshall

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2001

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Podiatry Services RULE NO.: 59G-4.220

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Podiatry Services Coverage and Limitations

Handbook, January 2001. The effect will be to incorporate by reference in the rule the current Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2001.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2001.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of 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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 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., April 17, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Jackson, Agency for Health Care Administration, Medicaid Program Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.220 Podiatry Services.

(1) No change.

(2) All podiatry providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2001 ~~January 2000~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New 1-23-84, Amended 10-25-84, Formerly 10C-7.529, Amended 4-21-92, 11-9-92, 7-1-93, Formerly 10C-7.0529, 10P-4.220, Amended 1-7-96, 3-11-98, 10-13-98, 5-24-99, 4-23-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Jackson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2001

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Registered Nurse First Assistant Services
 RULE NO.: 59G-4.270

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Registered Nurse First Assistant Coverage and Limitations Handbook, January 2001. The effect will be to incorporate by reference in the rule the current Florida Medicaid Registered Nurse First Assistant Coverage and Limitations Handbook, January 2001.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Registered Nurse First Assistant Coverage and Limitations Handbook, January 2001.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of 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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 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).

DATE AND TIME: 9:00 a.m., April 17, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeleine Obernier, Agency for Health Care Administration, Medicaid Program Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7326

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.270 Registered Nurse First Assistant Services.

(1) No change.

(2) All registered nurse first assistant services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Registered Nurse First Assistant Coverage and Limitations Handbook, January 2001 ~~January 2000~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New 3-11-98, Amended 10-13-98, 5-24-99, 4-23-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Madeleine Obernier
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Ruben King-Shaw, Jr.
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: March 1, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: July 21, 2000

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Geoffrey Luebkmann, Assistant
 Division Director, Department of Business and Professional
 Regulation, Division of Hotels and Restaurants, 1940 North
 Monroe Street, Tallahassee, FL 32399-1012, telephone
 (850)488-1133

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Division of Hotels and Restaurants

RULE CHAPTER TITLE: Florida Elevator Safety Code
 RULE TITLE: Elevator Fees; Construction and Alteration
 Permits; Annual Certificates of Operation;
 Delinquency Fee; Temporary Operation
 Permits Certificate Replacement

RULE CHAPTER NO.: 61C-5
 RULE NO.: 61C-5.006

PURPOSE AND EFFECT: The purpose of this rule
 amendment is to adopt the revision (reduction) of elevator
 safety fees. These fees are being reduced in accordance with
 the Bureau of Elevator Safety workload reduction resulting
 from the 2000 Legislative session.

SUMMARY: This rule amendment provides for a reduction in
 elevator safety fees corresponding to the reduction of relative
 workload.

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

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

SPECIFIC AUTHORITY: 399.07(1)(d), 399.07(2)(d), 399.10
 FS.

LAW IMPLEMENTED: 399.07(1)(d), 399.07(2)(d) 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. (EST), Monday, April 23,
 2001

PLACE: Secretary's Conference Room, Room 259, The Johns
 Building, 725 South Bronough Street, Tallahassee, Florida

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 agency at least
 48 business hours before the hearing by contacting Geoffrey
 Luebkmann, Assistant Division Director, (850)488-1133. If
 you are hearing or speech impaired, please contact the agency
 by calling 1(800)955-8771 (TDD).

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-5.006 Elevator Fees; Construction and Alteration
 Permits; Annual Certificates of Operation; Delinquency Fee;
 Temporary Operation Permits Certificate Replacement.

(1) Application for elevator permit to erect or move shall
 be accompanied by a fee of \$250. Every permit issued
 becomes invalid unless the work authorized by such permit is
 commenced within 1 year after issuance, or if the work
 authorized by such permit is suspended or abandoned for a
 period of 1 year after the time the work is commenced;
 provided that, for good cause, one or more extensions of time,
 for periods not exceeding 90 days each may be allowed. Such
 extensions shall be in writing and signed by the director or his
 designee. The following grounds for extension shall constitute
 good cause for the granting of an extension:

(a) An extension of time shall be granted due to delays in
 construction, including delay arising from the non-availability
 of parts necessary to complete construction; except when the
 director or his designee determines that the delay is the fault of
 the contractor or applicant, or where the delay results from
 failure to diligently pursue construction.

(b) An extension of time shall be granted due to delays
 caused by the injury, illness or death of an involved material
 party to the construction.

(c) The director shall also grant an extension of time where
 failure to grant the requested extension will impose hardship
 on the party requesting the permit; except when the director or
 his designee determines that the necessity for the extension is
 due to the party's ies' own negligence and the necessity for the
 extension would have been avoided by the party's ies' exercise
 of due diligence.

(2) through (3) No change.

(4) Annual certificate of operation fees for elevators are
 based on whether or not a service maintenance contract to
 insure safe elevator operation is consistently in force. In
 addition, the fee shall be based on the following schedules:

(a) Fees based on type of installation and number of
 landings. Hand-operated, electric, hydraulic passenger and
 freight elevators, escalators, side walk elevators, power
 operated dumbwaiters, material lifts and dumbwaiters with
 automatic transfer devices, inclined stairway chairlifts,
 inclined and vertical wheelchair lifts and inclined elevators.

NUMBER OF LANDINGS	FEES UNDER SERVICE MAINTENANCE CONTRACT	FEE NO SERVICE MAINTENANCE CONTRACT
Elevators serving 0-2 landings	<u>\$32</u> \$35	<u>\$72</u> \$80
Elevators serving 3-5 landings	<u>\$36</u> \$40	<u>\$77</u> \$85
Elevators serving 6-10 landings	<u>\$41</u> \$45	<u>\$81</u> \$90
Elevators serving 11-15 landings	<u>\$45</u> \$50	<u>\$86</u> \$95
Elevators serving Over 15 landings	<u>\$45</u> \$50	<u>\$90</u> \$100

(b) Fee based on type of installation, regardless of the number of landings:

TYPE OF INSTALLATION	FEES UNDER SERVICE MAINTENANCE CONTRACT	FEE NO SERVICE MAINTENANCE CONTRACT
Special purpose Elevators, Manlifts, Moving Walks	<u>\$45</u> \$50	<u>\$90</u> \$100

(c) Fee for Temporary Operating Permits – \$100. The permit shall be issued for a period not to exceed 30 days.

(5) through (6) No change.

Specific Authority 399.07(1)(d), 399.07(2)(d), 399.10 FS. Law Implemented 399.07(1)(d),(2)(d) FS. History–New 8-21-79, Amended 11-20-79, 10-8-81, 4-21-82, 8-1-82, 11-27-83, 9-19-84, 10-8-85, Formerly 7C-5.06, Amended 10-31-88, 7-1-92, 10-11-92, Formerly 7C-5.006, Amended 2-2-94, 1-1-98,

NAME OF PERSON ORIGINATING PROPOSED RULE: Geoffrey Luebke, Assistant Division Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 27, No. 5, February 2, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances 61G15-19.004

RULE NO.:

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

SUMMARY: The Board proposes to amend subsection (2)(r) to clarify the fines to be imposed for a firm practicing without a certificate of authorization.

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

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

SPECIFIC AUTHORITY: 455.227, 471.008, 471.031, 471.033 FS.

LAW IMPLEMENTED: 455.227, 471.031, 471.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-19.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

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

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) through (q) No change.		
(r) Firm practicing without certificate of authorization (471.023, F.S.)	Guidance Letter to become certified or cease practice. If firm applies for certificate, Board will impose a fine of \$100/month for uncertified practice, or a \$1,000 maximum, per month of	

(3) No change.

Specific Authority 455.227, 471.008, 471.031, 471.033 FS. Law Implemented 455.227, 471.031, 471.033 FS. History—New 1-7-87, Formerly 21H-19.004, Amended 11-27-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Re-examination
RULE NO.: 61G15-21.007
PURPOSE AND EFFECT: The purpose of the rule amendments is to clean up the rule text in an attempt to clarify re-examination.

SUMMARY: The Board proposes to amend this rule by changing the word “individual” to “applicant” where ever it appears in the rule, and to reword subsection (2) to clarify re-examination.

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

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

SPECIFIC AUTHORITY: 455.217(2) FS.
LAW IMPLEMENTED: 455.217(2), 471.011 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-21.007 Re-examination.

(1) An applicant individual who fails to pass or take Part One or Part Two of the Engineer Examination or the Engineer Intern Examination may take the applicable examination upon payment of the proper re-examination fee at a regularly scheduled examination date. An applicant individual who has passed one of the two parts of the Engineering Examination shall be given credit for the part passed. If an applicant fails to take or appear for an examination he shall be required to pay a

re-examination fee for any part of the examination not taken or appeared for. If an applicant fails to take an examination for two consecutive examination dates he shall be required to submit a new application and pay the required fee.

~~(2) If an applicant fails five times to pass the examination, the applicant must take additional engineering courses in order to reapply for examination. The applicant must submit to the Board of Professional Engineers transcripts for the enrollment and completion of twelve (12) college credit hours of engineering courses in the applicant’s area of deficiency. In order to meet the statutory requirement that persons failing the examination five times beginning with October of 1992, must take additional education courses in order to reapply for examination after failing the examination, the Board of Engineers requires a person to evidence enrollment and completion of at least twelve (12) college credit hours of engineering courses related to their area of deficiency by submission of transcripts.~~

Specific Authority 455.217(2) FS. Law Implemented 455.217(2), 471.011 FS. History—New 1-8-80, Amended 8-25-81, Formerly 21H-21.07, 21H-21.007, Amended 2-14-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Change of Status Fee
RULE NO.: 61G15-24.003
PURPOSE AND EFFECT: The purpose of the rule amendments is to increase the fees.

SUMMARY: The Board proposes to amend this rule to increase the fee for reactivation of an inactive status license from \$25 to \$50, and to increase the fee from \$25 to \$75 for licensees who wish to apply for inactive status at any time other than at the beginning of the licensure cycle.

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

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

SPECIFIC AUTHORITY: 455.271 FS.
LAW IMPLEMENTED: 455.271 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-24.003 Change of Status Fee.

(1) Active. The fee for reactivation of an inactive status license shall be ~~\$50.00~~ ~~\$25.00~~.

(2) Inactive. A licensee shall pay an inactive status fee of ~~\$75.00~~ ~~\$25.00~~ when the licensee applies for inactive status at any time other than at the beginning of licensure cycle.

Specific Authority 455.271 FS. Law Implemented 455.271 FS. History--New 2-5-97, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-43R

RULE CHAPTER TITLE: Identification of Impaired
RULE CHAPTER NO.: 62-303

Surface Waters 62-303

RULE TITLES: Scope and Intent
RULE NOS.: 62-303.100

Relationship Between Planning and Verified Lists 62-303.150

Definitions 62-303.200

Methodology to Develop the Planning List 62-303.300

Evaluation of Aquatic Life Support 62-303.310

Exceedances of Aquatic Life-Based Water Quality Criteria 62-303.320

Biological Assessment 62-303.330

Toxicity 62-303.340

Interpretation of Narrative Nutrient Criteria 62-303.350

Nutrients in Streams 62-303.351

Nutrients in Lakes 62-303.352

Nutrients in Estuaries 62-303.353

Primary Contact and Recreation Use Support 62-303.360

Fish and Shellfish Consumption Use Support 62-303.370

Drinking Water Use Support and Protection of Human Health 62-303.380

Methodology to Develop the Verified List 62-303.400

Determination of Aquatic Life Support 62-303.410

Exceedances of Aquatic Life-Based Water Quality Criteria 62-303.420

Biological Impairment 62-303.430

Toxicity 62-303.440

Interpretation of Narrative Nutrient Criteria 62-303.450

Primary Contact and Recreation Use Support 62-303.460

Fish and Shellfish Consumption Use Support 62-303.470

Drinking Water Use Support and Protection of Human Health 62-303.480

Prioritization 62-303.500

Evaluation of Proposed Pollution Control Mechanisms 62-303.600

Listing Cycle 62-303.700

Format of Verified List and Verified List Approval 62-303.710

Delisting Procedure 62-303.720

Impairment of Interstate and Tribal Waters 62-303.810

PURPOSE, EFFECT AND SUMMARY: The purpose of the proposed new rule is to establish a methodology to identify impaired waters that will be included on the State's verified list of impaired waters, for which the Department will calculate Total Maximum Daily Loads, pursuant to subsection 403.067(4), Florida Statutes (F.S.), and which will be submitted to the United States Environmental Protection Agency pursuant to subparagraphs 303(d)(1)(A) and 303(d)(1)(C) of the Clean Water Act. As directed by 403.067, F.S., the development of the State's 303(d) list will be a two-step process; waters will first be identified as potentially impaired and then any impairment will be verified before listing the water. The rule implements this statutory direction by providing a methodology to identify surface waters of the state that will be included on a "planning list" of waters. Pursuant to subsections 403.067(2) and (3), F.S., the Department will evaluate the data used to place these waters on the planning list, verify that the data meet quality assurance and data sufficiency requirements of the "verified list," and collect additional data, as needed, to complete the assessment. The rule also provides information about the listing cycle, the format of the verified list, and delisting procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Department is preparing a draft Statement of Estimated Regulatory Costs (SERC) for proposed Chapter 62-303, F.A.C. The Department will include estimates of costs for the Department to prepare the planning list and verify whether waters on the planning list are in fact impaired, including costs associated with collecting additional data as needed to meet the data sufficiency requirements for the verified list. The Department will also provide information on other costs associated with the Total Maximum Daily Load (TMDL) Program, including TMDL development costs.

As this rule does not require implementation or enforcement by other regulatory agencies, there are no required additional costs to other regulatory agencies. However, there may be some

additional monitoring costs if other agencies want their data to be considered under this rule, and the SERC will address these potential costs. Costs to regulated and affected parties to implement TMDLs will be addressed when those TMDLs are adopted by 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.

SPECIFIC AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.021(11), 403.062, 403.067 FS.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. or as soon thereafter as the matter can be heard, Thursday, April 26, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES AND AGENDA FOR THE PUBLIC HEARING IS: Daryll Joyner, Division of Water Resource Management, Bureau of Watershed Management, Mail Station 3510, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)488-3603

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I GENERAL

62-303.100 Scope and Intent.

(1) This chapter establishes a methodology to identify surface waters of the state that will be included on the state's planning list of waters that will be assessed pursuant to subsections 403.067(2) and (3), Florida Statutes (F.S.). It also establishes a methodology to identify impaired waters that will be included on the state's verified list of impaired waters, for which the Department will calculate Total Maximum Daily Loads (TMDLs), pursuant to subsection 403.067(4), F.S., and which will be submitted to the United States Environmental Protection Agency (EPA) pursuant to subparagraph 303(d)(1)(C) of the Clean Water Act (CWA).

(2) Subsection 303(d) of the CWA and section 403.067, F.S., describe impaired waters as those not meeting applicable water quality standards, which is a broad term that includes designated uses, water quality criteria, the Florida antidegradation policy, and moderating provisions. However, as recognized when the water quality standards were adopted, many water bodies naturally do not meet one or more established water quality criteria at all times, even though they meet their designated use. Data on exceedances of water quality criteria will provide critical information about the status of assessed waters, but it is the intent of this chapter to

only list waters on the verified list that are impaired due to point source or nonpoint source pollutant discharges. It is not the intent of this chapter to include waters that do not meet water quality criteria solely due to natural conditions or physical alterations of the water body not related to pollutants. Similarly, it is not the intent of this chapter to include waters where designated uses are being met and where water quality criteria exceedances are limited to those parameters for which permitted mixing zones or other moderating provisions (such as site-specific alternative criteria) are in effect. Waters that do not meet applicable water quality standards due to natural conditions or to pollution not related to pollutants shall be noted in the state's water quality assessment prepared under subsection 305(b) of the CWA [305(b) Report].

(3) This chapter is intended to interpret existing water quality criteria and evaluate attainment of established designated uses as set forth in Chapter 62-302, F.A.C., for the purposes of identifying water bodies or segments for which TMDLs will be established. It is not the intent of this chapter to establish new water quality criteria or standards, or to determine the applicability of existing criteria under other provisions of Florida law. In cases where this chapter relies on numeric indicators of ambient water quality as part of the methodology for determining whether existing narrative criteria are being met, these numeric values are intended to be used only in the context of developing a planning list and identifying an impaired water pursuant to this chapter. As such, exceedances of these numeric values shall not, by themselves, constitute violations of Department rules that would warrant enforcement action.

(4) Nothing in this rule is intended to limit any actions by federal, state, or local agencies, affected persons, or citizens pursuant to other rules or regulations.

(5) Pursuant to section 403.067, F.S., impaired waters shall not be listed on the verified list if reasonable assurance is provided that, as a result of existing or proposed technology-based effluent limitations and other pollution control programs under local, state, or federal authority, they will attain water quality standards in the future and reasonable progress towards attainment of water quality standards will be made by the time the next 303(d) list is scheduled to be submitted to EPA.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.021(11), 403.062, 403.067 FS. History—New _____.

62-303.150 Relationship Between Planning and Verified Lists.

(1) The Department shall follow the methodology in Section 62-303.300 to develop a planning list pursuant to subsection 403.067(2), F.S. As required by subsection 403.067(2), F.S., the planning list shall not be used in the administration or implementation of any regulatory program, and shall be submitted to EPA for informational purposes only. Waters on this planning list will be assessed pursuant to

subsection 403.067(3), F.S., as part of the Department's watershed management approach. During this assessment, the Department shall determine whether the water body is impaired and whether the impairment is due to pollutant discharges using the methodology in Part III. The resultant verified list of impaired waters, which is the list of waters for which TMDLs will be developed by the Department pursuant to subsection 403.067(4), will be adopted by Secretarial Order and will be subject to challenge under subsection 120.569 and 120.57, F.S. Once adopted, the list will be submitted to the EPA pursuant to subparagraphs 303(d)(1)(A) and (C) of the CWA.

(2) Consistent with state and federal requirements, opportunities for public participation, including workshops, meetings, and periods to submit comments on draft lists, will be provided as part of the development of planning and verified lists.

Specific Authority 403.061, 403.067 FS, Law Implemented 403.062, 403.067 FS, History—New _____.

62-303.200 Definitions.

As used in this chapter:

(1) "BioRecon" shall mean a bioassessment conducted following the procedures outlined in "Protocols for Conducting a Biological Reconnaissance in Florida Streams," Florida Department of Environmental Protection, March 13, 1995, which is incorporated by reference.

(2) "Clean techniques" shall mean those applicable field sampling procedures and analytical methods referenced in "Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels, July 1996, USEPA, Office of Water, Engineering and Analysis Division, Washington, D.C.," which is incorporated by reference.

(3) "Department" or "DEP" shall mean the Florida Department of Environmental Protection.

(4) "Designated use" shall mean the present and future most beneficial use of a body of water as designated by the Environmental Regulation Commission by means of the classification system contained in Chapter 62-302, F.A.C.

(5) "Estuary" shall mean predominantly marine regions of interaction between rivers and nearshore ocean waters, where tidal action and river flow mix fresh and salt water. Such areas include bays, mouths of rivers, and lagoons.

(6) "Impaired water" shall mean a water body or water body segment that does not meet its applicable water quality standards as set forth in Chapters 62-302 and 62-4, F.A.C, as determined by the methodology in Part III of this chapter, due in whole or in part to discharges of pollutants from point or nonpoint sources.

(7) "Lake Condition Index" shall mean the benthic macroinvertebrate component of a bioassessment conducted following the procedures outlined in "Development of Lake

Condition Indexes (LCI) for Florida." Florida Department of Environmental Protection, July, 2000, which is incorporated by reference.

(8) "Natural background" shall mean the condition of waters in the absence of man-induced alterations based on the best scientific information available to the Department. The establishment of natural background for an altered waterbody may be based upon a similar unaltered waterbody or on historical pre-alteration data.

(9) "Nuisance species" shall mean species of flora or fauna whose noxious characteristics or presence in sufficient number, biomass, or areal extent may reasonably be expected to prevent, or unreasonably interfere with, a designated use of those waters.

(10) "Physical alterations" shall mean human-induced changes to the physical structure of the water body.

(11) "Planning list" shall mean the list of surface waters or segments for which assessments will be conducted to evaluate whether the water is impaired and a TMDL is needed, as provided in subsection 403.067(2), F.S.

(12) "Pollutant" shall be as defined in subsection 502(6) of the CWA. Characteristics of a discharge, including dissolved oxygen, pH, or temperature, shall also be defined as pollutants if they result or may result in the potentially harmful alteration of downstream waters.

(13) "Pollution" shall be as defined in subsection 502(19) of the CWA and subsection 403.031(2), F.S.

(14) "Predominantly marine waters" shall mean surface waters in which the chloride concentration at the surface is greater than or equal to 1,500 milligrams per liter.

(15) "Secretary" shall mean the Secretary of the Florida Department of Environmental Protection.

(16) "Spill" shall mean a short-term, unpermitted discharge to surface waters, not to include sanitary sewer overflows or chronic discharges from leaking wastewater collection systems.

(17) "Stream" shall mean a free-flowing, predominantly fresh surface water in a defined channel, and includes rivers, creeks, branches, canals, freshwater sloughs, and other similar water bodies.

(18) "Stream Condition Index" shall mean a bioassessment conducted following the procedures outlined in "Development of the Stream Condition Index (SCI) for Florida," Florida Department of Environmental Protection, May, 1996, which is incorporated by reference.

(19) "Surface water" means those waters of the State upon the surface of the earth to their landward extent, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

(20) "Tier 2 Data Quality Assessment" shall mean an assessment of the quality controls used in generating water quality data, as outlined in the Department's Guidance

Document, "A Tiered Approach to Data Quality Assessment" (DEP EAS 001-00, October 2000), which is incorporated by reference.

(21) "Total maximum daily load" (TMDL) for an impaired water body or water body segment shall mean the sum of the individual wasteload allocations for point sources and the load allocations for nonpoint sources and natural background. Prior to determining individual wasteload allocations and load allocations, the maximum amount of a pollutant that a water body or water segment can assimilate from all sources without exceeding water quality standards must first be calculated. A TMDL shall include either an implicit or explicit margin of safety and a consideration of seasonal variations.

(22) "Verified list" shall mean the list of impaired water bodies or segments for which TMDLs will be calculated, as provided in subsection 403.067(4), F.S., and which will be submitted to EPA pursuant to subparagraph 303(d)(1)(C) of the CWA.

(23) "Water quality criteria" shall mean elements of State water quality standards, expressed as constituent concentrations, levels, or narrative statements, representing a quality of water that supports the present and future most beneficial uses.

(24) "Water quality standards" shall mean standards composed of designated present and future most beneficial uses (classification of waters), the numerical and narrative criteria applied to the specific water uses or classification, the Florida antidegradation policy, and the moderating provisions (mixing zones, site-specific alternative criteria, and exemptions) contained in Chapter 62-302, F.A.C., and in Chapter 62-4, F.A.C., adopted pursuant to Chapter 403, F.S.

(25) "Water segment" shall mean a portion of a water body that the Department will assess and evaluate for purposes of determining whether a TMDL will be required. Water segments previously evaluated as part of the Department's 1998 305(b) Report are depicted in the map titled "Water Segments of Florida," which is incorporated by reference.

(26) "Waters" shall be those surface waters described in Section 403.031(13), Florida Statutes.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New _____.

PART II THE PLANNING LIST

62-303.300 Methodology to Develop the Planning List.

(1) This part establishes a methodology for developing a planning list of waters to be assessed pursuant to subsections 403.067(2) and (3), F.S. A waterbody shall be placed on the planning list if it fails to meet the minimum criteria for surface waters established in Rule 62-302.500, F.A.C.; any of its designated uses, as described in this part; or applicable water quality criteria, as described in this part. It should be noted that water quality criteria are designed to protect either aquatic life

use support, which is addressed in Sections 62-303.310-353, or to protect human health, which is addressed in Sections 62-303.360-380.

(2) Waters on the list of water segments submitted to EPA in 1998 that do not meet the data sufficiency requirements for the planning list shall nevertheless be included in the state's initial planning list developed pursuant to this rule.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New _____.

62-303.310 Evaluation of Aquatic Life Use Support.

A Class I, II, or III water shall be placed on the planning list for assessment of aquatic life use support (propagation and maintenance of a healthy, well-balanced population of fish and wildlife) if, based on sufficient quality and quantity of data, it:

(1) exceeds applicable aquatic life-based water quality criteria as outlined in Section 62-303.320,

(2) does not meet biological assessment thresholds for its water body type as outlined in Section 62-303.330,

(3) is acutely or chronically toxic as outlined in Section 62-303.340, or

(4) exceeds nutrient thresholds as outlined in Section 62-303.350.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New _____.

62-303.320 Exceedances of Aquatic Life-Based Water Quality Criteria.

(1) Water segments shall be placed on the planning list if, using objective and credible data, as defined by the requirements specified in this section, the number of exceedances of an applicable water quality criterion due to pollutant discharges is greater than or equal to the number listed in Table 1 for the given sample size. This table provides the number of exceedances that indicate a minimum of a 10% exceedance frequency with a minimum of an 80% confidence level using a binomial distribution.

Table 1: Planning List

Minimum number of measured exceedances needed to put a water on the Planning list with at least 80% confidence that the actual exceedance rate is greater than or equal to ten percent.

Sample sizes	Are listed if they have at least this # of exceedances	Sample sizes	Are listed if they have at least this # of exceedances
From 10	To 15	3	
From 16	To 23	4	
From 24	To 31	5	
From 246	To 255	30	
From 256	To 264	31	
From 265	To 273	32	

<u>32</u>	<u>39</u>	<u>6</u>
<u>40</u>	<u>47</u>	<u>7</u>
<u>48</u>	<u>56</u>	<u>8</u>
<u>57</u>	<u>65</u>	<u>9</u>
<u>66</u>	<u>73</u>	<u>10</u>
<u>74</u>	<u>82</u>	<u>11</u>
<u>83</u>	<u>91</u>	<u>12</u>
<u>92</u>	<u>100</u>	<u>13</u>
<u>101</u>	<u>109</u>	<u>14</u>
<u>110</u>	<u>118</u>	<u>15</u>
<u>119</u>	<u>126</u>	<u>16</u>
<u>127</u>	<u>136</u>	<u>17</u>
<u>137</u>	<u>145</u>	<u>18</u>
<u>146</u>	<u>154</u>	<u>19</u>
<u>155</u>	<u>163</u>	<u>20</u>
<u>164</u>	<u>172</u>	<u>21</u>
<u>173</u>	<u>181</u>	<u>22</u>
<u>182</u>	<u>190</u>	<u>23</u>
<u>191</u>	<u>199</u>	<u>24</u>
<u>200</u>	<u>208</u>	<u>25</u>
<u>209</u>	<u>218</u>	<u>26</u>
<u>219</u>	<u>227</u>	<u>27</u>
<u>228</u>	<u>236</u>	<u>28</u>
<u>237</u>	<u>245</u>	<u>29</u>

<u>274</u>	<u>282</u>	<u>33</u>
<u>283</u>	<u>292</u>	<u>34</u>
<u>293</u>	<u>301</u>	<u>35</u>
<u>302</u>	<u>310</u>	<u>36</u>
<u>311</u>	<u>320</u>	<u>37</u>
<u>321</u>	<u>329</u>	<u>38</u>
<u>330</u>	<u>338</u>	<u>39</u>
<u>339</u>	<u>348</u>	<u>40</u>
<u>349</u>	<u>357</u>	<u>41</u>
<u>358</u>	<u>367</u>	<u>42</u>
<u>368</u>	<u>376</u>	<u>43</u>
<u>377</u>	<u>385</u>	<u>44</u>
<u>386</u>	<u>395</u>	<u>45</u>
<u>396</u>	<u>404</u>	<u>46</u>
<u>405</u>	<u>414</u>	<u>47</u>
<u>415</u>	<u>423</u>	<u>48</u>
<u>424</u>	<u>432</u>	<u>49</u>
<u>433</u>	<u>442</u>	<u>50</u>
<u>443</u>	<u>451</u>	<u>51</u>
<u>452</u>	<u>461</u>	<u>52</u>
<u>462</u>	<u>470</u>	<u>53</u>
<u>471</u>	<u>480</u>	<u>54</u>
<u>481</u>	<u>489</u>	<u>55</u>
<u>490</u>	<u>499</u>	<u>56</u>
<u>500</u>	<u>500</u>	<u>57</u>

(2) The U.S. Environmental Protection Agency’s Storage and Retrieval (STORET) database shall be the primary source of data used for determining water quality criteria exceedances. As required by Rule 62-40.540(3), F.A.C., the Department, other state agencies, the Water Management Districts, and local governments collecting surface water quality data in Florida shall enter the data into STORET within one year of collection. Other sampling entities that want to ensure their data will be considered for evaluation should ensure their data are entered into STORET. The Department shall consider data submitted to the Department from other sources and databases if the data meet the sufficiency and data quality requirements of this section.

(3) When determining water quality criteria exceedances, data older than ten years shall not be used to develop planning lists. Further, more recent data shall take precedence over older data if:

(a) the newer data indicate a change in water quality and this change is related to changes in pollutant loading to the watershed or improved pollution control mechanisms in the watershed contributing to the assessed area, or

(b) the Department determines that the older data do not meet the data quality requirements of this section or are no longer representative of the water quality of the segment. The Department shall note for the record that the older data were excluded and provide details about why the older data were excluded.

(4) To be assessed for water quality criteria exceedances using Table 1, a water segment shall have a minimum of ten, temporally independent samples for the ten year period. To be treated as an independent sample, samples from a given station shall be at least one week apart. Samples collected at the same location less than seven days apart shall be considered as one sample, with the median value used to represent the sampling period. However, if any of the individual values exceed acutely toxic levels, then the worst case value shall be used to represent the sampling period. The worst case value is the minimum value for dissolved oxygen, both the minimum and maximum for pH, or the maximum value for other parameters. However, when data are available from diel or depth profile studies, the lower tenth percentile value shall be used to represent worst case conditions. For the purposes of this chapter, samples collected within 200 meters of each other will be considered the same station or location, unless there is a tributary, an outfall, or significant change in the hydrography of the water. Data from different stations within a water segment shall be treated as separate samples even if collected at the same time. However, there shall be at least five independent sampling events during the ten year assessment period, with at least one sampling event conducted in three of the four seasons of the calendar year. For the purposes of this chapter, the four seasons shall be January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.

(5) Notwithstanding the requirements of paragraph (4), water segments shall be included on the planning list if:

(a) there are less than ten samples for the segment, but there are three or more temporally independent exceedances of an applicable water quality criterion, or

(b) there are more than one exceedance of an acute toxicity-based water quality criterion in any three year period.

(6) Outliers identified through statistical procedures shall be excluded from the assessment. However, the Department shall note for the record that the data were excluded and explain why they were excluded.

(7) The Department shall consider all readily available water quality data. However, to be used to determine water quality exceedances,

(a) data shall be collected and analyzed in accordance with Chapter 62-160, F.A.C., and

(b) for data collected after one year from the effective date of this rule, the sampling agency must provide the associated quality assurance data needed for a Tier 2 data quality assessment, with appropriate data fields entered into STORET.

(8) To be used to determine exceedances of metals criteria,

(a) surface water data for mercury shall be collected and analyzed using clean sampling and analytical techniques, and

(b) the corresponding hardness value shall be required to determine exceedances of freshwater metals criteria that are hardness dependent, and if the ambient hardness value is less

than 25 mg/L as CaCO₃, then a hardness value of 25 will be used to calculate the criteria. If data are not used due to sampling or analytical techniques or because hardness data were not available, the Department shall note for the record that data were excluded and explain why they were excluded.

(9) Surface water data with values below the applicable practical quantification limit (PQL) or method detection limit (MDL) shall be assessed in accordance with Rules 62-4.246(6)(b)-(d) and (8), F.A.C.

(a) If sampling entities want to ensure that their data will be considered for evaluation, they should review the Department's list of approved MDLs and PQLs developed pursuant to Rule 62-4.246, F.A.C., and, if available, use approved analytical methods with MDLs below the applicable water quality criteria. If there are no approved methods with MDLs below a criterion, then the method with the lowest MDL should be used. Analytical results listed as below detection or below the MDL shall not be used for developing planning lists if the MDL was above the criteria and there were, at the time of sample collection, approved analytical methods with MDLs below the criteria on the Department's list of approved MDLs and PQLs.

(b) If appropriate analytical methods were used, then data with values below the applicable MDL will be deemed to meet the applicable water quality criterion and data with values between the MDL and PQL will be deemed to be equal to the MDL.

(10) It should be noted that the data requirements of this rule constitute the minimum data set needed to assess a water segment for impairment. Agencies or groups designing monitoring networks are encouraged to consult with the Department to determine the sample design appropriate for their specific monitoring goals.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New _____.

62-303.330 Biological Assessment.

(1) Biological data must meet the requirements of paragraphs (3) and (7) in section 62-303.320.

(2) Bioassessments used to assess streams and lakes under this rule shall include BioRecons, Stream Condition Indices (SCIs), and the benthic macroinvertebrate component of the Lake Condition Index (LCI), which only applies to clear lakes with a color less than 40 platinum cobalt units. Because of the complexity of bioassessment procedures, persons conducting the bioassessment will, in addition to meeting the quality assurance requirements of Chapter 62-160, F.A.C., be required to pass a Department sanctioned field audit before their bioassessment data will be considered valid for use under this rule.

(3) Water segments with at least one failed bioassessment or one failure of the biological integrity standard, Rule 62-302.530(11), shall be included on the planning list for assessment of aquatic life use support.

(a) In streams, the bioassessment can be an SCI or a BioRecon. Failure of a bioassessment for streams consists of a "poor" or "very poor" rating on the Stream Condition Index, or not meeting the minimum thresholds established for all three metrics (taxa richness, Ephemeroptera/Plecoptera/Trichoptera Index, and Florida Index) on the BioRecon.

(b) Failure for lakes consists of a "poor" or "very poor" rating on the Lake Condition Index.

(4) Other information relevant to the biological integrity of the water segment, including information about alterations in the type, nature, or function of a water, shall also be considered when determining whether aquatic life use support has been maintained.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New _____.

62-303.340 Toxicity.

(1) All toxicity tests used to place a water segment on a planning list shall be based on surface water samples and shall be conducted and evaluated in accordance with Chapter 62-160, F.A.C., and subsections 62-302.200(1) and (4), F.A.C., respectively.

(2) Water segments with two samples indicating acute toxicity within a twelve month period shall be placed on the planning list. Samples must be collected at least two weeks apart over a twelve month period, some time during the ten years preceding the assessment.

(3) Water segments with two samples indicating chronic toxicity within a twelve month period shall be placed on the planning list. Samples must be collected at least two weeks apart, some time during the ten years preceding the assessment.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New _____.

62-303.350 Interpretation of Narrative Nutrient Criteria.

(1) Trophic state indices (TSIs) and annual mean chlorophyll a values shall be the primary means for assessing whether a water should be assessed further for nutrient impairment. Other information indicating an imbalance in flora or fauna due to nutrient enrichment, including, but not limited to, algal blooms, excessive macrophyte growth, decrease in the distribution (either in density or areal coverage) of seagrasses or other submerged aquatic vegetation, changes in algal species richness, and excessive diel oxygen swings, shall also be considered.

(2) To be used to determine whether a water should be assessed further for nutrient enrichment,

(a) data must meet the requirements of paragraphs (2)-(4), (6), and (7) in Rule 62-303.320.

(b) at least one sample from each season shall be required in any given year to calculate a Trophic State Index (TSI) or an annual mean chlorophyll a value for that year, and

(c) there must be annual means from at least four years, when evaluating the change in TSI over time pursuant to paragraph 62-303.352(3).

(3) When comparing changes in chlorophyll a or TSI values to historical levels, historical levels shall be based on the lowest five-year average for the period of record. To calculate a five-year average, there must be annual means from at least three years of the five-year period.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New _____.

62-303.351 Nutrients in Streams.

A stream or stream segment shall be included on the planning list for nutrients if the following biological imbalances are observed:

(1) Algal mats are present in sufficient quantities to pose a nuisance or hinder reproduction of a threatened or endangered species, or

(2) Annual mean chlorophyll a concentrations are greater than 20 ug/l or if data indicate annual mean chlorophyll a values have increased by more than 50% over historical values for at least two consecutive years.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New _____.

62-303.352 Nutrients in Lakes.

For the purposes of evaluating nutrient enrichment in lakes, TSIs shall be calculated based on the procedures outlined on pages 86 and 87 of the State's 1996 305(b) report, which are incorporated by reference. Lakes or lake segments shall be included on the planning list for nutrients if:

(1) For lakes with a mean color greater than 40 platinum cobalt units, the annual mean TSI for the lake exceeds 60, unless paleolimnological information indicates the lake was naturally greater than 60, or

(2) For lakes with a mean color less than or equal to 40 platinum cobalt units, the annual mean TSI for the lake exceeds 40, unless paleolimnological information indicates the lake was naturally greater than 40, or

(3) For any lake, data indicate that annual mean TSIs have increased over the assessment period, as indicated by a positive slope in the means plotted versus time, or the annual mean TSI has increased by more than 10 units over historical values. When evaluating the slope of mean TSIs over time, the Department shall use a Mann's one-sided, upper-tail test for trend, as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724 (which are incorporated by reference), with a 95% confidence level.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New _____.

62-303.353 Nutrients in Estuaries.

Estuaries or estuary segments shall be included on the planning list for nutrients if their annual mean chlorophyll a for any year is greater than 11 ug/l or if data indicate annual mean chlorophyll a values have increased by more than 50% over historical values for at least two consecutive years.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New _____.

62-303.360 Primary Contact and Recreation Use Support.

(1) A Class I, II, or III water shall be placed on the planning list for primary contact and recreation use support if:

(a) The water segment does not meet the applicable water quality criteria for bacteriological quality based on the methodology described in Section 62-303.320, or

(b) The water segment includes a bathing area that was closed by a local health Department or county government for more than one week or more than once during a calendar year based on bacteriological data, or

(c) The water segment includes a bathing area for which a local health Department or county government has issued closures, advisories, or warnings totaling 21 days or more during a calendar year based on bacteriological data, or

(d) The water segment includes a bathing area that was closed or had advisories or warnings for more than 12 weeks during a calendar year based on previous bacteriological data or on derived relationships between bacteria levels and rainfall or flow.

(2) For data collected after August 1, 2000, the Florida Department of Health (DoH) database shall be the primary source of data used for determining bathing area closures.

(3) Advisories, warnings, and closures based on red tides, rip tides, sewage spills, sharks, medical wastes, hurricanes, or other factors not related to chronic discharges of pollutants shall not be included when assessing recreation use support. However, the Department shall note for the record that data were excluded and explain why they were excluded.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New _____.

62-303.370 Fish and Shellfish Consumption Use Support.

A Class I, II, or III water shall be placed on the planning list for fish and shellfish consumption if:

(1) The water segment does not meet the applicable Class II water quality criteria for bacteriological quality based on the methodology described in Section 62-303.320, or

(2) There is either a limited or no consumption fish consumption advisory, issued by the DoH, or other authorized governmental entity, in effect for the water segment, or

(3) For Class II waters, the water segment includes an area that has been approved for shellfish harvesting by the Shellfish Evaluation and Assessment Program, but which has been downgraded from its initial harvesting classification to a more

restrictive classification. Changes in harvesting classification from prohibited to unclassified do not constitute a downgrade in classification.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New _____.

62-303.380 Drinking Water Use Support and Protection of Human Health.

(1) A Class I water shall be placed on the planning list for drinking water use support if:

(a) The water segment does not meet the applicable Class I water quality criteria based on the methodology described in Section 62-303.320, or

(b) A public water system demonstrates to the Department that either:

1. Treatment costs to meet applicable drinking water criteria have increased by at least 25% to treat contaminants that exceed Class I criteria or to treat blue-green algae or other nuisance algae in the source water, or

2. The system has changed to an alternative supply because of additional costs that would be required to treat their surface water source.

(c) When determining increased treatment costs described in paragraph (b), costs due solely to new, more stringent drinking water requirements, inflation, or increases in costs of materials shall not be included.

(2) A water shall be placed on the planning list for assessment of the threat to human health if the annual mean concentration for any year of the assessment period exceeds a human health-based criteria expressed as an annual average. To be used to determine whether a water should be assessed further for human-health impacts, data must meet the requirements of paragraphs (2), (3), (6), and (7) in Rule 62-303.320.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New _____.

PART III THE VERIFIED LIST

62-303.400 Methodology to Develop the Verified List.

(1) Waters shall be verified as being impaired if they meet the requirements for the planning list in Part II and the additional requirements of Sections 62-303.420-480. A water body that fails to meet the minimum criteria for surface waters established in Rule 62-302.500, F.A.C.: any of its designated uses, as described in this part; or applicable water quality criteria, as described in this part, shall be determined to be impaired.

(2) Additional data and information collected after the development of the planning list will be considered when assessing waters on the planning list, provided it meets the requirements of this chapter. In cases where additional data are needed for waters on the planning list to meet the data sufficiency requirements for the verified list, it is the

Department's goal to collect this additional data as part of its watershed management approach, with the data collected during either the same cycle that the water is initially listed on the planning list (within 1 year) or during the subsequent cycle (six years). Except for data used to evaluate historical trends in chlorophyll a or TSIs, the Department shall not use data that are more than 7.5 years old at the time the water segment is proposed for listing on the verified list.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New _____.

62-303.410 Determination of Aquatic Life Use Support.

Failure to meet any of the metrics used to determine aquatic life use support listed in Sections 62-303.420-450 shall constitute verification that there is an impairment of the designated use for propagation and maintenance of a healthy, well-balanced population of fish and wildlife.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New _____.

62-303.420 Exceedances of Aquatic Life-Based Water Quality Criteria.

(1) The Department shall reexamine the data used in Rule 62-303.320 to determine exceedances of water quality criteria.

(a) If the exceedances are not due to pollutant discharges and reflect either physical alterations of the water body that cannot be abated or natural background conditions, the water shall not be listed on the verified list. In such cases, the Department shall note for the record why the water was not listed and provide the basis for its determination that the exceedances were not due to pollutant discharges.

(b) If the Department cannot clearly establish that the exceedances are due to natural background or physical alterations of the water body but the Department believes the exceedances are not due to pollutant discharges, it is the Department's intent to determine whether aquatic life use support is impaired through the use of bioassessment procedures referenced in Section 62-303.330. The water body or segment shall not be included on the verified list for the parameter of concern if two or more independent bioassessments are conducted and no failures are reported. To be treated as independent bioassessments, they must be conducted at least two months apart.

(2) If the water was listed on the planning list and there were insufficient data from the last five years preceding the planning list assessment to meet the data distribution requirements of section 303.320(4) and to meet a minimum sample size for verification of twenty samples, additional data will be collected as needed to provide a minimum sample size of twenty. Once these additional data are collected, the Department shall re-evaluate the data using the approach outlined in Rule 62-303.320(1), but using Table 2, which provides the number of exceedances that indicate a minimum of a 10% exceedance frequency with a minimum of a 90%

confidence level using a binomial distribution. The Department shall limit the analysis to data collected during the five years preceding the planning list assessment and the additional data collected pursuant to this paragraph.

Table 2: Verified List

Minimum number of measured exceedances needed to put on the Verified list with at least 90% confidence that the actual exceedance rate is greater than or equal to ten percent.

Sample sizes	Are listed if they have at least this # of exceedances	Sample sizes	Are listed if they have at least this # of exceedances
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From	To	
10	11	3
12	18	4
19	25	5
26	32	6
33	40	7
41	47	8
48	55	9
56	63	10
64	71	11
72	79	12
80	88	13
89	96	14
97	104	15
105	113	16
114	121	17
122	130	18
131	138	19
139	147	20
148	156	21
157	164	22
165	173	23
174	182	24
183	191	25
192	199	26
200	208	27
209	217	28
218	226	29
227	235	30
236	244	31

From	To	
245	253	32
254	262	33
263	270	34
271	279	35
280	288	36
289	297	37
298	306	38
307	315	39
316	324	40
325	333	41
334	343	42
344	352	43
353	361	44
362	370	45
371	379	46
380	388	47
389	397	48
398	406	49
407	415	50
416	424	51
425	434	52
435	443	53
444	452	54
453	461	55
462	470	56
471	479	57
480	489	58
490	498	59
499	500	60

(3) If the water was placed on the planning list based on worst case values used to represent multiple samples taken during a seven day period, the Department shall evaluate whether the worst case value should be excluded from the analysis pursuant to subsections (4) and (5). If the worst case value should not be used, the Department shall then re-evaluate

the data following the methodology in Rule 62-303.420(2), using the more representative worst case value or, if all valid values are below acutely toxic levels, the median value.

(4) If the water was listed on the planning list based on exceedances of water quality criteria for metals, the metals data shall be validated to determine whether the quality assurance requirements of Rule 62-303.320(7) are met and whether the sample was both collected and analyzed using clean techniques, if the use of clean techniques is appropriate. If any data cannot be validated, the Department shall re-evaluate the remaining valid data using the methodology in Rule 62-303.420(2), excluding any data that cannot be validated.

(5) Outliers identified through statistical procedures, water quality criteria exceedances due solely to violations of specific effluent limitations contained in state permits authorizing discharges to surface waters, water quality criteria exceedances within permitted mixing zones for those parameters for which the mixing zones are in effect, and water quality data collected following contaminant spills, discharges due to upsets or bypasses from permitted facilities, or rainfall in excess of the 25-year, 24-hour storm, shall be excluded from the assessment. However, the Department shall note for the record that the data were excluded and explain why they were excluded.

(6) Once the additional data review is completed pursuant to paragraphs (1) through (5), the Department shall re-evaluate the data and shall include waters on the verified list that meet the criteria in Rules 62-303.420(2) or 62-303.320(5)(b).

Specific Authority 403.061, 403.067 FS. Law Implemented 403.021(11), 403.062, 403.067 FS. History—New

62-303.430 Biological Impairment.

(1) All bioassessments used to list a water on the verified list shall be conducted in accordance with Chapter 62-160, F.A.C., including Department-approved Standard Operating Procedures. To be used for placing waters on the verified list, any bioassessments conducted before the adoption of applicable SOPs for such bioassessments as part of Chapter 62-160 shall substantially comply with the subsequent SOPs.

(2) If the water was listed on the planning list based on bioassessment results, the water shall be determined to be biologically impaired if there were two or more failed bioassessments within the five years preceding the planning list assessment. If there were less than two failed bioassessments during the last five years preceding the planning list assessment, the Department will conduct an additional bioassessment. If the previous failed bioassessment was a BioRecon, then an SCI will be conducted. Failure of this additional bioassessment shall constitute verification that the water is biologically impaired.

(3) If the water was listed on the planning list based on other information specified in Rule 62-303.330(4) indicating biological impairment, the Department will conduct a bioassessment in the water segment, conducted in accordance with the methodology in Rule 62-303.330, to verify whether

the water is impaired. For streams, the bioassessment shall be an SCI. Failure of this bioassessment shall constitute verification that the water is biologically impaired.

(4) Following verification that a water is biologically impaired, a water shall be included on the verified list for biological impairment if:

(a) There are water quality data specifying the particular pollutant(s) causing the impairment and the concentration of the pollutant(s); and

(b) One of the following demonstrations is made:

1. If there is a numeric criterion for the specified pollutant(s) in Chapter 62-302, F.A.C., but the criterion is met, an identification of the specific factors as to why the numeric criterion is not adequate to protect water quality, or

2. If there is not a numeric criterion for the specified pollutant(s) in Chapter 62-302, F.A.C., the specific factors concerning the particular pollutant(s) shall be identified which connect the specified pollutant to the observed biological effect.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New _____.

62-303.440 Toxicity.

(1) A water segment shall be verified as impaired due to surface water toxicity if:

(a) The water segment was listed on the planning list based on acute toxicity data, or

(b) The water segment was listed on the planning list based on chronic toxicity data and the impairment is confirmed with a failed bioassessment that was conducted within six months of a failed chronic toxicity test. For streams, the bioassessment shall be an SCI.

(2) Following verification that a water is impaired due to toxicity, a water shall be included on the verified list if the requirements of paragraph 62-303.430(4) are met.

(3) Toxicity data collected following contaminant spills, discharges due to upsets or bypasses from permitted facilities, or rainfall in excess of the 25-year, 24-hour storm, shall be excluded from the assessment. However, the Department shall note for the record that the data were excluded and explain why they were excluded.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New _____.

62-303.450 Interpretation of Narrative Nutrient Criteria.

(1) A water shall be placed on the verified list for impairment due to nutrients if there are sufficient data from the last five years preceding the planning list assessment, combined with historical data (if needed to establish historical chlorophyll a levels or historical TSIs), to meet the data sufficiency requirements of Rule 62-303.350(2). If there are insufficient data, additional data shall be collected as needed to meet the requirements. Once these additional data are collected, the Department shall re-evaluate the data using the

thresholds provided in Rule 62-303.351-.353, for streams, lakes, and estuaries, respectively, or alternative, site-specific thresholds that more accurately reflect conditions beyond which an imbalance in flora or fauna occurs in the water segment. In any case, the Department shall limit its analysis to the use of data collected during the five years preceding the planning list assessment and the additional data collected in the second phase. If alternative thresholds are used for the analysis, the Department shall provide the thresholds for the record and document how the alternative threshold better represents conditions beyond which an imbalance in flora or fauna is expected to occur.

(2) If the water was listed on the planning list for nutrient enrichment based on other information indicating an imbalance in flora or fauna, as provided in Rule 62-303.350(1), the Department shall verify the imbalance before placing the water on the verified list for impairment due to nutrients and shall provide documentation supporting the imbalance in flora or fauna.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New _____.

62-303.460 Primary Contact and Recreation Use Support.

(1) The Department shall review the data used by the DoH as the basis for bathing area closures, advisories or warnings and verify that the values exceeded the applicable DoH thresholds and the data meet the requirements of Chapter 62-160. If the segment is listed on the planning list based on bathing area closures, advisories, or warnings issued by a local health department or county government, closures, advisories, or warnings based on red tides, rip tides, sewer line breaks, sharks, medical wastes, hurricanes, or other factors not related to chronic discharges of pollutants shall not be included when verifying primary contact and recreation use support. The Department shall then re-evaluate the remaining data using the methodology in Rule 62-303.360(1)(c). Water segments that meet the criteria in Rule 62-303.360(1)(c) shall be included on the verified list.

(2) If the water segment was listed on the planning list due to exceedances of water quality criteria for bacteriological quality, the Department shall, to the extent practical, evaluate the source of bacteriological contamination and shall verify that the impairment is due to chronic discharges of human-induced bacteriological pollutants before listing the water segment on the verified list. The Department shall take into account the proximity of municipal stormwater outfalls, septic tanks, and domestic wastewater facilities when evaluating potential sources of bacteriological pollutants. For water segments that contain municipal stormwater outfalls, the impairment documented for the segment shall be presumed to be due, at least in part, to chronic discharges of bacteriological pollutants. The Department shall then re-evaluate the data using the methodology in Rule 62-303.320(1), excluding any

values that are elevated solely due to wildlife. Water segments shall be included on the verified list if they meet the requirements in Rule 62-303.420(6).

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New _____.

62-303.470 Fish and Shellfish Consumption Use Support.

(1) In order to be used under this part, the Department shall review the data used by the DoH as the basis for fish consumption advisories and determine whether it meets the following requirements:

(a) The advisory is based on the statistical evaluation of fish tissue data from at least twelve fish collected from the specific water segment or water body to be listed.

(b) Starting one year from the effective date of this rule, the data are collected in accordance with DEP SOP FS6000 (General Biological Tissue Sampling) and FS 6200 (Finfish Tissue Sampling), which are incorporated by reference, the sampling entity has established Data Quality Objectives (DQOs) for the sampling, and the data meet the DQOs. Data collected before one year from the effective date of this rule shall substantially comply with the listed SOPs and any subsequently developed DQOs.

(c) There are sufficient data from within the last seven years to support the continuation of the advisory.

(2) If the segment is listed on the planning list based on fish consumption advisories, waters with fish consumption advisories for pollutants that are no longer legally allowed to be used or discharged shall not be placed on the verified list because the TMDL will be zero for the pollutant.

(3) Waters determined to meet the requirements of this section shall be listed on the verified list.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New _____.

62-303.480 Drinking Water Use Support and Protection of Human Health.

If the water segment was listed on the planning list due to exceedances of a human health-based water quality criterion and there were insufficient data from the last five years preceding the planning list assessment to meet the data sufficiency requirements of Section 303.320(4), additional data will be collected as needed to meet the requirements. Once these additional data are collected, the Department shall re-evaluate the data using the methodology in Rule 62-303.380(2) and limit the analysis to data collected during the five years preceding the planning list assessment and the additional data collected pursuant to this paragraph (not to include data older than 7.5 years). For this analysis, the Department shall exclude any data meeting the requirements of paragraph 303.420(5). Any water segments that have a mean annual average that exceeds the applicable criterion shall be listed on the verified list.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New _____.

62-303.500 Prioritization.

(1) When establishing the TMDL development schedule for water segments on the verified list of impaired waters, the Department shall prioritize impaired water segments according to the severity of the impairment and the designated uses of the segment, taking into account the most serious water quality problems; most valuable and threatened resources; and risk to human health and aquatic life. Impaired waters shall be prioritized as high, medium, or low priority.

(2) The following waters shall be designated high priority:

(a) Water segments where the impairment poses a threat to potable water supplies or to human health.

(b) Water segments where the impairment is due to a pollutant regulated by the CWA and the pollutant has contributed to the decline or extirpation of a federally listed threatened or endangered species, as indicated in the Federal Register listing the species.

(3) The following waters shall be designated low priority:

(a) Water segments that are listed before 2010 due to fish consumption advisories for mercury (due to the current insufficient understanding of mercury cycling in the environment).

(b) Man-made canals, urban drainage ditches, and other artificial water segments that are listed only due to exceedances of the dissolved oxygen criteria.

(c) Water segments that were not on a planning list of impaired waters, but which were identified as impaired during the second phase of the watershed management approach and were included in the verified list, unless the segment meets the criteria in paragraph (2) for high priority.

(4) All segments not designated high or low priority shall be medium priority and shall be prioritized based on the following factors:

(a) The presence of Outstanding Florida Waters.

(b) The presence of water segments that fail to meet more than one designated use.

(c) The presence of water segments that exceed an applicable water quality criterion or alternative threshold with a greater than twenty-five percent exceedance frequency with a minimum of a 90 percent confidence level.

(d) The presence of water segments that exceed more than one applicable water quality criteria.

(e) Administrative needs of the TMDL program, including meeting a TMDL development schedule agreed to with EPA, basin priorities related to following the Department's watershed management approach, and the number of administratively continued permits in the basin.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New _____.

62-303.600 Evaluation of Pollution Control Mechanisms.

(1) Upon determining that a water body is impaired, the Department shall evaluate whether existing or proposed technology-based effluent limitations and other pollution control programs under local, state, or federal authority are sufficient to result in the attainment of applicable water quality standards.

(2) If, as a result of the factors set forth in (1), the water segment is expected to attain water quality standards in the future and is expected to make reasonable progress towards attainment of water quality standards by the time the next 303(d) list is scheduled to be submitted to EPA, the segment shall not be listed on the verified list. The Department shall document the basis for its decision, noting any proposed pollution control mechanisms and expected improvements in water quality that provide reasonable assurance that the water segment will attain applicable water quality standards.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New _____.

62-303.700 Listing Cycle.

(1) The Department shall, to the extent practical, develop basin-specific verified lists of impaired waters as part of its watershed management approach, which rotates through the State's surface water basins on a five year cycle. At the end of the first phase of the cycle, which is designed to develop a preliminary assessment of the basin, the Department shall update the planning list for the basin and shall include the planning list in the status report for the basin, which will be noticed to interested parties in the basin. If the specific pollutant causing the impairment in a particular water segment is not known at the time the planning list is prepared, the list shall provide the basis for including the water segment on the planning list. In these cases, the pollutant and concentration causing the impairment shall be identified before the water segment is included on the verified list to be adopted by Secretarial Order. During the second phase of the cycle, which is designed to collect additional data on waters in the basin, interested parties shall be provided the opportunity to work with the Department to collect additional water quality data. Alternatively, interested parties may develop proposed water pollution control mechanisms that may affect the final verified list adopted by the Secretary at the end of the second phase. To ensure that data or information will be considered in the preliminary basin assessment, it must be submitted to the Department or entered into STORET or, if applicable, the DoH database no later than September 30 during the year of the assessment.

(2) Within a year of the effective date of this rule, the Department shall also prepare a planning list for the entire state.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New _____.

62-303.710 Format of Verified List and Verified List Approval.

(1) The Department shall follow the methodology established in this chapter to develop basin-specific verified lists of impaired water segments. The verified list shall specify the pollutant or pollutants causing the impairment and the concentration of the pollutant(s) causing the impairment. If the water segment is listed based on water quality criteria exceedances, then the verified list shall provide the applicable criteria. However, if the listing is based on narrative or biological criteria, or impairment of other designated uses, and the water quality criteria are met, the list shall specify the concentration of the pollutant relative to the water quality criteria and explain why the numerical criterion is not adequate.

(2) For waters with exceedances of the dissolved oxygen criteria, the Department shall identify the pollutants causing or contributing to the exceedances and list both the pollutant and dissolved oxygen on the verified list.

(3) For waters impaired by nutrients, the Department shall identify whether nitrogen or phosphorus, or both, are the limiting nutrients, and specify the limiting nutrient(s) in the verified list.

(4) The verified list shall also include the priority and the schedule for TMDL development established for the water segment, as required by federal regulations.

(5) The verified list shall also note any waters that are being removed from the current planning list and any previous verified list for the basin.

(6) The verified basin-specific 303(d) list shall be approved by order of the Secretary.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New _____.

PART IV MISCELLANEOUS PROVISIONS62-303.720 Delisting Procedure.

(1) Waters on planning lists developed under this Chapter that are verified to not be impaired during development of the verified list shall be removed from the State's planning list. Once a water segment is verified to not be impaired pursuant to Part III of this chapter, the data used to place the water on the planning list shall not be the sole basis for listing that water segment on future planning lists.

(2) Water segments shall be removed from the State's verified list only after completion of a TMDL for all pollutants causing impairment of the segment or upon demonstration that the water meets the water quality standard that was previously established as not being met.

(a) For waters listed due to failure to meet aquatic life use support based on water quality criteria exceedances or due to threats to human health based on exceedances of single sample water quality criteria, the water shall be delisted when:

1. The number of exceedances of an applicable water quality criterion due to pollutant discharges is less than or equal to the number listed in Table 3 for the given sample size, with a minimum sample size of 30. This table provides the number of exceedances that indicate a maximum of a 10% exceedance frequency with a minimum of a 90% confidence level using a binomial distribution, or

2. Following implementation of pollution control activities that are expected to be sufficient to result in attainment of applicable water quality standards, evaluation of new data indicates the water no longer meets the criteria for listing established in Section 62-303.420, or

3. Following demonstration that the water was inappropriately listed due to flaws in the original analysis, evaluation of available data indicates the water does not meet the criteria for listing established in Section 62-303.420.

New data evaluated under Rule 62-303.720(2)(a)1. must meet the following requirements:

a. They must include samples collected during similar conditions (same seasons and general flow conditions) that the data previously used to determine impairment were collected, with no more than 50% of the samples collected in any one quarter.

b. The sample size must be a minimum of 30 samples, and

c. The data must meet the requirements of paragraphs 62-303.320(4), (6) and (7).

(b) For waters listed due to failure to meet aquatic life use support based on biological data, the water shall be delisted when the segment passes two independent follow-up bioassessments and there have been no failed bioassessments for at least one year. The follow-up tests must meet the following requirements:

1. For streams, the new data may be two BioRecons or any combination of BioRecons and SCIs.

2. The bioassessments must be conducted during similar conditions (same seasons and general flow conditions) under which the previous bioassessments used to determine impairment were collected.

3. The data must meet the requirements of Section 62-303.330(1) and (2), F.A.C.

(c) For waters listed due to failure to meet aquatic life use support based on toxicity data, the water shall be delisted when the segment passes two independent follow-up toxicity tests and there have been no failed toxicity tests for at least one year. The follow-up tests must meet the following requirements:

1. The tests must be conducted using the same test protocols and during similar conditions (same seasons and general flow conditions) under which the previous test used to determine impairment were collected.

2. The data must meet the requirements of Rules 62-303.340(1), and the time requirements of Rules 62-303.340(2) or (3).

(d) For waters listed due to fish consumption advisories, the water shall be delisted following the lifting of the advisory or when data complying with Rule 62-303.470(1)(a) and (b) demonstrate that the continuation of the advisory is no longer appropriate.

(e) For waters listed due to changes in shellfish bed management classification, the water shall be delisted upon reclassification of the shellfish harvesting area to its original or higher harvesting classification. Reclassification of a water from prohibited to unclassified does not constitute a higher classification.

(f) For waters listed due to bathing area closure or advisory data, the water shall be delisted if the bathing area does not meet the listing thresholds in Rule 62-303.360(1) for five consecutive years

(g) For waters listed based on impacts to potable water supplies, the water shall be delisted when applicable water quality criteria are met as defined in Rule 62-303.380(1)(a) and when the causes resulting in higher treatment costs have been ameliorated.

(h) For waters listed based on exceedance of a human health-based annual average criterion, the water shall be delisted when the annual average concentration is less than the criterion for three consecutive years.

(i) For waters listed based on nutrient impairment, the water shall be delisted if it does not meet the listing thresholds in Rule 62-303.450 for three consecutive years.

(j) For any listed water, the water shall be delisted if, following a change in approved analytical procedures, criteria, or water quality standards, evaluation of available data indicates the water no longer meets the applicable criteria for listing.

Table 3: Delisting

Maximum number of measured exceedances allowable to DELIST with at least 90% confidence that the actual exceedance rate is less than ten percent.

Sample sizes	Maximum # of exceedances allowable for delisting
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From	To	
30	37	0
38	51	1
52	64	2
65	77	3
78	90	4
91	103	5
104	115	6
116	127	7
128	139	8
140	151	9

<u>152</u>	<u>163</u>	<u>10</u>
<u>164</u>	<u>174</u>	<u>11</u>
<u>175</u>	<u>186</u>	<u>12</u>
<u>187</u>	<u>198</u>	<u>13</u>
<u>199</u>	<u>209</u>	<u>14</u>
<u>210</u>	<u>221</u>	<u>15</u>
<u>222</u>	<u>232</u>	<u>16</u>
<u>233</u>	<u>244</u>	<u>17</u>
<u>245</u>	<u>255</u>	<u>18</u>
<u>256</u>	<u>266</u>	<u>19</u>
<u>267</u>	<u>278</u>	<u>20</u>
<u>279</u>	<u>289</u>	<u>21</u>

<u>Sample sizes</u>	<u>Maximum # of exceedances allowable for delisting</u>
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<u>From</u>	<u>To</u>	
<u>290</u>	<u>300</u>	<u>22</u>
<u>301</u>	<u>311</u>	<u>23</u>
<u>312</u>	<u>323</u>	<u>24</u>
<u>324</u>	<u>334</u>	<u>25</u>
<u>335</u>	<u>345</u>	<u>26</u>
<u>346</u>	<u>356</u>	<u>27</u>
<u>357</u>	<u>367</u>	<u>28</u>
<u>368</u>	<u>378</u>	<u>29</u>
<u>379</u>	<u>389</u>	<u>30</u>
<u>390</u>	<u>401</u>	<u>31</u>
<u>402</u>	<u>412</u>	<u>32</u>
<u>413</u>	<u>423</u>	<u>33</u>
<u>424</u>	<u>434</u>	<u>34</u>
<u>435</u>	<u>445</u>	<u>35</u>
<u>446</u>	<u>456</u>	<u>36</u>
<u>457</u>	<u>467</u>	<u>37</u>
<u>468</u>	<u>478</u>	<u>38</u>
<u>479</u>	<u>489</u>	<u>39</u>
<u>490</u>	<u>500</u>	<u>40</u>

(3) Any delisting of waters from the verified list shall be approved by order of the Secretary at such time as the requirements of this section are met.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New _____.

62-303.810 Impairment of Interstate and Tribal Waters.

The Department shall work with Alabama, Georgia, and federally recognized Indian Tribes in Florida to share information about their assessment methodology and share water quality data for waters that form state boundaries or flow into Florida. In cases where assessments are different for the

same water body, the Department shall, to the extent practical, work with the appropriate state, Indian Tribe and EPA to determine why the assessments were different.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mimi Drew, Director, Division of Water Resource Management, Department of Environmental Protection

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2001

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Consultant Pharmacist Registration
RULE NO.: 64B16-26.300

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the requirements for a consultant pharmacist.

SUMMARY: The Board is amending this rule by adding new rule text which will inform licensees of the requirements needed prior to becoming registered as a consultant pharmacist and the responsibilities of the supervising consultant pharmacist.

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: 465.005, 465.0125 FS.

LAW IMPLEMENTED: 465.0125 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.300 Consultant Pharmacist Registration.

(1) through (2) No change.

(3) Upon receipt of proof satisfactory to the Board that the consultant pharmacist meets the requirements of subsection (2), the Board shall issue a consultant pharmacist license and register the applicant as a consultant pharmacist in the official records of the Florida Board of Pharmacy with the proviso that designation as the consultant pharmacist of record for a permitted facility, required by rule to employ a consultant pharmacist, requires that the consultant pharmacist must have completed or immediately begin a period of assessment and evaluation, which may be fulfilled by one of the following as a prerequisite or co-requisite:

(a) The period of assessment and evaluation may be fulfilled by the licensee who is a consultant of record and is responsible to sign all pertinent records by completing assignments and performing various consultant of record activities under the guidance or evaluation of a Florida Consultant Pharmacist who is experienced as a pharmacist of record in a Florida Institutional Pharmacy for a minimum of two years and in good standing with the Board. After a period of not less than six months the supervising consultant certifies to the Board that the licensee has successfully completed the required assignments and experiential activities. OR

(b) The licensee may complete this requirement prior to accepting a position as a consultant of record by assisting a consultant of record who is responsible to sign or co-sign all pertinent records. After a period of not less than six months the supervising consultant certifies to the Board that the licensee has successfully completed the required assignments and experiential activities. OR

(c) Practicing ~~(a) practice~~ under the supervision and evaluation of a consultant pharmacist of record in good standing at the same institution for a period of not less than six months, OR,

(b) through (d) renumbered (d) through (f) No change.

(g)~~(e)~~ The written assignments required by subsections (d), (e), and (f), ~~(b), (c), and (d)~~ above shall be completed and sent to the board office within six months of assuming consultant pharmacist of record responsibilities for the permit.

(4) through (9) No change.

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History—New 5-19-72, Revised 4-19-74, Repromulgated 12-18-74, Amended 10-17-79, 4-8-80, 7-29-81, 7-1-83, 4-10-84, 4-30-85, Formerly 21S-1.26, 21S-1.026, Amended 7-13-91, 10-14-91, Formerly 21S-26.300, 61F10-26.300, Amended 9-19-94, 3-28-95, 3-10-96, Formerly 59X-26.300, Amended

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of Insurance Fraud

RULE NO.: 4K-1.003
RULE TITLE: Review Process and Reward Criteria

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)l., Florida Statutes, published in Vol. 27, No. 8, February 23, 2001, of the Florida Administrative Weekly;

1. 4K-1.003(6)

We would add “and as set forth in Rule 4K-1.003(8),(9), and (10).” Therefore it would read: “(6) The criteria for evaluating the application is based on information submitted to the Division of Insurance Fraud after October 1, 1999, leading to the arrest and conviction of persons committing a complex or organized crime investigated by the Division of Insurance, arising out of a violation of Sections 440.105, 624.15, 626.9541, 626.989, or 817.234, Florida Statutes, and as set forth in Rule 4K-1.003(8),(9), and (10).”

2. 4K-1.003(10)(a)-(e)

We would write as follows:

“(10) Rewards shall be paid pursuant to the following schedule:

(a) A reward of up to \$25,000 for theft or fraud valued at \$1,000,000 or more.

(b) A reward of up to \$10,000 for theft or fraud valued at \$100,000 but less than \$1,000,000.

(c) A reward of up to \$5,000 for theft or fraud valued at \$20,000 but less than \$100,000.

(d) A reward of up to \$1,000 for theft or fraud less than \$20,000 but at least \$5,000.

(e) \$250,000 has been allocated to pay rewards. In the event the allocated \$250,000 has been distributed no further rewards shall be granted.”

The remainder of the rule reads as previously published.

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-10.001
RULE TITLE: Asset Transfer Procedures: Initial Transfers Occurring between 7/1/02 and 3/31/03

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule and to the form incorporated by reference, in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 27, No. 5, which is the February 2, 2000, issue of the Florida Administrative Weekly.

Rule 19-10.001:

In subsection (3)(a), the first two sentences will now read: "Beginning on the dates specified in paragraph (e), below, the employee shall complete an enrollment form, Florida Retirement System (FRS)/Public Employee Optional Retirement Program (PEORP)/Enrollment Election Form, Form SBA/PEORP-election, rev. 3/2001, which is hereby adopted and incorporated by reference. This form may be obtained from the State Board of Administration, 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308."

In subsection (3)(e)4., the last sentence will now read: " For those two instances, for those school board employees who wish to begin their effective enrollment in PEORP in December of 2002 and for those local employees who wish to begin their effective enrollment in PEORP in March of 2003, it is necessary that their employers submit the election form within 24 hours of the end of the election period to allow for the assets to be transferred within the statutory period.

In subsection (8), the sentence will now read: "In order to effectively and efficiently administer the investment programs of the SBA and in accordance with Section 215.44(8)(b), Florida Statutes, the records and other information relating to investments made by the SBA will be confidential and exempt from Chapter 119, Florida Statutes, until 30 days after completion of each investment transaction."

In the history note, the reference to "121.031(2)" will be deleted.

On the enrollment form to be incorporated by reference:

In Section II, under Options 2 and 3, the reference to "ABO" in the second line will be changed to "FRS benefit."

In Section IV, the instruction stating "Complete Section IV.A only if you selected Option 2" will be deleted and replaced with the following:

"If you selected OPTION 2, complete SECTIONS IV.A and B. If you selection OPTION 3, complete only SECTION IV.B."

In Section V, the statutory cite in the third affirmation will be changed to: "121.4501(3)(c)3.b."

The notarization requirement at the end of the form will be deleted.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need Program

RULE NO.: 59C-1.008
 RULE TITLE: Certificate of Need Application Procedures

NOTICE OF WITHDRAWAL

The agency is withdrawing amendments originally published in Vol. 26, No. 42, Florida Administrative Weekly, October 20, 2000. The amendments proposed a batching cycle calendar for 2001 and 2002. The batching cycle calendar was subsequently incorporated in amendments to rule 59C-1.008 that became effective on December 12, 2000.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-16.003
 RULE TITLE: Sexual Misconduct in the Practice of Psychology

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the above proposed rule pursuant to subparagraph 120.54(3)(d)1., F.S., as published in Vol. 26, No. 34, August 25, 2000 issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on March 2, 2001.

Section (1) shall now read as follows:

(1) In accordance with the intent of Chapter 490, Florida Statutes, to preserve the health, safety and welfare of the public, sexual misconduct as defined herein is prohibited. The Board finds that the effects of the psychologist-client relationship are powerful and subtle and that clients are influenced consciously and subconsciously by the unequal distribution of power inherent in such relationships. The Board also finds that sexual intimacies with a former client are frequently harmful to the client, and that such intimacies undermine public confidence in the psychology profession and thereby deter the public's use of needed services. Furthermore, the Board finds that the effects of the psychologist-client relationship endure after psychological services cease to be rendered. Therefore, the client shall be presumed incapable of giving valid, informed, free consent to sexual activity involving the psychologist and the assertion of consent by the client shall not constitute a defense against charges of sexual misconduct.

Subsections (5)(a) through (e) shall now read as follows:

(a) The determination of when a person is a client for purposes of this rule is made on a case by case basis with consideration given to the nature, extent, and context of the professional relationship between the psychologist and the person. The fact that a person is not actively receiving treatment or professional services from a psychologist is not determinative of this issue. A person is presumed to remain a client until the psychologist-client relationship is terminated.

(b) The mere passage of time since the client's last visit to the psychologist is not solely determinative of whether or not the psychologist-client relationship has been terminated. Some

of the factors considered by the Board in determining whether the psychologist-client relationship has terminated include, but are not limited to, the following:

1. Formal termination procedures;
2. Transfer of the client's case to another psychologist;
3. The length of time that has passed since the client's last visit to the psychologist;
4. The nature and duration of the professional relationship;
5. The extent to which the client has confided personal or private information to the psychologist;
6. the nature of the client's personal history;
7. The degree of emotional dependence that the client has on the psychologist;
8. The circumstances of termination of the professional relationship;
9. The client's current mental status;
10. The likelihood of adverse impact on the client and others; and
11. Any statements or actions by the psychologist during the provision of psychological services suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client.

(c) Sexual conduct between a psychologist and a former client after termination of the psychologist-client relationship will constitute a violation of the Psychological Services Act if the sexual contact is a result of the exploitation of trust, knowledge, influence or emotions, derived from the professional relationship.

(d) A client's consent to, initiation of, or participation in sexual behavior or involvement with a psychologist does not change the nature of the conduct nor lift the statutory prohibition.

(e) Upon a finding that a psychologist has committed unprofessional conduct by engaging in sexual misconduct, the Board will impose such discipline as the Board deems necessary to protect the public. The sanctions available to the Board are set forth in Rule 64B19-17.002, F.A.C., and include restriction or limitation of the psychologist's practice, revocation or suspension of the physician's license.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

RULE NO.:
65A-4.201

RULE TITLE:
Hardship Exemptions to Assistance
Time Limits

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the cited proposed rule in accordance with subparagraph 120.54(3)(d)1., published in Vol. 26, No. 52, December 29, 2000, issue of the Florida Administrative Weekly. The specific changes were made in response to comments received from the Joint Administrative Procedures Committee and Florida Legal Services, Inc. on proposed rule language and form provisions that appeared to be in conflict with statutory authority or that needed clarification. The CF-ES 2086, Hardship Extension Statement of Understanding Form, Sep 00, is deleted from the rule as it is used only by the regional workforce board (RWB).

Specific changes are as follows:

Section (1) ~~Hardship Extension Exemption Determinations. An extension to the receipt of temporary cash assistance (TCA) cannot be authorized until a hardship extension review, using the CF-ES 2082, Hardship Extension Review Form, Sep 00, incorporated by reference, is completed by the department and the regional workforce board (RWB). The local WAGES coalition or designee, such as a community review panel or the administrative entity's director or staff. Based on the joint recommendation of the participant's public assistance specialist and the RWB designee's WAGES coalition's contracted career case manager.~~ The recommendation and the decision as to hardship extension exemption will be based on the ~~hardship exemption~~ criteria established in this rule (65A-4.201) and s. 414.105, F.S.

(2) The department will be responsible for:

(a) Determining that the correct TCA time limit was assigned.

(b) Reviewing the case for earned months of TCA assistance. If available, earned months are to be used prior to requesting a hardship extension. Participants will be eligible to apply after earned months have been used.

(c) Determining that the participant meets the penalty criteria.

(d) Completing section A of the CF-ES 2086; forwarding the form to the RWB; and, if applicable, referring the participant to the RWB designee to complete the review process.

(3)(2) The RWB designee will be responsible for reviewing employment potential and assessing if the participant is recommended ~~need~~ for a hardship extension exemption.

(a) Discussion with the participant about a hardship extension exemption will occur during an employment or request for a hardship extension review conducted by the contracted ~~career case~~ manager. The contracted ~~career case~~ manager will document the interview with the participant on the ~~Hardship Extension Exemption Review Form (CF-ES 2082, _____ Sep 00) incorporated by reference and the CF-ES Hardship Extension Statement of Understanding, Sep~~

00, ~~incorporated by reference~~, to indicate the information on the form has been discussed with the participant. The participant will sign the form to indicate whether or not an extension exemption is requested.

(b) A participant who did not request a hardship extension exemption at the time the original Hardship Extension Exemption Review Form was signed may subsequently request a hardship extension exemption by completing the hardship extension review process of this rule using the CF-ES 2082. If the individual has not received TCA benefits or services for more than 30 days, the CF-ES 2066, Request for Assistance, Jun 98, incorporated in Administrative Rule 65A-1.400, must also be completed and being referred to the RWB designee for work registration and a hardship extension determination. The participant may make a subsequent request to the RWB designee up to the expiration of the time limits by completing the Hardship Exemption Review Form (CF-ES Form 2082A, Jun 98)(incorporated by reference).

(4) Upon documentation of a pending SSI or SSDI application or appeal, individuals who are not receiving TCA benefits because they have used their periodic 24/60-month or 36/72-month time limit must be granted a hardship extension until a final determination is made.

(3) through (6) renumbered (5) through (8) No change.

(9)(7) The RWB designee will forward to the department a copy of the completed CF-ES 2082 that includes a recommendation for the approval and recommended length of the extension or denial of a hardship extension. If all hardship criteria is met, the department will approve the participant for the continued receipt of TCA for the amount of time recommended by the RWB.

(10)(7) No change.

(11)(8) Review of Hardship Extension Exemption Cases. The RWB designee A review of hardship cases must be completed at least once every two years using the hardship extension review process of this rule, except for domestic violence cases that must be reviewed every six months in accordance with 45 CFR, Part 260, Section 260.55(b)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-19.002	Claiming Allowable Expenditures
65C-19.009	Accounting/Claiming Procedures

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. 40, October 6, 2000, issue of the Florida Administrative Weekly:

65C-19.002 Claiming Allowable Expenditures.

In order for a local agency to claim Title IV-E reimbursement for an allowable expenditure related to the maintenance and administrative costs for the care of eligible Title IV-E children, the agency must:

(1) Enter into an interagency agreement with the Department of Children and Families by executing the Interagency Agreement with the Florida Department of Children and Families, CF-FSP 5251, ~~Dec Sep~~, 2000, which is incorporated by reference. This agreement must be executed prior to submission of any Title IV-E claims. Copies of the documents incorporated by reference can be obtained from the Department of Children and Families, Family Safety Program Office, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700.

65C-19.009 Accounting/Claiming Procedures.

Upon completion of documentation as set forth in the interagency agreement between the local government and the department, the following reimbursement process shall be initiated:

(1) ~~The public agency must require the provider to local agency shall submit to the public agency~~ quarterly documentation of Title IV-E expenditures and an estimate of eligible expenditures for the next quarter.

(2) ~~The public agency local agency~~ will submit documentation to a local match liaison of the Office of Family Safety headquarters to certify that the expenditures were made with public funds. The local match liaison will review the documentation for payment approval.

(3) Upon completion of the review of the documentation submitted, the local match liaison will forward the information will be submitted to Financial Management for a reimbursement of at least 95% of the claim to the public local agency. The department ~~shall~~ retains up to five percent 5% of the reimbursement to cover some of the administrative costs of operating the local match process. The amount retained is posted to the Family Safety Federal Grants Trust Fund. federal funds received from the federal government but not to exceed the actual cost of the administration of the program. Any funds remaining in excess of actual administrative costs will be refunded to the local agency.

(4) The expenditures will be claimed and the upcoming quarter estimates will be included on the IV-E-1 Statement of Expenditures Report on a quarterly basis.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Miami Heat Retailer Incentive

RULE NO.: 53ER01-12

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for retailers who sell lottery tickets at a home Miami Heat Basketball game to receive an additional sales commission and additional bonuses.

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:

53ER01-12 Miami Heat Retailer Incentive.

(1) From March 9, 2001, through April 17, 2001, Florida Lottery retailers who sell lottery tickets at a scheduled home Miami Heat basketball game ("Heat basketball game") shall receive, in addition to their regular 5% sales commission and 1% cashing bonus, the additional sales commission and bonuses described in subsection (3) below.

(2) Retailers who participate in the Miami Heat Retailer Incentive will each be given a Permanent Reference Number (PRN) by the Lottery to use while selling Florida Lottery tickets at a Heat basketball game. This PRN shall be used by the participating retailer only at a Heat basketball game and only during the incentive period.

(3) Commission and Bonuses.

(a) A participating retailer will receive its regular 5% sales commission plus an additional 5% sales commission, for a total sales commission of 10%, for each on-line ticket sold and each book of instant tickets settled at a Heat basketball game.

(b) A retailer will also receive its regular 1% cashing bonus, plus an additional 1% cashing bonus, for a total 2% cashing bonus on the value of each winning ticket less than \$600 redeemed by the retailer during a Heat basketball game.

(c) In addition to the sales commission and cashing bonus described in paragraphs (a) and (b) above, the retailer will also receive a special event retailer incentive bonus of \$150.00 ("special event bonus") per Heat basketball game in which it sells lottery tickets.

(4) Payment of Incentives.

(a) All sales and cashing bonus commissions earned each week during the incentive period will be reflected on the retailer's weekly Settlement Report.

(b) An awarded 10% sales commission will be charged back to the retailer's account when any book settled during the promotion is subsequently returned as a full or partial book or reported as lost or stolen. The charge back will be for the

portion of the settled book which was not sold and will be reflected as an adjustment on the retailer's weekly Settlement Report.

(c) The special event bonus will be calculated and paid based on the total number of games the retailer commits to work during the corresponding Lottery accounting week (Monday through Sunday). The special event bonus will be paid to the retailer as a check or as an adjustment on the retailer's Weekly Settlement Report. If a retailer does not work a Heat basketball game in which it had committed to work and for which the special event bonus was awarded, the special event bonus will be charged back to the retailer's account.

(d) A retailer who has earned a special event bonus and has outstanding debt with the Lottery for the retailer location participating in the incentive at the time the bonus is awarded shall receive the bonus, less the amount of outstanding debt. In the event the retailer's debt is more than the amount of the special event bonus, the bonus shall be retained by the Lottery and the retailer's debt shall be reduced by that amount.

(e) Retailers whose Florida Lottery contracts are suspended or terminated prior to the payment of an earned commission or bonus shall be paid the commission or bonus earned provided the suspension or termination is not due to a violation of Chapter 24, Fla. Stat., Chapter 53, Florida Administrative Code, or Retailer Contract terms.

(f) All commissions and bonuses paid to the retailer will be reported to the Internal Revenue Service as compensation.

Specific Authority 24.109(1), 24.105(10), 24.112(1) FS. Law Implemented 24.105(10), 24.112(1) FS. History—New 3-8-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: March 8, 2001

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on March 6, 2001, from the Lake Brant Special Dependent District. The petitioner seeks a waiver of Rule 9B-50.003, Fla. Admin. Code, with respect to the late fee for the Fiscal Year 2000/2001 Annual Special District Fee.

A copy of the Petition, which has been assigned the number DCA01-WAI-035, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Florida Power & Light Company, filed February 23, 2001, in Docket No. 010261-EL, seeking waiver from Rule 25-6.0436(8)(a), Florida Administrative Code. The rule requires investor-owned electric utilities to file a comprehensive depreciation study at least once every four years from the submission date of the previous study.

Comments on the petition should be filed with the Commission's Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

A copy of the petition can be obtained from the Division of Records and Reporting.

For additional information, please contact Cochran Keating, Division of Legal Services, at the above address or telephone (850)413-6199.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on February 28, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from Miller, Legg & Associates on behalf of the Florida Department of Transportation, for utilization of works or land of the SFWMD known as the C-11, Broward County, for a project known as the Griffin Road Roadway Improvements. 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 the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of the canal bank within Works of the District.

A copy of the petition may be obtained from Jan Sluth, (561)682-6299 or e-mail at 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 March 2, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from Miller, Legg & Associates on behalf of the Florida Department of Transportation, for utilization of works or land of the SFWMD known as the C-11, Broward County, for a project known as the Davie Road Bridge Improvements. 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 the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of the canal bank within Works of the District.

A copy of the petition may be obtained from Jan Sluth, (561)682-6299 or e-mail at 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 March 2, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from CMD Realty Investors, L.P. on behalf of CMD Southwest, Inc., for utilization of works or land of the SFWMD known as the Hillsboro Canal, Broward 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 the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of the canal bank within Works of the District.

A copy of the petition may be obtained from Jan Sluth, (561)682-6299 or e-mail at 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 MANAGEMENT SERVICES

The Capitol Center Planning Commission hereby gives notice that it has received a petition, filed on March 9, 2001, by Kimberly Strobel-Ball, AIA, on behalf of Petitioners, Florida Board of Regents, for the proposed Challenger Learning Center and IMAX Theatre to be located on the northeast corner of Kleman Plaza. Petitioners are seeking a variance to Rule 60F-3.010(4)(n)6. limiting the allowable signage to sixty-four (64) square feet. Petitioners are requesting permission to add a third panel to an existing two-panel sign that would increase the sign area from sixty-four (64) square feet to ninety-six (96) square feet.

Written comments on this petition should be filed with Mr. L. Trent Price, Jr., Director, Capitol Center Planning Commission, 4030 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, within 14 days of publication of this notice.

For a copy of the petition, contact: Mr. L. Trent Price, Jr., Capitol Center Planning Commission, 4030 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, or telephone (850)488-4739.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on March 14, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Variance from Form 7, Development Feasibility and Ability to Proceed, 2000 Combined Rental Cycle, from Pinnacle Housing Group, Inc. ("Petition"). The Petition seeks relief from Form 7, Section I, C on Page 3 of 19 of the Application Package (Form CAP 00) incorporated by reference in Rule 67-48.004, Florida Administrative Code, which requires an applicant to provide a specified level of insulation in connection with the construction of a low-income housing project.

A copy of the Petition can be obtained from: Andrew T. Price, Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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: April 10, 2001, 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.

DEPARTMENT OF STATE

The **Southeast Florida Preservation, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 10, 2001, 11:00 a.m.

PLACE: Stranahan House, 335 S. E. 6th Avenue, Fort Lauderdale, FL 33303-0207

PURPOSE: General Business Meeting.

A copy of the agenda may be obtained by writing: Palm Beach County Regional Office, Florida Division of Historical Resources, P. O. Box 1221, Delray Beach, Florida 33447-1221.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance, (561)279-1475.

The **Division of Historical Resources** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 11, 2001, 10:00 a.m. – 11:30 a.m.

PLACE: The Old Capitol, House Chamber, 400 South Monroe Street, Tallahassee, Florida

PURPOSE: Meeting for the presentation of the updated design plan for the Old Capitol Museum of Florida Political History and Governance.

People with disabilities wishing to attend this meeting should contact the Division, (850)488-1480, at least 48 hours prior to the meeting in order to request special assistance.

DEPARTMENT OF LEGAL AFFAIRS

The Legislative Advocacy Committee of the **Florida Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: April 6, 2001, 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.

DEPARTMENT OF INSURANCE

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: April 9, 2001, 1:00 p.m.

PLACE: Atrium Bldg., Conference Room, 325 John Knox Rd., Tallahassee, FL

PURPOSE: Regular meeting of the Fire Fighters Standards and Training Advisory Council.

A copy of the agenda may be obtained by writing: Department of Insurance, Division of State Fire Marshal, 11655 N. W. Gainesville Road, Ocala, FL 34482-1486.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a meeting of the Citrus Production Research Advisory Council.

DATE AND TIME: April 10, 2001, 10:00 a.m.

PLACE: Highlands County Agricultural Center, 6400 Highway 27, South, Sebring, FL

PURPOSE: For the Research Council to choose research grants to recommended for funding for the 2001-2002 fiscal year. To set assessment rate for the marketing year 2001-2002 and elect officers for coming fiscal year.

If special accommodations are needed to attend this meeting because of a disability, please contact Pleas Strickland, (850)488-5831.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Aquaculture Review Council to which all interested persons are invited.

DATE AND TIME: April 10, 2001, 1:00 p.m.

PLACE: Division of Aquaculture Conference Room, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, Florida

PURPOSE: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda can be obtained by contacting: Karen Metcalf, 1203 Governor's Square Boulevard, Tallahassee, FL 32301, (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Karen Metcalf as soon as possible.

DEPARTMENT OF EDUCATION

The public is invited to a telephone conference call meeting of the Florida **Board of Regents**.

DATE AND TIME: April 6, 2001, 9:00 a.m.

PLACE: Florida Education Center, Conference Room, 15th Floor, Tallahassee, Florida

PURPOSE: To consider legislative issues and updates; and other matters pertaining to the State University System.

A copy of the agenda may be obtained by writing: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 325 West Gaines Street, Tallahassee, Florida 32399-1950.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The **Gulf Coast Community College District**, Board of Trustees will hold its monthly meeting as follows.

DATE AND TIME: April 12, 2001, 10:00 a.m. (CDT)

PLACE: Gardner Seminar Room

PURPOSE: Regular monthly meeting.

Contact person for the meeting is Dr. Robert L. McSpadden, President.

The **State Board of Independent Colleges and Universities** announces public meetings to which all persons are invited.

DATE AND TIME: Thursday, April 5, 2001, 1:00 p.m. – 3:00 p.m.

PURPOSE: SBICU Legislative Workshop.

DATE AND TIME: Friday, April 6, 2001, 9:00 a.m.

PURPOSE: SBICU Quarterly Board Meeting. The Board welcomes participation from any interested members of the public.

PLACE: Adam's Mark Hotel (Florida Mall), 1500 Sand Lake Road, Orlando, FL

Any person who desires a copy of the proceedings should arrange to tape the meetings. If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is requested to advise the Board at least five calendar days before the meeting by contacting Mary Cook, (850)488-8695.

The **Florida Community Colleges System** announces a conference call of the Foundation for Florida's Community Colleges, Inc., Investment Committee to which all persons are invited.

DATE AND TIME: April 4, 2001, 9:30 a.m. – 11:30 a.m.

PLACE: (850)921-6513 or Suncom 291-6513

PURPOSE: Regular business meeting of the Investment Committee.

NOTE: If you need special services to attend the meeting or need additional information, write: Division of Community Colleges, 325 West Gaines Street, Suite 1314, Tallahassee, Florida 32399-0400.

The **Florida Rehabilitation Council** announces the following conference call meetings to which all interested persons are invited.

MEETING: Mission Vision Workgroup

DATES AND TIME: March 19, 2001; March 26, 2001, 10:00 a.m. – 12:00 Noon

MEETING: Evaluation Committee

DATE AND TIME: March 19, 2001, 4:15 p.m. – 6:15 p.m.

PLACE: VR Headquarters, 2002-A Old St. Augustine Rd., Tallahassee, FL

PURPOSE: The Mission/Vision Workgroup will be reviewing plans and goals. The Evaluation Committee will be reviewing the draft RFP for customer satisfaction.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Shawnee T. Sumpter at the Council address.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)488-6210. Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Shawnee Sumpter, Extension 128.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advise that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, 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 is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The Florida **Division of Blind Services** and the Rehabilitation Council for the Blind announces the following meeting to which all interested persons are invited.

DATES AND TIMES: March 20 2001, 8:30 a.m. – 5:00 p.m.; March 21, 2001, 8:30 a.m. – 12:00 Noon

PLACE: Holiday Inn Select, 316 West Tennessee Street, Tallahassee, FL 32301, (850)222-9555

PURPOSE: Quarterly Meeting of the Council.

A copy of the agenda may be obtained by contacting: Phyllis Dill, The Division of Blind Services, 2551 Executive Center Circle, West, Suite 200, Lafayette Bldg., Koger, Tallahassee, FL 32399 or (850)488-1330 or through the Florida Telephone Relay System, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission State Plan Committee to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: April 6, 2001, 10:00 a.m. – 1:00 p.m.

PLACE: Division of Vocational Rehabilitation Services' Headquarters, Room 214, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301, (850)488-0059

PURPOSE: To guide the development of the Federal State Plan.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, three days before the meeting.

The **Department of Education** announces a series of public meetings of the Occupational Access and Opportunity Commission and the Florida Rehabilitation Council to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: April 24, 2001, 4:00 p.m. – 6:00 p.m.

PLACE: Holiday Inn – Lake City, US 90 at I-75, Lake City, Florida 32055

DATE AND TIME: April 25, 2001, 4:00 p.m. – 6:00 p.m.

PLACE: Holiday Inn – Downtown, 304 West Colonial Drive, Orlando, Florida 32801

DATE AND TIME: April 26, 2001, 4:00 p.m. – 6:00 p.m.

PLACE: Hyatt Regency Miami, 400 S. E. 2nd Avenue, Miami, Florida 33131-2197

PURPOSE: The Occupational Access and Opportunity Commission and the Florida Rehabilitation Council are requesting public comment to identify the vocational rehabilitation needs of individuals with disabilities in regard to employment.

Please note that the following accommodations will be provided: American Sign Language Interpreters, Assistive Listening Systems, Real-Time Captioning, Large Print and Braille materials.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, three days before the meeting.

The **Building Construction Industry Advisory Committee** announces a meeting and all interested people are invited.

DATE AND TIME: March 27, 2001, 8:00 a.m.

PLACE: Fairfield Inn, 7100 Augusta National Drive, Orlando, Florida 32322, (407)888-2666

PURPOSE: To review research and continuing education proposals from universities and community colleges with building construction programs. To review research and continuing education priorities and the operation of BCIAC and other new business that may come before the Committee.

A copy of the agenda may be obtained at the meeting or by contacting: Patty Barritt, Sr. Secretary, BCIAC, School of Building Construction, P. O. Box 115703, University of Florida, Gainesville, Florida 32611, (352)392-9045.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meetings to which all persons are invited. The meetings will be held:

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida, (407)996-9700

DATE AND TIME: April 9, 2001, 10:00 a.m.

Meeting of the Manufactured/Prototype Buildings Ad Hoc Committee

Meeting of the Energy Technical Advisory Committee

Meeting of the Plumbing Technical Advisory Committee

Meeting of the Mechanical Technical Advisory Committee

Meeting of the Building/Structural Technical Advisory Committee

DATE AND TIME: April 10, 2001, 9:00 a.m.

Meeting of the Rules of Procedure Ad Hoc Committee

Meeting of the Product Approval Ad Hoc Committee

Meeting of the Accessibility Technical Advisory Committee

DATE AND TIME: April 10, 2001, 10:00 a.m.

Meeting of the Accessibility Advisory Council

PURPOSE: The purpose is to consider applications for waiver from accessibility requirements: Church of Jesus Christ of Latter Day Saints, Boynton Beach; South Miami-Dade Cultural Arts Center, Miami; Ralph Choeff, North Miami Beach.

DATE AND TIME: April 11, 2001, 8:00 a.m.

Meeting of the Education Training System Ad Hoc Committee

DATE AND TIME: April 11, 2001, 10:00 a.m.

Meeting of the Florida Building Commission

PURPOSE: To review and take necessary actions on the March 2001 Commission meeting minutes, the April 2001 Commission agenda and the Commission's work plan; to receive public comment; status update on legislative issues; Education Ad Hoc Report and Recommendations; Product Approval Ad Hoc Report and Recommendations; Rules of Procedure Ad Hoc Report; Manufactured/Prototype Buildings Ad Hoc Report and Recommendations; Energy Technical Advisory Committee Report and Recommendations; Mechanical Technical Advisory Committee Report and Recommendations; Plumbing Technical Advisory Committee Report and Recommendations; Building/Structural Technical Advisory Committee Report and Recommendations; Accessibility Technical Advisory Committee Report and Recommendations; legal staff report on a declaratory statement regarding whether anchor systems are required to be corrosion resistant; consideration of accessibility waiver applications received: Church of Jesus Christ of Latter Day Saints, Boynton Beach; South Miami-Dade Cultural Arts Center, Miami; Ralph Choeff, North Miami Beach.

DATE AND TIME: April 11, 2001, 2:00 p.m.

Public workshop on the status of the Florida Building Code

Meeting of the Product Approval Ad Hoc Committee

A copy of the Committee and Commission meeting agendas may be obtained by sending a request in writing to Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436 or viewing the Commission's web site at www.dca.state.fl.us/fhcd/fbc.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. 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) and 1(800)955-8771 (TDD).

DEPARTMENT OF REVENUE

The Florida **Department of Revenue** announces a public meeting to which all persons are invited.

DATES AND TIME: Monday, April 16, 2001; Tuesday, April 17, 2001; *Wednesday, April 18, 2001, 9:00 a.m. – 4:15 p.m.

PLACE: Conference Room, 4070 Esplanade Way, Room 335Q, Third Floor, Tallahassee, FL 32311

PURPOSE: Applicant Ranking Process; Contract Auditing.

The Applicants Ranking Committee will meet to rank the 2001/2002 C.P.A. firms that timely submitted proper and complete contract audit applications to the Florida Department of Revenue. The Applicant Ranking Committee will determine a ranked order of applicants for negotiation of tax compliance audit contracts for Fiscal Year 2001/2002 under s. 213.28, Florida Statutes.

At the meeting, discussion will be limited to committee members and staff and, no comments or information will be taken from applicants or the public.

Any questions on this notice or request for a copy of the agenda can be directed to: Ron Webster, Contract Audit and Certified Audit Manager, Contract Audit Program, Florida Department of Revenue, 4070 Esplanade Way, Third Floor, Tallahassee, FL 32311 or by calling Ron Webster, (850)488-7822.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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 Ron Webster, (850)488-7822. If you are hearing or speech impaired, please contact the Department of Revenue's Telecommunication Device for the Deaf by calling (850)922-1115. You may also call via the Florida Relay System, (800)955-8770 (Voice) or 1(800)955-8771 (TDD).

* If needed

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, Florida Department of Community Affairs and Monroe County announce a meeting of the Habitat Conservation Plan (HCP) Coordinating Committee, to which all persons are invited.

DATE AND TIME: April 6, 2001, 9:00 a.m.

PLACE: National Key Deer Refuge Office, Big Pine Key, FL

PURPOSE: The Florida Department of Transportation, Florida Department of Community Affairs and Monroe County are jointly funding the development of a Habitat Conservation Plan for the Key deer and other protected species on Big Pine and No Name Keys. Representatives of these three agencies, the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission and local citizen representatives serve on an HCP Coordinating Committee. The Committee meets regularly to review and provide input on the HCP consultant's progress and findings.

A copy of the agenda may be obtained by calling: Catherine B. Owen, Florida Department of Transportation, (305)470-5399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Jeff Dodge, (305)470-5349. If you are hearing or speech impaired, please contact the agency by calling 1(800)648-6084.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (SBA) of meetings of the Florida State Board of Administration regarding the Request for Proposal for Media Firm Vendors for the Public Employee Optional Retirement Program to which all persons are invited.

DATES AND TIME: Wednesday and Thursday, April 4-5, 2001, 9:00 a.m. – Conclusion

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: These meetings will be oral interviews for the finalist candidates for media firm vendors for the Public Employee Optional Retirement Program (PEORP) and will also include discussions of other PEORP implementation issues.

DATE AND TIME: Monday, April 9, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: At this meeting, the evaluation team will make a final selection from among the vendors interviewed. This final selection will be a recommendation to the Executive Director and to the Trustees for final approval. The meeting will also include discussions of other PEORP implementation issues.

Anyone wishing further information of a copy of the agenda 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 these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Citrus Harvesting Research Advisory Council to which all persons are invited.

DATE AND TIME: Thursday, April 5, 2001, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update on budget, update on mechanical harvesters, update on Dr. Roka's field studies and other business that might come before the council for consideration.

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.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 4, 2001, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C, Third Floor, Tallahassee, Florida

PURPOSE: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, telephone (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing to be held in the following docket to which all interested persons and parties are invited to attend.

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.

DATES AND TIME: April 4, 2001, 9:30 a.m.; April 5, 2001, has been reserved if an additional day is needed

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

PURPOSE: To conduct the Final hearing in Docket No. 000061-EI

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

NOTICE IS HEREBY GIVEN by the Florida **Public Service Commission** that a Commission staff workshop has been scheduled in Docket No. 960786-TP, Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996 for the following date and time:

DATE AND TIME: Monday, March 26, 2001, 9:30 a.m.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399

PURPOSE: The purpose is to discuss scheduling and procedures for this Docket.

For additional information, please contact: Beth Keating, Division of Legal Services, (850)413-6212.

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 010142-EM – Joint petition for determination of need for proposed Stanton Energy Center Combined Cycle Unit A by Orlando Utilities Commission, Kissimmee Utility Authority, Florida Municipal Power Agency, and Southern Company-Florida, LLC.

DATE AND TIME: April 10, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 000121-TP – Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies.

DATE AND TIME: April 13, 2001, 1:30 p.m.

PLACE: Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

NOTICE OF CANCELLATION – The Florida **Public Service Commission** announces the cancellation of a prehearing in the following dockets:

Docket No. 990455-TL – Request for review of proposed numbering plan relief for the 305/786 area code – Dade County and Monroe County/Keys Region.

Docket No. 990456-TL – Request for review of proposed numbering plan relief for the 561 area code.

Docket No. 990457-TL – Request for review of proposed numbering plan relief for the 954 area code.

Docket No. 990517-TL – Request for review of proposed numbering plan relief for the 904 area code.

DATE AND TIME: March 28, 2001, 9:30 a.m.

PLACE: Conference Hearing Room 152, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor** announces a teleconference meeting of the Florida Black Business Investment Board and its loan committee to which all interested persons are invited.

DATE AND TIME: April 4, 2001, 10:00 a.m.

PLACE: (850)921-5230

PURPOSE: To further discuss the Board's business plan to identify areas for future Board priorities, loan committee discussion/review/approval of loan related issues and approve actions taken by the Chairman under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend these meeting, please notify the FBBIB office, (850)487-4850, at least seven (7) days prior to the meetings. If you are hearing or speech impaired, please contact the Office of the Governor by using the Citizen Service Office, (850)488-4441.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council**, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 5, 2001, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending personnel, program planning and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 5, 2001, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 5, 2001, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Ginny Montgomery, (904)363-6350, Extension 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Transportation Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: April 5, 2001, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending transportation issues.

Notice is given that two or more members of the Boards of County Commissioners, City/Town Councils/Commission and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

Quarterly meeting of the Lake Apopka Basin Planning Initiative Steering Committee

DATE AND TIME: Monday, April 2, 2001, 6:30 p.m.

PLACE: Tanner Auditorium, 29 W. Garden Ave., Winter Garden, FL (Doors open at 6:00 for viewing displays and informal meet/greet)

PURPOSE: The agenda includes discussion of progress toward the lake loop trail, shoreline protection measures, scenic highways and other planning activities in the basin.

For further information or if you need a special accommodation to attend this meeting please contact: Nancy Blum, ECFRPC, 631 N. Wymore Rd., Maitland, FL 32751, (407)623-1075.

NOTICE OF CHANGE – The **Tampa Bay Regional Planning Council** announces a change in the time and date of a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 4, 2001, 10:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, FL 33702

PURPOSE: Local Emergency Planning Committee, District VIII meeting.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 9, 2001, 8:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, FL 33702

PURPOSE: Executive/Budget Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 9, 2001, 10:00 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, FL 33702

PURPOSE: Tampa Bay Regional Planning Council.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 12, 2001, 9:00 a.m.
(Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., St. Petersburg, FL 33702

PURPOSE: Agency on Bay Management Executive Steering and Subcommittee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 23, 2001, 9:30 a.m.
(Subject to cancellation – please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., St. Petersburg, FL 33702

PURPOSE: Clearinghouse Review Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The Florida **Department of Labor and Employment Security, Division of Workers' Compensation** announces a meeting of the Physician Advisory Committee to which the public is invited.

DATE AND TIME: Friday, April 20, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Division of Workers' Compensation, Orlando Office, Hurston Building, 400 West Robinson Street, North Tower, Conference Room 3, Ground Floor, Orlando, FL 32801. Additional directions may be obtained by calling Nelly Sanchez, (407)245-0895, Ext. 101.

PURPOSE: To provide a forum for two way communication between the Division and the physicians. A few agenda items include reviewing the bylaws of the Advisory Committee and how to incorporate education throughout the state of Florida.

For further information regarding this meeting contact: (Sissy) Augusta Nogar, 2012 Capital Circle, S. E., Room 106, Hartman Building, Tallahassee, FL 32399-0682, (850)922-6489, e-mail: Nogars@wcpst.fdles.state.fl.us/wc/

Persons with a disability or handicap requiring reasonable accommodations should contact Ms. Nogar in writing or by phone at least five business days in advance to make appropriate arrangements.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following Projects Committee to which all interested persons are invited.

DATE AND TIME: Thursday, March 29, 2001, 6:30 p.m.

PLACE: The Committee will meet for dinner at the Renaissance Restaurant, 336 South Washington Avenue, Titusville, Florida

DATE AND TIME: Friday, March 30, 2001, 8:30 a.m.

PLACE: The Projects Committee will tour Indian River Lagoon projects beginning at the Merritt Island National Wildlife Refuge Visitors Center, SR 402, five miles East of Titusville, Florida

PURPOSE: For information only.

For a copy of the itinerary write: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or call Sonia Kuecker, Business Resource Specialist IV, Department of Water Resources, (904)312-2330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this tour is asked to advise the agency at least 48 hours before the tour by contacting Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4500 (TDD).

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

AGRICULTURAL ADVISORY COMMITTEE

DATE AND TIME: Tuesday, April 3, 2001, 5:30 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

INDUSTRIAL ADVISORY COMMITTEE

DATE AND TIME: Tuesday, April 10, 2001, 10:00 a.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

PUBLIC SUPPLY ADVISORY COMMITTEE

DATE AND TIME: Friday, April 20, 2001, 9:30 a.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business. Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, (TTD ONLY) 1(800)231-6103 (Florida).

P.O. #2725

The **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited.

DATES AND TIMES: April 24, 2001, 9:00 a.m.; may continue April 25, 2001, 9:00 a.m.

PLACE: Governing Board Room, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899

PURPOSE: The acquisition of certain lands eligible to be considered for funding from the Water Management Lands Trust Fund (Save Our Rivers)/Florida Preservation 2000 Trust Fund which lands are further described as follows:

Part of the Starkey project comprised of one parcel referred to as SWF Parcel No. 15-010-038 consisting of approximately 100± acres. The parcel is located on the south side of State Road 52 and lies in Sections 13 and 14, Township 25 South, Range 17 East in Pasco County, Florida; and

Part of the Weekiwachee Preserve project comprised of one parcel referred to as SWF Parcel No. 15-773-172 consisting of approximately 89.62± acres. The parcel is located west of U.S. Highway 19 near its intersection with U.S. Highway 50, lying in Section 2, Township 23 South, Range 17 East in Hernando County, Florida; and

Part of the Annutelliga Hammock project comprised of one parcel referred to as SWF Parcel No. 15-228-661 containing approximately 153 acres. The parcel is located east of U.S. Highway 19 and lies in Section 6, Township 21 South, range 18 East in Hernando County, Florida.

The donation of an easement to Sarasota County, Florida in connection with the Myakka River Project consisting of approximately 1,127 square feet (0.03± acre). The easement is referred to as SWF Parcel No. 21-708-122X, lying adjacent to the south side of County Road 777 (South River Road) and south of U.S. Highway 41 in Section 22, Township 40 South, Range 20 East, Sarasota County, Florida.

A copy of the agenda or a more specific legal description of the lands proposed for acquisition may be obtained by contacting Fritz H. Musselmann, Land Resources Director, Southwest Florida Water Management District, at the above address.

Any person deciding to appeal any decision made by the District Governing Board concerning the above-referenced hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

The District does not discriminate based on disability status. Anyone requiring reasonable accommodations under the ADA should call 1(800)423-1476 (Florida only), Extension 4452, Fax (352)754-6877, (TTD only) 1(800)231-6103.

P.O. #3282

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited.

DATE AND TIME: March 26, 2001, 2:00 p.m.

PLACE: Northern Palm Beach County Improvement District Auditorium, 357 Hiatt Drive, Palm Beach Gardens, Florida

PURPOSE: Regular meeting of the Loxahatchee River Management Coordinating Council.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or those wishing to submit written or physical evidence may contact P. K. Sharma, (561)682-6779.

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: April 12, 2001, 8:50 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Building 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 CREW Project comprised of eight parcels referred to as SFWMD Tract No. 09-003-202, 09-003-455, 09-003-513, 09-003-522, 09-003-547, 09-003-568, 09-005-037 and 09-005-004 consisting of approximately 45 acres and lying in Sections 25, 26 and 32, Township 47 South, Range 26 East, Lee County, Florida. FAW Reference No. 1698

Part of the Critical CREW (Southern Corkscrew Regional Ecosystem Watershed) Project comprised of three parcels referred to as SFWMD Tract No. 09-003-422, 09-003-424 and 09-003-456 consisting of approximately 11 acres and lying in Section 25, Township 47 South, Range 26 East, Lee County, Florida. FAW Reference No. 1699

Part of the Critical CREW (Southern Corkscrew Regional Ecosystem Watershed) Project comprised of one parcel referred to as SFWMD Tract No. 09-003-209 consisting of approximately 10 acres and lying in Section 26, Township 47 South, Range 26 East, Lee County, Florida. FAW Reference No. 1700

Part of the Critical CREW (Southern Corkscrew Regional Ecosystem Watershed) Project comprised of twenty-six parcels referred to as SFWMD Tract No. 09-003-595, 09-003-596, 09-003-598, 09-003-601, 09-003-604, 09-003-605, 09-003-606, 09-003-607, 09-003-608, 09-003-609, 09-003-610, 09-003-611, 09-003-613, 09-003-614, 09-003-620, 09-003-624, 09-003-628, 09-003-629, 09-003-630, 09-003-631, 09-003-632, 09-003-639, 09-003-643, 09-003-644, 09-003-648 and 09-003-649 consisting of approximately 175 acres and lying in Section 36, Township 47 South, Range 26 East, Lee County, Florida. FAW Reference No. 1701

Part of the East Coast Buffer – Everglades Buffer Strip Project comprised of eight parcels referred to as SFWMD Tract No. W9-303-964, W9-303-967, W9-201-055, W9-102-036, W9-201-135, W9-305-949, W9-200-917 and W9-100-081 consisting approximately 134.58 acres and lying in Sections 1, 8, 15, 19, 23, 34 and 35, Townships 46, 50, 51, 52 and 53 South, Ranges 39 and 41 East in Palm Beach, Broward and Miami-Dade Counties, Florida. FAW Reference No. 1702

Part of the East Coast Buffer – Everglades Buffer Strip Project comprised of fourteen parcels referred to as SFWMD Tract No. W9-309-379, W9-309-483, W9-309-556, W9-309-583, W9-310-048, W9-310-079, W9-310-386, W9-310-433, W9-310-442, W9-310-445, W9-310-448, W9-310-481, W9-310-595 and W9-310-596 consisting of approximately 3.07 acres and lying in Section 17, Township 54 South, Range 39 East in Miami-Dade County, Florida. FAW Reference No. 1703

Part of the East Coast Buffer Project comprised of one parcel referred to as SFWMD Tract No. W9-309-019 consisting of approximately 1.69 acres and lying in Section 17, Township 54 South, Range 39 East in Miami-Dade County. FAW Reference No. 1704

Part of the Water Conservation Areas Project comprised of four parcels referred to as SFWMD Tract No. 27-100-041, 27-100-042, 27-100-043, 27-100-045 and 27-100-046 consisting approximately 1,385 acres and lying in Sections 2, 21 and 28, Townships 50, 52 and 53 South, Ranges 35, 38 and 39 East in Broward and Miami-Dade Counties, Florida. FAW Reference No. 1705

Part of the Kissimmee River Project comprised of one parcel referred to as SFWMD Tract No. 19-103-455 consisting of approximately 0.1 acres and lying in Section 17, Township 36 South, Range 33 East, in Highlands County, Florida. FAW Reference No. 1706

Part of the Kissimmee River Project comprised of one parcel referred to as SFWMD Tract No. 19-103-454 consisting of approximately 0.1 acres and lying in Section 17, Township 36 South, Range 33 East, in Highlands County, Florida. FAW Reference No. 1707

Part of the Kissimmee River Project comprised of one parcel referred to as SFWMD Tract No. 19-103-453 consisting of approximately 0.1 acres and lying in Section 17, Township 36 South, Range 33 East, in Highlands County, Florida. FAW Reference No. 1708

Part of the Kissimmee River Project comprised of one parcel referred to as SFWMD Tract No. 19-103-487 consisting of approximately 0.1 acres and lying in Section 17, Township 36 South, Range 33 East, in Highlands County, Florida. FAW Reference No. 1709

Part of the Kissimmee River Restoration Project comprised of four parcels referred to as SFWMD Tract No. 19-102-131, 19-102-132, 19-102-137 and 19-102-138 consisting of approximately 33.58 acres and lying in Sections 13 and 36, Township 37 South, Ranges 31 and 33 East, in Highlands County, Florida. FAW Reference No. 1710

Part of the Lake Okeechobee Water Retention and Phosphorous Removal Critical Restoration Project comprised of one parcel referred to as SFWMD Tract No. C1-100-001 consisting of approximately 2,200 acres and lying in Sections 27, 28, 32, 33 and 34, Township 37 South, Range 36 East, in Okeechobee County, Florida. FAW Reference No. 1711

Part of the Taylor Creek-Nubbin Slough Reservoir Assisted Stormwater Treatment Area Project comprised of one parcel referred to as SFWMD Tract No. HF-100-001 consisting of approximately 5,000 acres and lying in Sections 19, 20, 21, 28, 29, 30, 31, 32, 33 and 34, Township 36 South, Range 35 East, in Okeechobee County, Florida.

FAW Reference No. 1712

Part of the Atlantic Ridge Ecosystem Project comprised of two parcels referred to as SFWMD Tract No. X1-100-034 and X1-100-035 consisting of approximately 160 acres and lying in Sections 11 and 12, Township 39 South, Range 41 East in Martin County, Florida. FAW Reference No. 1713

An Interlocal Agreement between the District and Palm Beach County, for the commitment of funds by the District to Palm Beach County, in an amount not to exceed \$1,000,000 to assist Palm Beach County in acquiring land interests in Unit 11. FAW Reference No. 1714

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)686-8800.

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 additional information, please contact Blair R. Littlejohn, III, Interim Division Director, Real Estate, Engineering and Construction, (561)686-8800.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATES AND TIME: March 27-28, 2001, 9:00 a.m.

PLACE: Fort Myers Service Center, 2301 McGregor Blvd., Fort Myers, Florida

PURPOSE: Meeting of the Southwest Florida Study Team for the Southwest Florida Feasibility Study.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or those wishing to submit written or physical evidence may contact Janet Starnes, Fort Myers Service Center, 2301 McGregor Blvd., Fort Myers, Florida, (941)338-2929.

The Big Cypress Basin, **South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference to which all interested persons are invited.

DATE AND TIME: April 6, 2001, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, Naples, Florida (The address shall be the designated access point for public attendance of the meeting.)

PURPOSE: Conduct Basin Business.

A copy of the agenda may be obtained by writing: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109 or by calling Ann Christian, (941)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Ann Christian, (941)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact the Big Cypress Basin by calling (561)697-2574.

Those persons who desire more information, or those wishing to submit written or physical evidence may contact Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (941)597-1505.

SPACEPORT FLORIDA AUTHORITY

The **Spaceport Florida Authority** announces a Board of Supervisors meeting to which the public is invited.

DATE AND TIME: April 3, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Florida Department of Transportation, Executive Conference Room, 5th Floor, 605 Suwannee Street, Tallahassee, Florida

PURPOSE: The Board will continue discussion on the status of Authority projects, development and administrative issues of the Authority, and to consider other matters related to the business of the Authority.

For more information, contact Ms. Patricia Sweetman, (321)730-5301, Ext. 1210. To obtain a copy of the agenda, write: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Spaceport Florida Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Commercial Space Financing Corporation** announces a Board of Director's meeting and teleconference to which the public is invited.

DATE AND TIME: April 3, 2001, 1:00 p.m. – 3:00 p.m.

PLACE: Department of Transportation, Executive Conference Room, 5th Floor, 605 Suwannee Street, Tallahassee, FL 32399

PURPOSE: General Board Business Meeting, ratification of agreements, financings, guarantees, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information, contact Mr. Jim Leary or Ms. Judy Blanchard, (321)267-2877, Ext. 113. The Board of Director's meeting for the Florida Commercial Space Financing Corporation will be held at the Florida Department of Transportation, Tallahassee.

To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, Florida/NASA Business Incubation Center, 1311 N. Highway, U.S. 1, Titusville, FL 32796.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Commercial Space Financing Corporation.

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, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** will hold a public meeting in Pensacola to address issues related to Medicaid managed behavioral health care expansion authorized by the 2000 Florida Legislature in CS/HB 1129. The meeting for Medicaid Area One (Escambia, Okaloosa, Santa Rosa and Walton Counties) will be held at the following date, time and location.

DATE AND TIME: April 4, 2001, 11:00 a.m. (Central Time)

PLACE: Agency for Health Care Administration, Medicaid Conference Room, 6425 Pensacola Boulevard, Suite 1, Building 2, Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this public meeting is for the Agency to meet with providers, consumers and other stakeholders to discuss plans for a proposed RFP to be released in April 2001, to answer questions and obtain public comment.

QUESTIONS SHOULD BE DIRECTED TO: Wendy Smith, Behavioral Health Care Unit, Medicaid Program Development, Agency for Health Care Administration, 2728 Mahan Drive, Building 3, Tallahassee, FL 32308, (850)488-8711, Fax (850)414-1721.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Division of Hotels and Restaurants** announces a meeting of the Hotels and Restaurants Advisory Council to which all persons are invited.

DATE AND TIME: April 11, 2001, 10:00 a.m. – 1:00 p.m.

PLACE: The Wyndham Palace Resort, 1900 Buena Vista Drive, Lake Buena Vista, Florida, 32830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine meeting of the Hotels and Restaurants Advisory Council and School-to-Career Program of the Florida Hotel and Motel Association. This meeting was previously noticed to be held at the Hyatt Grand Cypress Resort.

A copy of the agenda may be obtained by contacting: Carla Russell, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, (850)488-1133.

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, April 11, 2001, 4:00 p.m.; Thursday, April 12, 2001, 8:00 a.m.; Friday, April 13, 2001, 8:00 a.m.

PLACE: Radisson Plaza Hotel Orlando, 60 South Ivanhoe Boulevard, Orlando, Florida

PURPOSE: Committee, Disciplinary Actions and General Session meetings of the Board.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Cathleen E. O'Dowd, (904)727-3689, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay System, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official committee and general business meetings to which all persons are invited.

DATE AND TIME: April 18, 2001, 8:30 a.m. or shortly thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607

PURPOSE: Committee and General Business Meetings of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Stacey Merchant, (850)921-7868.

If any person decides to appeal any decision made by the Board 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 based.

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 Stacey Merchant, (850)921-7868. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

For further information, contact the Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The Department of Business and Professional Regulation, Board of Employee Leasing Companies announces an official probable cause panel meeting to which portions or all will be closed to the public.

DATE AND TIME: April 18, 2001, 1:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607

PURPOSE: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Stacey Merchant, (850)921-7868.

If any person decides to appeal any decision made by the Board 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 based.

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 Stacey Merchant, (850)921-7868. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

For further information, contact the Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Department of Business and Professional Regulation** announces the following meeting(s) to be conducted by the Florida **Pilotage Rate Review Board** to which all persons are invited to attend.

MEETING: Pilotage Rate Review Board

DATE AND TIME: April 5, 2001, 10:00 a.m.

MEETING: Pilotage Rate Review Board

DATE AND TIME: April 6, 2001, 10:00 a.m.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Fort Lauderdale, FL 33316, (954)527-2700

PURPOSE: To conduct an official meeting of the Pilotage Rate Review Board.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Pilotage Rate Review Board, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a 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 a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-8074, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE OF CHANGE – The Department of Business and Professional Regulation announces the CANCELLATION of the following meeting(s) to be conducted by the Florida **Pilotage Rate Review Board**.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Fort Lauderdale, FL 33316, (954)527-2700

MEETING: Pilotage Rate Review Board

DATE AND TIME: April 5, 2001, 10:00 a.m.

MEETING: Pilotage Rate Review Board

DATE AND TIME: April 6, 2001, 10:00 a.m.

THE MEETING HAS BEEN RESCHEDULED FOR:

DATE AND TIME: April 25, 2001, 1:00 p.m.

PLACE: Pilot Station, Port Everglades Pilots' Association, 1833 S. E. 17th Street, Ft. Lauderdale, Florida

PURPOSE: A site visit to the Port Everglades pursuant to Rule 61E13-2.007(5), FAC. (No board business will be transacted)

DATE AND TIME: April 26, 2001, 10:00 a.m.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, Florida

PURPOSE: Rate Hearing for Port Everglades

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Pilotage Rate Review Board, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a 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 a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-8074, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy** announces the following public meeting of the Probable Cause Panel.

DATE AND TIME: Tuesday, May 22, 2001, 8:30 a.m.

PLACE: Marriott, Tampa International Airport, Tampa, Florida

PURPOSE: The probable cause panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered.

A copy of any probable cause materials which are open to the public may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite 1, Gainesville, Florida 32607.

Note: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Martha Willis, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Board of Accountancy** announces the following public meeting of the Board to which all person are invited.

DATE AND TIME: Wednesday, May 23, 2001, 9:00 a.m.

PLACE: Marriott, Tampa International Airport, Tampa, Florida

PURPOSE: Enforcement proceedings including consideration of investigating officer's reports and other general business. This is a public meeting.

A copy of the agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607.

NOTE: If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, 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.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Martha Willis, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The Florida **Real Estate Appraisal Board** announces a meeting of its Probable Cause Panel.

DATE AND TIME: Monday, April 2, 2001, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801

PURPOSE: Official business of the Appraisal Board Probable Cause Panel. Probable cause is not open to the public.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas, Office of the Florida Keys National Marine Sanctuary announces three public meetings to which all persons are invited.

DATE AND TIME: March 26, 2001, 3:00 p.m. – 9:00 p.m.

PLACE: Key Largo Library Meeting Room, MM 101.5 Tradewinds Plaza, Key Largo, FL 33037

DATE AND TIME: March 27, 2001, 3:00 p.m. – 9:00 p.m.

PLACE: Marathon Library Meeting Room, MM 48.5 O/S Highway, Marathon, FL 33050

DATE AND TIME: March 28, 2001, 3:00 p.m. – 9:00 p.m.

PLACE: Old City Hall, Upstairs, 510 Green Street, Key West, FL 33040

PURPOSE: The Florida Keys National Marine Sanctuary Personal Watercraft Working Group (FKNMSPWCWG) will hold three public meetings. The agenda for the meetings will include: An open house with six facilitated tables (1-2 options per table) on the draft management plan for PWCs in the Florida Keys National Marine Sanctuary, written comments will be taken. 3:00 p.m. and 6:00 p.m. – Presentation on the PWC Working Group's progress to date.

A copy of the full agenda may be obtained by contacting: Brenda Altmeier, (305)852-7717, Ext. 21.

If accommodation is needed for an attendee with a disability to participate in this activity, please notify Brenda Altmeier, DEP Florida Keys National Marine Sanctuary, (305)852-7717, prior to the event.

The **Department of Environmental Protection** announces a public meeting of the Alligator Bay Ecosystem Management Team Permitting Group. The team consists of representatives of the Department of Environmental Protection, Southwest Florida Water Management District, Charlotte County, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, Florida Fish and Wildlife Conservation Commission and local civic associations. All interested persons may attend.

Primary Group

DATE AND TIME: April 4, 2001, 1:00 p.m. – 4:00 p.m.

PLACE: Charlotte Harbor State Aquatic and Buffer Preserve, Conference Room, 12301 Burnt Store Road, Punta Gorda, FL 33955

GENERAL SUBJECT MATTER TO BE CONSIDERED: The objective of the Alligator Bay Ecosystem Management Team is to protect and enhance the environment of the Alligator Bay/Peace River/Charlotte Harbor ecosystem by providing additional water quality treatment beyond that required by existing regulatory programs to the waters discharging into Alligator Bay from the Alligator Bay watershed. The specific purpose of the Primary Group meeting includes the finalization of the non-binding agreement and the next steps in the Ecosystem Management/Team Permitting process.

AGENDA: An agenda is not available at this time.

For further information, call or write: Jon Iglehart, Department of Environmental Protection, South District, P. O. Box 2549, Ft. Myers, FL 33902-2549, (941)332-6975 or Jon.Iglehart@dep.state.fl.us.

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

DEPARTMENT OF HEALTH

The Florida **Department of Health** announces a conference call meeting of the Women and Heart Disease Task Force workgroups to which all persons are invited to phone in.

DATE AND TIME: March 26, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call telephone: Public Education Workgroup, (850)487-8540 or Suncom 277-8540; Research and Agency Collaboration Workgroup (850)487-8620 or Suncom 277-8620; Insurance Workgroup (850)487-8856 or Suncom 277-8856

PURPOSE: The Florida Governor's Office appointed 28 persons to serve as representatives on a Women and Heart Disease Task Force. The task force will report to the Governor and Legislature by January 15, 2002, on specific tasks detailed in SB-352 relating to women and heart disease. These meetings will be held to continue work outlined in previously developed action plans to accomplish the objectives of the legislation.

For further information contact: Susan Allen, Bureau of Chronic Disease, HSFCD, BIN #A18, 4052 Bald Cypress Way, Suite 130S, Tallahassee, Florida 32399-1744, (850)245-4369.

If you require special accommodations, please contact Cherish McMillan, (850)245-4444, Ext. 2867, at least 48 hours prior to the meeting date.

The Florida **Board of Dentistry** will hold a Legislative Workshop to which all persons are invited.

DATE AND TIME: April 26, 2001, 7:00 p.m.

PLACE: Embassy Suites, 3974 N. W. South River Drive, Miami, FL 33142, (305)634-5000

PURPOSE: To discuss legislative proposals for the 2002 legislative session.

A copy of any item on the agenda may be obtained by writing: Board of Dentistry, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)245-4161, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Dentistry** will hold a general business meeting to which all persons are invited.

DATES AND TIMES: Friday, April 27, 2001, 9:00 a.m.; Saturday, April 28, 2001, 8:00 a.m.

PLACE: Embassy Suites, 3974 N. W. South River Drive, Miami, FL 33142, (305)634-5000

PURPOSE: To conduct board business.

A copy of any item on the agenda may be obtained by writing: Board of Dentistry, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)245-4161, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, probable Cause panel (North) announces a meeting to which all interested persons are invited.

DATE AND TIME: March 23, 2001, 12:00 Noon

PLACE: The Hilton Jacksonville Towers, 1201 Riverplace Boulevard, Jacksonville, FL 32207, (904)398-8800

PURPOSE: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32217-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Dietetics-Nutrition/Electrolysis Committee announces a meeting to which all persons are invited.

DATE AND TIME: March 30, 2001, 5:30 p.m. or soon thereafter

PLACE: The Adam's Mark Hotel, 225 Coast Line Drive, East, Jacksonville, Florida 32202, (904)633-9095

PURPOSE: To conduct general business of the Committee.

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.

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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Expert Witness Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: March 30, 2001, 5:30 p.m. or soon there after

PLACE: The Adam's Mark Hotel, 225 Coast Line Drive, East, Jacksonville, Florida 32202, (904)633-9095

PURPOSE: To conduct general business of the Committee.

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 committee 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, he may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: March 30, 2001; April 1, 2001, 8:00 a.m.
 PLACE: The Adam's Mark Hotel, 225 Coast Line Drive, East, Jacksonville, Florida 32202, (904)633-9095

PURPOSE: To conduct general business of the Board.

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

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 the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present or an audio record from the Board Director.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health**, Electrolysis Council, under the **Board of Medicine**, announces a conference call to which all persons are invited.

DATE AND TIME: April 9, 2001, 3:00 p.m. or soon thereafter
 PLACE: Number: Nonsuncom (850)488-0979, Suncom 278-0979

PURPOSE: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Electrolysis Council, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Council Office, (850)245-4373.

Please note that if a person decides to appeal any decision made by the council with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the council office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Department of Health, Board of Nursing** announces a public meeting to which all interested persons are invited.
 Human Patient Simulator Demonstration

DATE AND TIME: Wednesday, April 18, 2001, 6:00 p.m. – 8:00 p.m.

PLACE: Palm Beach Community College, 4200 Congress Ave., Lake Worth, FL

PURPOSE: To introduce new technology of human patient simulation for teaching nursing students to the Board of Nursing.

Any additional information may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Florida Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207.

Please Note that if a 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 a record of the proceedings and for such purpose he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact the Board of Nursing office, (904)858-6940, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Nursing Home Administrators** announces an Application Review Committee meeting to which all interested persons are invited.

DATE AND TIME: May 10, 2001, 3:00 p.m.

PLACE: The Department of Health, 4042 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

PURPOSE: Review exam applications for the 7/12/2001 NHA exam.

A copy of the agenda may be obtained by writing: Board of Nursing Home Administrators, 4052 Bald Cypress Way, BIN #C-04, Tallahassee, Florida 32399-3254.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)245-4444, Ext 3602, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please

contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Nursing Home Administrators** announces a General Board Meeting to which all interested persons are invited.

DATE AND TIME: May 11, 2001, 9:00 a.m.

PLACE: The Department of Health, 4042 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

PURPOSE: Approve applications, conduct disciplinary proceedings and general business of the Board.

A copy of the agenda may be obtained by writing: Board of Nursing Home Administrators, 4052 Bald Cypress Way, BIN #C-04, Tallahassee, Florida 32399-3254.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)245-4444, Ext 3602, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health** announces the Children's Medical Services Cardiac Advisory Council conference call to which all persons are invited to call-in.

DATE AND TIME: April 2, 2001, 5:00 p.m. – 6:30 p.m.

PLACE: Conference Call-in Number: (850)488-5778

PURPOSE: Tampa Children's Hospital requested a site visit from CMS to become an approved pediatric cardiac facility. The site visit occurred on December 1, 2000. This conference call has been set up to discuss the reports of the pediatric cardiologist and cardiac surgeon who visited Tampa Children's Hospital and have the CMS Cardiac Advisory Council members vote to approve/disapprove the facility

The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATES AND TIME: April 2-5, 2001, 8:30 a.m., each day and ending at varied times, depending upon the pace of business accomplished. Specific information on the schedule will be presented each day during the meeting

PLACE: Embassy Suites Hotel, 5835 T. G. Lee Boulevard, Orlando, FL 32822. The hotel telephone number is: (407)888-9339 and the reservation number is (407)856-5956

PURPOSE: To assess Emergency Medical Service grant applications submitted to the Department of Health, Bureau of Emergency Medical Services to determine which applications should be recommended for funding. The applications assessed will be those which have been received November 22, 2000 through February 5, 2001, 3:00 p.m. (EST), and which meet the state mandatory criteria.

An agenda can be obtained by writing: Charlotte Sorrell, Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, BIN #C-18, Tallahassee, Florida 32399-1738. You may also request the agenda by contacting Ms. Sorrell via telephone (850)245-4440, Fax (850)488-2512 and e-mail Charlotte_Sorrell@doh.state.fl.us.

Special Accommodations: Any person who requires special accommodations at these meetings because of a disability or physical impairment must contact this agency at least 48 hours prior to the date of attendance by contacting Ms. Sorrell at the above address and telephone number. If you are hearing or speech impaired, you may use the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

PO #F00396

The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATE AND TIME: April 19, 2001, 1:00 p.m. – 3:00 p.m.

PLACE: Bureau of Emergency of Medical Services, 4025 Esplanade Way, Building 4042, Room 301, Tallahassee, FL 32301-4881, toll free number 1(800)647-7427

PURPOSE: A committee appointed by the Bureau of Emergency Medical Services is holding a meeting to assist the Department of Health in the implementation of the 1999 trauma legislation which requires the development of criteria for the consultation and transfer of trauma victims between trauma centers and acute care hospitals.

A copy of the agenda may be obtained by writing: Department of Health, Bureau of Emergency Medical Services, 2020 Capital Circle, Southeast, BIN #C18, Tallahassee, FL 32399-1738 or by calling George Schaffer, (850)245-4440.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency before April 16, 2001, by contacting George Schaffer, (850)245-4440. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Purchase Order Number F00396.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Family Preservation and Support Coalition Executive Committee, sponsored by the District 12, **Department of Children and Family Services** announces the following public meeting to which all persons are invited.

DATE AND TIME: April 4, 2001, 9:00 a.m.

PLACE: Domestic Abuse Council, 211 N. Ridgewood Avenue, Daytona Beach, Florida

PURPOSE: Regular Business Meeting.

A copy of the agenda may be obtained by writing: Family Preservation and Support, Department of Children and Family Services, 210 North Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn.: Lynn Kennedy.

If you need special accommodations (i.e., assistive listening devices, sign language interpreter, etc.) please notify Lynn Kennedy, (386)226-7826, at least 48 hours in advance of the meeting. Hearing impaired please use the Florida Relay System, 1(800)955-8771.

The District 14, **Department of Children and Family Services** announces the following meeting to which all persons are invited.

CEO Roundtable of Central Florida quarterly meeting

DATE AND TIME: Wednesday, April 11, 2001, 3:00 p.m.

PLACE: Polk County Board of County Commissioners, 4th Floor, Board Members Conference Room, 330 West Church Street, Bartow, FL

PURPOSE: Regular meeting of the CEO Roundtable of Central Florida.

For copies of the agenda, further information or persons needing accommodation to participate in this meeting please contact, Patty Harrison, (863)619-4157, 1(800)342-0825 or (TDD) (863)648-3337.

FLORIDA INLAND NAVIGATION DISTRICT

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 23, 2001, 8:00 a.m.

PLACE: The Indian River Plantation Marriott Hotel, 555 N. E. Ocean Boulevard, Stuart, Martin County, Florida

PURPOSE: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Property Acquisition and Management Committee will meet.

Please contact the District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for

such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend.

DATE AND TIME: Monday, April 2, 2001, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, Seltzer Conference Room, 6th Floor, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluation of responses submitted for Florida Housing Finance Corporation's Request for Proposals #2001/01 for Home Ownership Servicing and Monitoring services.

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Laurie Camp, Human Resources Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend.

DATE AND TIME: Wednesday, April 4, 2001, 9:30 a.m.

PLACE: Florida Housing Finance Corporation, Seltzer Conference Room, 6th Floor, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluation of responses submitted for Florida Housing Finance Corporation's Request for Proposals #2000/05 for Home Ownership Purchase Price Market Study services.

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a

verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Laurie Camp, Human Resources Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Housing Finance Corporation** announces a public meeting of the Corporation, to which all persons are invited.

DATES AND TIME: Concurrent Wednesdays beginning April 4, 2001 and ending June 27, 2001, 3:00 p.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Corporation's State Housing Initiatives Partnership (SHIP) Program Review Committee. The purpose of these Review Committee Meetings is to consider SHIP related matters and approve New and Amended Local Housing Assistance Plans submitted by any of the 67 counties or 48 entitlement municipalities participating in the SHIP Program.

A copy of the weekly agenda may be obtained through the Corporation's SHIP Web Page at www.floridahousing.org. Any change to the agenda or the cancellation to the meeting will be posted on the SHIP web page five calendar days prior to the meeting.

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he/she will need a record of the proceedings, and for such purpose he/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.

Any person requiring a special accommodation at these meetings because of a disability or physical impairment should contact Amy Grissom, 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).

The **Florida Housing Finance Corporation** announces a public workshop and meeting of the Board of Directors to which all interested parties are invited.

Fiscal Committee; Guarantee Committee; Combined Cycle Committee; Multifamily Revenue Bond Committee; Board Meeting

DATE AND TIME: April 6, 2001, 9:00 a.m. – adjourned

PLACE: City Hall, 891 South Adams Street, Tallahassee, FL 32301, (850)891-0000, FHFC Offices (850)488-4197

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 Combined Cycle Committee and to consider recommendations made by the Combined Cycle Committee to the Board.
4. Consider, review and take action on matters brought to the Multifamily Revenue Bond Committee and to consider recommendations made by the Multifamily Revenue Bond Committee to the Board.
5. 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.
6. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
7. 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.
8. 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.
9. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
10. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
11. 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.
12. Consideration of all necessary actions with regard to the Multifamily Bond Program.
13. Consideration of approval of underwriters for inclusion on approved master list and teams.
14. Consideration of all necessary actions with regard to the HOME Rental Program.
15. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
16. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.

17. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
18. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
19. Consideration of all necessary actions with regard to the Home Ownership Programs.
20. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
21. Consideration of Appeals from Combined Cycle ranking and grading with entry of final orders.
22. Consideration of workouts or modifications for existing projects funded by the Corporation.
23. 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.
24. Consideration of funding additional reserves for the Guarantee Fund.
25. Consideration of audit issues.
26. Evaluation of Professional and Consultant performance.
27. Such other matters as may be included on the Agenda for the April 6, 2001 Board Workshop and 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.

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.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Deanne Coughlin, 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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE OF CHANGE – This is a public meeting hosted by the **Florida Housing Finance Corporation** to which all interested parties are invited to attend. Review Committee meeting initially scheduled for March 29, 2001, 2:00 p.m., has been canceled and rescheduled for:

DATE AND TIME: April 4, 2001, 2:00 p.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301-1329

PURPOSE: This review committee was established pursuant to Rule 67-21.003(4), FAC. for the purpose of reviewing the draft Completeness and Threshold Checks (CTC) of the Applications submitted for bond financing for the 2001 Multifamily Bond Cycle.

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he/she will need a record of the proceedings, and for such purpose he/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.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Esrone McDaniels, Multifamily Bond Administrator, (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 at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a series of two public workshops concerning bay scallops, to which all interested persons are invited.

DATE AND TIME: April 4, 2001, 6:00 p.m. – 8:00 p.m.

PLACE: Homosassa Springs Wildlife State Park, Florida Room, 4150 South Suncoast Blvd., Homosassa, Florida

DATE AND TIME: April 5, 2001, 6:00 p.m. – 8:00 p.m.

PLACE: Stiles Brown Senior Citizens Center, 120 Library Dr., Port St. Joe, Florida

PURPOSE: The Fish and Wildlife Conservation Commission is holding two workshops to gather public testimony regarding whether to change the open season for the harvest of bay scallops, either on a statewide or regional basis.

For further information, contact: Ken Haddad, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

FLORIDA PORTS COUNCIL

The **FSTED Program Project Review Group** announces a meeting in which all interested persons are invited to participate.

DATE AND TIME: March 23, 2001, 10:00 a.m. – 3:30 p.m.

PLACE: Port Everglades, 1850 Eller Drive, Room 301, Ft. Lauderdale, Florida 33316

PURPOSE: General Business.

Information on the meeting may be obtained by contacting: Tara Vercellone, Florida Ports Council, 315 South Calhoun Street, Suite 712, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person 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 provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Tara Vercellone, (850)222-8028.

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

The **H. Lee Moffitt Cancer Center and Research Institute**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 27, 2001, 11:30 a.m. – 1:00 p.m.

PLACE: Moffitt Cancer Center Administration Board Room, 12902 Magnolia Drive, Tampa, FL

PURPOSE: To conduct the general business of the Facilities Committee.

A copy of the agenda may be obtained by writing: Ms. Nzuzi Kialeuka, Tower Project Office, Moffitt Cancer Center, 12902 Magnolia Drive, MOD 6 – TOWER, Tampa, Florida 33612.

Persons requiring special accommodations due to disability or physical impairment should contact Ms. Nzuzi Kialeuka by Tuesday, March 20, 2001.

AGENCY FOR WORKFORCE INNOVATION

The **Agency for Workforce Innovation** (AWI) announces a facilitated design meeting for the One Stop Management Information System (OSMIS) which is open to the public.

DATE AND TIME: Wednesday, April 4, 2001, 8:00 a.m. – 5:00 p.m.

PLACE: The Agency for Workforce Innovation, Koger Center, Atkins Building, First Floor, Conference Room, Suite 100, 1320 Executive Center Drive, Tallahassee, Florida 32399-2250

PURPOSE: As authorized by Section 445.011, F.S., Workforce Florida Inc., subject to legislative appropriation and in coordination with the State Technology Office (STO), will implement automated information systems that are necessary for the efficient and effective operation and management of the workforce development system. At a Strategic Planning Session held on March 6 and 7, 2001, the OSMIS Steering

Group identified and agreed upon the system development work that will be done during this next phase of the OSMIS project. This list of development initiatives will be clarified and detailed at a facilitated design session, and will result in a Statement of Objectives specification for the procurement document.

For further information, contact: Jay McMullen, Agency for Workforce Innovation, Koger Center, Atkins Building, Tallahassee, Florida 32399, (850)488-7228, Extension 1141 or Suncom 278-7228. A copy of the agenda may be obtained by contacting Jay McMullen approximately one week prior to the meeting. Please direct all questions to: Jay McMullen, (850)488-7228, Extension 1141, Suncom 278-7228, Fax (850)487-1753, Email: Jay.McMullen@awi.state.fl.us

Pursuant to Chapter 286.26, F.S., any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five (5) working days prior to the meeting in order to request any special assistance.

If you are hearing- or speech-impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FLORIDA BLACK BUSINESS SUPPORT CORPORATION

The **Florida Black Business Support Corporation** announces a teleconference meeting of its board of directors and loan committee to which all interested persons are invited.

DATE AND TIME: April 4, 2001, 10:00 a.m.

PLACE: (850)921-5230

PURPOSE: To plan and discuss the Board's business plan to identify areas for future Board priorities, loan committee discussion/review/approval of loan related issues and approve actions taken by the Chairman under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Support Corporation, 1713 S. Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at this meeting, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend this meeting, please notify the FBBSC office, (850)487-4850, at least seven (7) days prior to the meeting.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission issued a Final Order, March 12, 2001, in response to the request received from Don T. Scroggs, CEO, Square One Builders, Inc., on February 9, 2001. The request was assigned the number DCA01-DEC-024. The Final Order dismisses the petition for Declaratory Statement without prejudice.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections received a Petition to Initiate Rulemaking on March 8, 2001 from Mark Osterback. Petitioner is seeking amendment of Chapter 33-103, Florida Administrative Code, to require the Department to provide a procedure to review grievances pertaining to the operation of, and other matters relating to, the Financial Service Center.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Douglas Jackson. The Petitioner requested that the Department of Corrections amend Chapter 33, FAC., to include a uniform rule relating to storage of inmate legal property and further requests that the uniform rule permit free access to this property by inmates.

The Department denied Inmate Jackson's Petition to Initiate Rulemaking on the grounds that Rule 33-210.102(11)(b), FAC., authorizes each warden of an institution to adopt a procedure whereby legal materials may be stored. In adopting such a rule, the Department recognized that the ability of institutions to store property varies. Adoption of a uniform rule is currently not feasible. Furthermore, free access to legal property by inmates implies that all inmates would have access to the property. Such a provision is clearly not in an inmate's best interests.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Douglas Jackson. The Petitioner requested that the Department of Corrections amend Rule 33-501.301, FAC., to permit general population inmates free access to law libraries without the need to submit an Inmate Request. He asserts that inmates are denied free access to courts by a contrary policy.

The Department denied Inmate Jackson's Petition to Initiate Rulemaking on the grounds that an institution rule that requires an inmate to submit an Inmate Request prior to using the law library does not impinge upon an inmate's right of access to courts. Inmates do not have a constitutional right to free access to law libraries.

Even where prison regulations do impinge upon an inmate's constitutional rights, they are nonetheless valid where they serve a legitimate penological interest. Requiring inmates to submit an Inmate Request permits an institution to maximize access to the law library, allows for priority use by inmates with court deadlines, and permits scheduling of other inmates during non-work hours.

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.

AGENCY FOR WORKFORCE INNOVATION

NOTICE IS HEREBY GIVEN that the Agency for Workforce Innovation, has agreed to an Abeyance in the matter of In Re: Request for a Declaratory Statement Resolving Questions about the Appeal Procedures that Apply to the Denial of Mike Caro's Request for Training, OGC Case No. 2000/01-0001. The Abeyance is for a period of 45 days with the option to extend the stay for an additional 30 days.

A copy of the Notice of Abeyance may be obtained by writing: Veronica Moss, Agency Clerk, Agency for Workforce Innovation, Office of General Counsel, The Atkins Building, Suite 300, 1320 Executive Center Drive, Tallahassee, Florida 32399-2250.

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:

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: 09/99, 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) spiral/comb or ring (no hard, solid or tack) bound copies of the requested data 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: Teresa Williams, Secretary or Samuel J. Houston, Director, Office of Facilities Planning and Construction, Florida A & M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307, E-Mail: alice.williamst@famuedu, phone (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 May 2, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

EXPRESSWAY AUTHORITIES

REQUEST FOR STATEMENT OF QUALIFICATIONS FOR REQUEST FOR PROPOSALS MDX PROJECT NO. 000-014

Miami-Dade Expressway Authority ("MDX") seeks the services of a firm or team of firms ("Firm") with the necessary expertise to manage and perform all routine maintenance activities associated with Roadway, Structures, Drainage, Roadside, Vegetation and Aesthetics, Traffic Services, Structures Inspection, Toll Facilities and Incident Management, MDX Project No. 000-014, (the "Project") on the MDX system (the "System").

DEBARMENT: By signing and submitting a statement of qualifications ("SOQ"), the Firm certifies that no principal (which includes officers, directors or executives) is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal or state or local department or agency.

SYSTEM: The System presently consists of 31.2 centerline miles of highway, 177.8 lane-miles, and 4 mainline toll plazas. One road section, Snapper Creek Expressway (State Road 878) is a toll free facility. The four facilities, which include toll plazas are as follows:

- Airport Expressway (State Road 112),
- East-West Expressway (State Road 836),
- South Dade Expressway (State Road 874), and
- Gragny Expressway (State Road 924).

PROJECT: In an effort to provide the traveling public of the State of Florida a cost effective, high quality transportation infrastructure, the Miami-Dade Expressway Authority (hereinafter "MDX") is preparing for fully undertaken all related Infrastructure maintenance programs. The Project will focus on the transition of the various infrastructure maintenance components. The first phase will entail the transition of the Toll Facilities Service Contracts maintenance from FDOT/OTO to MDX. Expansion of the number of toll lanes is anticipated in the future years. The second phase will entail the transition of the roadway maintenance from FDOT to MDX as they expire. The work for the Project includes, but is not limited to, addressing the maintenance activities associated with Roadway, Structures, Drainage, Roadside, Vegetation and Aesthetics, Traffic Services, Structure Inspection, Toll Facilities and Incident Management.

SELECTION: The required information, including the qualifications and relevant past experience of each Firm submitting an SOQ, shall be evaluated to shortlist at least three (3) qualified Firms. MDX shall distribute a Request for Proposals ("RFP") package to the shortlisted Firms. MDX shall commence negotiations with all the shortlisted firms and shall award the contract based on the best combination of proposal, qualifications and price, as determined solely by MDX.

RESPONSE PROCEDURE: Qualified Firms are encouraged to submit SOQs to MDX. One original SOQ (unbound) and fourteen (14) copies MUST be received by the Miami-Dade Expressway Authority at 3790 N. W. 21 Street, Miami, Florida 33142, Attn.: Sam Gonzalez, P. E., Engineering Director, by Friday, March 22, 2001, on or before 12:00 Noon (Eastern Time) (the "Deadline Date").

After reviewing the submitted SOQs, MDX anticipates that it will notify all Firms in writing on or about March 30, 2001, as to whether they have been shortlisted and will mail one (1) copy of the Request for Proposal package to each shortlisted firm.

SUBMITTAL OF SOQ's: The SOQ shall be in writing, and submitted on the letterhead of the Firm. The SOQ **MUST** include, at a minimum, the required information listed below in order for the Firm to be considered for shortlisting.

REQUIRED INFORMATION: The SOQ shall contain the following information:

1. Project name.
2. Firm's name, address, telephone and fax number and contact person.
3. The Firm must be registered with the Secretary of State to do business in the State of Florida.
4. Proposed responsible officer for the Firm.
5. Contact person, phone number, fax number and Internet Email address. The contact person shall be a single person who can be contacted to discuss contents or questions regarding references, listed projects or other matters contained in the SOQ.
6. Proposed key personnel for the Firm's team with qualifications and their proposed roles for the Project, including resumes.
7. Organizational charts showing the Firm's team members.
8. Location of the Firm's team members.
9. Sub-contractors for procurement of equipment, material and services with their qualifications, including resumes and proposed roles for the Project.
10. An estimate of the Firm's current workload and available resources.
11. Letters of Recommendation (at least 2).
12. A list of similar projects completed **NOT EARLIER THAN** January 1, 1996, with references and phone numbers, including a general description of each of the projects and the Firm's role in each of the projects.
13. An executed Vendor's Certificate. The certificate is available from MDX and will be the Firms' responsibility to obtain.

COMMUNICATION: Communications between any respondent and any member of MDX or its staff is strictly prohibited from the date of publication of the Request for Qualifications through the date of final MDX action with respect to the selection of the Firm. The only exception to this is any communication at a publicly noticed meeting of MDX or its Operations Committee or contract negotiations with the Executive Director and the Engineering Director. Any violation of the requirements set forth in this paragraph shall constitute grounds for immediate and permanent disqualification of the offending respondent.

DISADVANTAGED BUSINESS ENTERPRISES PROGRAM: MDX, in accordance with the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §200c et seq., the Florida Civil Rights Act of 1992, as amended, §760.10 et. seq., Fla. Stat. (1996) and other federal and state discrimination statutes, prohibits discrimination on

the basis of race, color, sex, age, national origin, religion and disability or handicap. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women as employees in the work force.

MDX encourages small, minority and women-owned business to have full opportunity to submit bids and proposals in response to solicitation documents issued by MDX, and bidders and proposers will not be discriminated against on the basis of sex, race, color, national origin, religion or disability or other protected status. The overall goal of MDX is to obtain an M/WBE participation of twenty-five percent (25%) for the aggregate of its projects. However, compliance with MDX's overall goal is not a pre-requisite for bidders or proposers on MDX projects.

MDX RESERVES THE RIGHT TO REJECT ANY OR ALL STATEMENTS OF QUALIFICATIONS RECEIVED.

**NOTICE OF INVITATION TO BID
MILLING AND RESURFACING OF ASPHALT
PAVEMENT SURFACES SYSTEM WIDE
MDX PROJECT NO. 000-012**

The Miami-Dade Expressway Authority ("MDX") is seeking the services of a contractor ("Bidder") for system-wide milling and resurfacing on the MDX Expressway System. The MDX Expressway System is comprised of State Road 112, State Road 836, State Road 874, State Road 878 and State Road 924. The Work consists of, but is not limited to, providing all labor, Materials, Equipment and incidentals necessary for milling and resurfacing asphalt pavement surfaces for various sections of the MDX Expressway System. The Bidder should be aware that the majority of the Work associated with this Project shall be done during off-peak hours (9:00 p.m. to 6:00 a.m.). The successful Bidder will be required to provide all necessary maintenance of traffic and coordination with other agencies.

Sealed Bids will be received in the Headquarters Building of the Miami-Dade Expressway Authority ("MDX" or the "Authority"), 3790 N. W. 21st Street, Miami, Florida 33142, until 2:00 p.m., Wednesday, April 25, 2001. A Bidder must be prequalified by the State of Florida, Department of Transportation in accordance with Rule Chapter 14-22, F.A.C. or certified with the Miami-Dade County on the date of the Bids submittal in order to submit a Bid. A Bidder that is not prequalified in accordance with Rule Chapter 14-22, F.A.C. or certified with Miami-Dade County on the date of the Bids submittal, shall be declared "NON RESPONSIVE" and the Bid will be REJECTED.

Copies of the Plans, Specifications and the Bid Blank book will be available on Wednesday, April 11, 2001 after 12:00 Noon at MDX Headquarters Building, 3790 N. W. 21st Street, Miami, Florida. The cost of these documents is \$20.00 per set.

Make checks payable to the Miami-Dade Expressway Authority. No refunds will be made for the above charges for any of the documents.

The construction cost estimate for the Project is \$1,850,000 (One Million Eight Hundred and Fifty Thousand Dollars) and Contract time for this Project is set for 180 days from the Notice to Proceed.

MDX staff will be available to discuss the Project with interested Bidders on Wednesday, April 18, 2001, 2:00 p.m. at the MDX Headquarters Building, 3790 N. W. 21st Street, Miami, Florida. Attendance to this meeting is NOT mandatory. If you have any questions regarding this notice, or would like additional information, please contact:

Mr. Samuel Gonzalez, P. E.
MDX Engineering Director
Ph. (305)637-3277
Fax (305)637-3283

All sealed Bids must be received by MDX at 3790 N. W. 21st Street, Miami, Florida 33142, no later than 2:00 p.m., Wednesday, April 25, 2001.

Equal Employment Opportunities. The Miami-Dade Expressway Authority prohibits discrimination on the basis of race, color, sex, age, national origin, religion and disability or handicap in accordance with the Provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., the Florida Civil Rights Act of 1992, as amended, § 760.10 et seq., Fla. Stat. (1996), and other Federal and State discrimination statutes. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women.

MDX encourages small, minority and women-owned business to have full opportunity to submit bids and proposals in response to solicitation documents issued by MDX, and bidders and proposers will not be discriminated against on the basis of sex, race, color, national origin, religion or disability or other protected status. The overall goal of MDX is to obtain an M/WBE participation of twenty-five percent (25%) for the aggregate of its projects. However, compliance with MDX's overall goal is not a pre-requisite for bidders or proposers on MDX projects.

NOTICE OF INVITATION TO BID

SYSTEM SIGNING AND ROUTE DESIGNATION MARKERS SYSTEM WIDE – MDX PROJECT NO. 000-013
The Miami-Dade Expressway Authority (“MDX”) is seeking the services of a contractor (“Bidder”) for system signing and route designation markers on the MDX Expressway System as well as the connecting arterial roads and major highway system, e.g., Turnpike, State Road 826 and Interstate 95. The MDX Expressway System is comprised of State Road 112, State Road 836, State Road 874, State Road 878 and State Road 924. The Work consists of, but is not limited to, providing all labor, Materials, Equipment and incidentals

necessary for the installation of signage and route designation markers on the MDX Expressway System. The Bidder should be aware that a portion of the installation work associated with this project shall be done during off-peak hours (9:00 p.m. to 6:00 a.m.). The successful Bidder will be required to provide all necessary maintenance of traffic and coordination with other agencies.

Sealed Bids will be received in the Headquarters Building of the Miami-Dade Expressway Authority (“MDX” or the “Authority”), 3790 N. W. 21st Street, Miami, Florida 33142, until 2:00 p.m., Thursday, April 26, 2001. A Bidder must be prequalified by the State of Florida Department of Transportation in accordance with Rule Chapter 14-22, F.A.C. or certified with the Miami-Dade County on the date of the Bids submittal in order to submit a Bid. A Bidder that is not prequalified in accordance with Rule Chapter 14-22, F.A.C. or certified with Miami-Dade County on the date of the Bids submittal, shall be declared “NON RESPONSIVE” and the Bid will be REJECTED.

Copies of the Plans, Specifications and the Bid Blank book will be available on Thursday, April 12, 2001 after 12:00 Noon at MDX Headquarters Building, 3790 N. W. 21st Street, Miami, Florida. The cost of these documents is \$20.00 per set. Make checks payable to the Miami-Dade Expressway Authority. No refunds will be made for the above charges for any of the documents.

The construction cost estimate for the Project is \$500,000 (Five Hundred Thousand Dollars) and Contract time for this Project is set for 180 days from the Notice to Proceed.

MDX staff will be available to discuss the Project with interested Bidders on Thursday, April 19, 2001, 2:00 p.m., at the MDX Headquarters Building, 3790 N. W. 21st Street, Miami, Florida. Attendance to this meeting is NOT mandatory. If you have any questions regarding this notice or would like additional information, please contact:

Mr. Samuel Gonzalez, P. E.
MDX Engineering Director
Ph. (305)637-3277
Fax (305)637-3283

All sealed bids must be received by MDX at 3790 N. W. 21st Street, Miami, Florida 33142, no later than 2:00 p.m., Thursday, April 26, 2001.

Equal Employment Opportunities. The Miami-Dade Expressway Authority prohibits discrimination on the basis of race, color, sex, age, national origin, religion and disability or handicap in accordance with the Provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., the Florida Civil Rights Act of 1992, as amended, § 760.10 et seq., Fla. Stat. (1996), and other Federal and State discrimination statutes. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women.

MDX encourages small, minority and women-owned business to have full opportunity to submit bids and proposals in response to solicitation documents issued by MDX, and bidders and proposers will not be discriminated against on the basis of sex, race, color, national origin, religion or disability or other protected status. The overall goal of MDX is to obtain an M/WBE participation of twenty-five percent (25%) for the aggregate of its projects. However, compliance with MDX's overall goal is not a pre-requisite for bidders or proposers on MDX projects.

ATTENTION: ROADWAY CONTRACTORS

The Tampa-Hillsborough County Expressway Authority (THCEA) is requesting Technical and Price Proposals from FDOT-qualified firms to provide construction services for the Brandon Feeder Roads project.

The Brandon Feeder Roads Project includes the new construction of the Brandon Parkway from west of TownCenter Boulevard to Lumsden Road, Lakewood Drive from north of Lumsden Road to S. R. 60, Providence Lakewood Connector from Providence Road to Lakewood Drive, TownCenter Boulevard from north of Brandon Parkway to south of Brandon Parkway, and the Pauls Drive Connector from Brandon Parkway to Pauls Drive. Construction will also include the widening, milling and resurfacing of Lumsden Road from west of the Brandon Parkway to Kings Avenue. Also included in this contract will be the installation of lighting, a storm drainage system including ponds, signing and pavement markings, signalization, as well as a pedestrian trail and bridge.

Companies interested in receiving a Request for Proposal package (RFP) which includes plans and specifications for this project shall deliver their request to the THCEA Construction Manager:

URS Corporation
Attention: Mr. Eugene Balter, P. E.
7650 West Courtney Campbell Causeway (ZIP 33607)
P. O. Box 31646
Tampa, FL 33631-3416

Requests shall contain the following:

- Requestor's Name
- Requestor's Title
- Company Name
- Address (shipping address for overnight delivery – no Post Office Boxes, please)
- Phone Number
- Fax Number
- Email Address (if available)

A check for \$175 made payable to: URS Corporation

All RFP requests must be received by the Construction Manager by 5:00 p.m., Thursday, April 12, 2001. RFPs will be sent by second-day delivery services.

A mandatory Pre-Proposal Conference will be held at 2:00 p.m., April 4, 2001, at the County Center Building, Planning Commission Board Room, 18th Floor, 601 East Kennedy Blvd., Tampa, Florida.

The Technical and Price Proposals are due on May 1, 2001. The Technical Proposals will be scored and the Price Proposals opened on May 10, 2001. The selection process results will be announced on May 21, 2001. NOTE: ALL DATES ARE SUBJECT TO CHANGE. PLEASE CONTACT THE THCEA CONTRACTS OFFICE, (813)272-6740 FOR UPDATED INFORMATION.

SPACEPORT FLORIDA AUTHORITY

**AMENDED REQUEST FOR PROPOSAL
MISSILE AND SPACE SAFETY SUPPORT**

PURPOSE: The Spaceport Florida Authority ("SFA") is developing new launch capabilities, vehicle tracking capabilities and ordnance processing facilities on Cape Canaveral Air Force Station. To support this effort, the SFA is soliciting proposals to provide technical analysis and engineering support in the area of explosive safety, missile ground and flight safety and trajectory analysis.

Services Required: The Offeror will be required to:

- a. Perform technical analysis of explosive facility siting requirements and be able to prepare explosive site plans acceptable to the Department of Defense (DOD), Department of Alcohol, Tobacco and Firearms (ATF) and the state of Florida permitting requirements.
- b. Provide analysis of space/missile flight trajectories, flight safety requirements, solutions acceptable to Range Safety and instrumentation requirements in accordance with accepted DOD criteria.
- c. Validate proposed space/missile ground and flight safety plans and recommend methods of improvement if necessary.
- d. Prepare MSPSP plans and other DOD required documentation as requested by SFA.
- e. Be prepared to provide safety support as requested by SFA for the launch of solid rockets such as a TX664-5/Terrier Mk 70-configured vehicle tentatively scheduled for July 2001.

Type of Contract: This solicitation may result in SFA's sole discretion to award a Task Order Contract with each task separately scoped, negotiated and priced. Task orders will be fixed price, however, the Offeror will not be obligated to accept any task unless the scope and price is acceptable to both parties. SFA reserves the right to extend the period of performance up to at least two years and/or not to issue a contract under its (SFA's) sole discretion.

Period of Performance: April 20, 2001 – April 21, 2003

Compensation: Total price of all task orders under this contract is not expected to exceed \$50,000.00, however, no minimum price has been established. At least one task order is expected to be issued.

Evaluation (and weighting value) Criteria: This contract will be awarded on the basis of Offeror's proposed approach (10%), technical qualifications (15%), specific experience with range systems and EWR 127-1 (35%), past performance especially Solid Rocket/Terrier-configured/rail-launched vehicles (20%), and cost structure (20%).

Proposal Instructions: The Offeror's proposal must be limited to 10, 8 1/2 by 11 inch type written pages, including any figures or diagrams. The ten page limit does not include resumes. As a minimum the proposal must contain:

- a. A brief outline of the company's organization and history including a detailed description of the firm's technical qualifications.
- b. Resumes of proposed key individuals.
- c. Descriptions of the firm's role in similar projects
- d. References from prior clients received within the last 2 years.
- e. A copy of the firm's latest financial statement.
- f. A statement of proposed rates as follows:
 - An average salary for proposed management personnel;
 - An average salary for proposed senior engineering personnel;
 - An average salary for proposed engineering personnel;
 - An average salary for proposed support personnel;
 - Proposed overhead and G & A rates.
- g. A brief description of a suggested approach to help SFA prepare required documentation to obtain range safety approval for proposed SFA-sponsored operations and rocket launches with special emphasis on supporting the first launch scheduled for mid-July 2001.

Proposals submitted shall contain an original and five copies and should be clearly marked PROPOSAL FOR MISSILE AND SPACE SAFETY SUPPORT and submitted to:

Spaceport Florida Authority
 Attn.: Gregory A. Popp, Director, Business Operations
 100 Spaceport Way
 Cape Canaveral, Florida 32920

Proposals must be received by 12:00 Noon, (Eastern Time Zone), April 11, 2001.

To assure full understanding of the solicitation requirements, questions may be submitted electronically to: greg@spaceportflorida.com no later than April 2, 2001. Answers to those questions will be published on SFA's website: spaceportflorida.com by COB, April 6, 2001.

The SFA reserves the right to reject any or all proposals or ignore or correct minor irregularities when in the best interest of the State of Florida.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Invitation to Negotiate

Lead Agency For Community Based Care

The Department of Children and Family Services, District Four, is seeking applications from not for profit or governmental agencies to act as the lead agency for community based care for Duval County.

Copies of the Invitation to Negotiate (ITN) #FS04-00-002 will be available from the District Four, Family Safety Program Office, Department of Children and Family Services on and after March 23, 2001, 5920 Arlington Expressway, Room 234, Jacksonville, FL 32211. The contact person is: Andrea Trzcinski, (904)723-5374, Fax (904)727-5518.

In order to receive any amendments or other information concerning this ITN, applicants may submit a Notice of Intent to Submit an Application which is to be received by the department at the aforementioned address no later than 3:00 p.m. (Eastern Standard Time), April 6, 2001.

Applications are to be submitted to Andrea Trzcinski, Family Services Specialist, Family Safety Program, 5920 Arlington Expressway, Room 234, Jacksonville, FL 32211, by 3:00 p.m. (Eastern Standard Time), May 17, 2001.

Certified Minority Business Enterprises are encouraged to participate in any applicant conferences, pre-solicitation or pre-bid meetings which are scheduled. A prospective applicant's conference is to be held at 1:00 p.m. (Eastern Standard Time), April 16, 2001, at the Department of Children and Family Services, 5920 Arlington Expressway, Jacksonville, FL 32211, in the Rear Auditorium.

The department reserves the right to reject any applications or ignore or correct minor irregularities in the best interest of the state.

Any person with a qualified disability requiring special accommodations at the applicant's conference shall contact the person named above at least five (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using the Florida Relay Services which can be reached at 1(800)955-8771 (TDD).

FLORIDA HOUSING FINANCE CORPORATION

Request for Qualifications

2001/02

Guaranteed Investment Contract Broker

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide Guaranteed Investment Contract Broker services to submit qualifications

for consideration. Written, sealed qualifications shall be accepted until 4:00 p.m. (Eastern Time), April 20, 2001, to the attention of Steve Auger, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Steve Auger, (850)488-4197 or Steve.Auger@floridahousing.org. To obtain a copy of the Request for Qualifications, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Steve Auger or you can download the Request for Qualifications from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/rfps.html>. Any modifications that occur to the Request for Qualifications will be posted at the web site and may result in an extension of the deadline.

Request for Proposals
2001/02
Hearing Officer

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide Hearing Officer services to submit proposals for consideration. Written, sealed proposals shall be accepted until 4:00 p.m. (Eastern Time), April 20, 2001, to the attention of Steve Auger, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Steve Auger, (850)488-4197 or Steve.Auger@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Steve Auger or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/rfps.html>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

PALM BEACH COUNTY WORKFORCE DEVELOPMENT BOARD

REQUEST FOR PROPOSALS FOR SECURITY SERVICES
The Palm Beach County Workforce Development Board, Inc. (WDB) is accepting Requests for Proposals (RFP) for our five (5) Workforce Development Centers. The WDB is a non-profit agency acting as administrative entity for implementation of federally funded programs to include the Workforce Investment Act and Workforce Innovation Act. The deadline for receipt of RFP responses is 5:00 p.m. (Eastern Daylight Time) as determined by WDB, April 16, 2001 at WDB's administrative office 2051 Martin Luther King, Jr. Boulevard, Suite 302, Riviera Beach, Florida 33404, ATTN: Kenneth E. Montgomery without exception.

The RFP is available for pickup between the hours of 8:00 a.m. – 5:00 p.m., March 14, 2001 through April 16, 2001 at the WDB administrative office address stated above for a fee of \$20.00 per proposal. Please make checks payable to the "Palm Beach County Workforce Development Board, Inc." The RFP is also available free of charge on WDB's website at www.pbcworks.com. The RFP is available on the website in two formats: ASCII Text and Word 97 for Windows. WDB may change scheduled RFP dates if it is to the advantage of WDB to do so. WDB will notify Proposers of all RFP changes via posting on the WDB website, www.pbcworks.com, at the same location as the RFP. A technical assistance meeting to answer specific questions regarding the RFP will be held at WDB's administrative office in Room 304A on April 3, 2001, 9:00 a.m.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

- FILE NO.: BLIVR-1101-003;
BLID-1101-007
- DATE RECEIVED: March 8, 2001
- DEVELOPMENT NAME: GULFSTREAM PARK
- DEVELOPER/AGENT: Magna Entertainment Corp.,
Debbie Orshefsky
- DEVELOPMENT TYPE: 28-24.016, 28-24.036, 28-24.020,
28-24.026, FAC.
- COUNTY LOCATION: Broward
- LOCAL GOVERNMENT: Broward County
- FILE NO.: BLID-0999-008
- DATE RECEIVED: March 8, 2001
- DEVELOPMENT NAME: MEDITERRA (TOULON)
- DEVELOPER/AGENT: Long Bay Partners, LLC
- DEVELOPMENT TYPE: 28-24.023, FAC.
- COUNTY LOCATION: Collier
- LOCAL GOVERNMENT: Collier County

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLID-0901-008
 DATE RECEIVED: March 12, 2001
 DEVELOPMENT NAME: BAYSIDE MARKETPLACE
 DEVELOPER/AGENT: Goodlette Road Ltd.
 DEVELOPMENT TYPE: 28-24.031, 28-24.026, 28-24.036,
 F.A.C.
 COUNTY LOCATION: Collier
 LOCAL GOVERNMENT: Collier County

In re: A LAND DEVELOPMENT REGULATION
 ADOPTED
 BY ISLAMORADA, VILLAGE OF ISLANDS
 ORDINANCE NO. 00-12

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. (2000), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. On January 26, 2001, the Department received for review Islamorada, Village of Islands Ordinance No. 00-12 which was adopted by the Village Council ("Ord. 00-12"). Ord. 00-12 extends the moratorium on non-residential development by an additional year, and amends the description of "non-residential development" to include the creation or expansion of outdoor uses and communications towers.
2. Ord. 00-12 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000).
4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
5. "Land Development Regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 00-12 are land development regulations.
6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the

"Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).

7. Ordinance 00-12 is consistent with Principle (a), "To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation." Temporary building moratoria are commonly used by local governments to allow effective implementation of a new comprehensive plan or new land development regulations. Ordinance 00-12 is not inconsistent with the remaining Principles. Ord. 00-12 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 00-12 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, 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.

/s/
 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 14th day of March, 2001.

/s/ Paula Ford, Agency Clerk

By U.S. Mail:
Honorable James Mooney, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
Carol Simpkins, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
John Herin, Esq.
Weiss, Serota, Helfman, Pastoriza & Guedes, P. A.
2665 South Bayshore Drive
Miami, FL 33133

By Hand Delivery or Interagency Mail:
Michael McDaniel, Growth Management Administrator, DCA Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
David Jordan, Deputy General Counsel, DCA Tallahassee

DCA Final Order No.: DCA01-OR-029
In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY CITY OF KEY COLONY BEACH
ORDINANCE NO. 334-2001

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. (2000), approving a land development regulation adopted by the City of Key Colony Beach as set forth below.

FINDINGS OF FACT

- 1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Key Colony Beach is a local government within the Florida Keys Area.
2. On January 29, 2001, the Department received for review City of Key Colony Beach Ordinance No. 334-2001 which was adopted by the City of Key Colony Beach Board of City Commissioners ("Ord. 334-2001"). Ord. 334-2001 amends the standards for "swimming pools, spas, hot tubs," to allow portable wading pools, and plug-in spas and hot tubs, provided these new uses do not exceed certain sizes, are designed to withstand hurricane force winds, and meet certain building code standards.

3. Ord. 334-2001 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000).
5. The City of Key Colony Beach is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 334-2001 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern 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). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).
8. Although Ord. 334-2001 does not promote or further any of the Principles for Guiding Development, §380.0552(7), Fla. Stat. (2000), it is not inconsistent with any of the Principles. Ord. 334-2001 has little or no impact on any of the Principles. Ord. 334-2001 does essentially no harm to the natural environment and waters of the Florida Keys Area of Critical State Concern. Ord. 334-2001 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 334-2001 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, 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.

/s/ _____
 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.

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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.

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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 14th day of March, 2001.

/s/ _____
Paula Ford, Agency Clerk

- By U.S. Mail:
- Honorable Edward Sheahan
- Mayor of the City of Key Colony Beach
- Post Office Box 510141
- Key Colony Beach, FL 33051
- Lorine Fernandez
- Clerk of the City of Key Colony Beach
- Post Office Box 510141
- Key Colony Beach, FL 33051
- By Hand Delivery or Interagency Mail:
- Michael McDaniel, Growth Management Administrator, DCA Tallahassee
- Rebecca Jetton, DCA Florida Keys Field Office
- David Jordan, Deputy General Counsel, DCA Tallahassee

DCA Final Order No.: DCA01-OR-037
In re: A LAND DEVELOPMENT REGULATION ADOPTED BY ISLAMORADA, VILLAGE OF ISLANDS ORDINANCE NO. 00-13

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. (2000), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. On January 26, 2001, the Department received for review Islamorada, Village of Islands Ordinance No. 00-13 which was adopted by the Village Council ("Ord. 00-13"). Ord. 00-13 extends the moratorium on the acceptance of Rate-of-Growth allocation applications by an additional year. Both the original moratorium ordinance and Ord. 00-13 provide an exemption for proposed residential development which meets the current criteria for affordable housing.
2. Ord. 00-13 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000).
4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 00-13 are land development regulations.
6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).
7. Ordinance 00-13 is consistent with Principle (a), "To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation." Temporary moratoria are commonly used by local governments to allow effective implementation of a new comprehensive plan or new land development regulations.
8. Ordinance 00-13 is consistent with Principle (l), "To protect the public health, safety and welfare of the citizens of the Florida Keys and maintain the Florida Keys as an unique Florida resource." The extension of the moratorium on

ROGO applications will allow the protections in the new Village comprehensive plan to become effective before additional ROGO applications are accepted.

- 9. Ordinance 00-13 is not inconsistent with the remaining Principles. Ord. 00-13 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 00-13 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, 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.

/s/ _____
 J. THOMAS BECK, DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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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.

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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 Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 14th day of March, 2001.

/s/ _____
 Paula Ford, Agency Clerk

By U.S. Mail:
 Honorable James Mooney, Mayor
 Islamorada, Village of Islands
 Post Office Box 568
 Islamorada, FL 33036
 Carol Simpkins, Village Clerk
 Islamorada, Village of Islands
 Post Office Box 568
 Islamorada, FL 33036
 John Herin, Esq.
 Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.
 2665 South Bayshore Drive
 Miami, FL 33133

By Hand Delivery or Interagency Mail:
 Michael McDaniel, Growth Management Administrator, DCA
 Tallahassee
 Rebecca Jetton, DCA Florida Keys Field Office
 David Jordan, Deputy General Counsel, DCA Tallahassee

**NOTICE OF APPROVAL FOR
 PRESERVATION 2000 FUNDS**

The Florida Communities Trust (Trust) reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program P9A funding cycle. The project plans listed below were approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project sites and all other documents necessary to close the projects and release funds as follows:

- Project: 99-064-P9A/San Casa (Dunwoody Trust)
 Grantee: Charlotte County
 Amount of Approved Funds: the lesser of 40.0% of the final total project costs or \$1,504,400.00.
- Project: 99-073-P9A/Carpenter’s Sand Pine Preserve (MacDonald Clark Trust)
 Grantee: City of Oakland Park
 Amount of Approved Funds: the lesser of 44.78% of the final total project costs or \$150,000.00.

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or

oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and 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 order or hearing officer’s recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled “Petition for Administrative Proceedings” within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF HEALTH

On March 12, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Lona F. Wilde, T.T., license number TT 0003140. This Emergency Suspension Order was predicated upon the Secretary’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On March 12, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of The Thanh Nguyen,

M.D., license number ME 0046203. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE OF DEADLINE FOR SUBMITTAL OF APPLICATIONS FOR MARINE TURTLE GRANTS

Notice is hereby given that, pending the adoption of Florida Administrative Code Rule 68E-2, Marine Turtle Grants Program, the Florida Fish and Wildlife Conservation Commission will be accepting applications for Marine Turtle Grants for the 2001-2002 fiscal year through April 27, 2001. Applications received after this deadline will not be considered for funding during the 2001-2002 fiscal year. Application forms may be received from the contact person listed below and may be submitted as soon as possible.

ELIGIBLE ACTIVITIES: Marine turtle research, conservation and educational activities within Florida.

ELIGIBLE ENTITIES: Coastal local governments, educational institutions and Florida-based nonprofit organizations.

CONTACT PERSON: Tim Woody, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, FL 32399-1600, (850)922-4330, Fax (850)921-6988.

NOTICE OF INTENT TO ESTABLISH ALLIGATOR MANAGEMENT UNITS

Pursuant to Rule 68A-25.042, FAC., the Fish and Wildlife Conservation Commission plans to establish by executive order the 2001 alligator management units on April 4, 2001. The proposed management units constitute wetlands, lakes, rivers or other water bodies that have been reasonably grouped for study, analysis and management of the resident alligator population. Alligator surveys previously conducted by the Commission and/or a review of the available alligator habitat indicate that a harvestable population of non-hatchling alligators exists on each unit.

A general description of the proposed alligator management units for the 2001 harvest season are as follows:

Management Unit	Management Unit Description	General County(ies)	Management Unit Boundary ¹
101	Lake Pierce	Polk	
102	Lake Marian	Osceola	
104	Lake Hatchineha	Polk/Osceola	
105	Kissimmee River (Pool A)	Polk/Osceola	S65A structure north to S65 structure
106	Kissimmee River	Highlands/ Okeechobee	S65C structure north to S65A structure
108	Lake Arbuckle	Polk	
109	Lake Istokpoga	Highlands	
110	Lake Kissimmee	Osceola/Polk	
112	Teneroc FMA	Polk	Lakes B and 5
115	Lake Weohyakapka	Polk	
116	Cypress Lake	Osceola	
117	Lake Parker	Polk	
118	Lake Manatee	Manatee	
119	Peace River North	Hardee/DeSoto	SR 70 north to SR 60
120	Peace River South	DeSoto/Charlotte	I-75 north to SR 70
121	Caloosahatchee River	Glades/Hendry/ Lee	Franklin Lock north to Ortona Lock
303	Lake Miccosukee	Jefferson/Leon	
402	Everglades and Francis S. Taylor WMA	Palm Beach/ Broward	Water Conservation Areas 2 A&B
404	Everglades and Francis S. Taylor WMA	Broward/Dade	Water Conservation Areas 3 A&B
405	Holey Land WMA	Palm Beach	
500	Blue Cypress Lake	Indian River	
501	St. Johns River (Hell N' Blazes)	Brevard	US Hwy. 192 to the south end of Lake Hell N' Blazes
502	St. Johns River (Poinsett)	Brevard/Orange/ Osceola	US. Hwy. 192 north to CR 520
504	St. Johns River	Orange/Brevard/	SR 50 north to SR 46

Management Unit	Management Unit Description	General County(ies)	Management Unit Boundary ¹
(Puzzle)	Seminole/	Volusia	
505	Lake Harney	Seminole/ Volusia	SR 46 north to CR 415
506	St. Johns River (Welaka)	Putnam	North of Lake George
507	St. Johns River (Palatka)	Putnam	Railroad Bridge north to US Hwy 17
508	Crescent Lake	Putnam/Flagler	
510	Lake Jessup	Seminole	
515	Lake Panasoffkee	Sumter	
516	Withlacoochee River (North)	Citrus/Marion/ Sumter	North of SR 44
518	Lake Rousseau	Citrus/Levy/ Marion	
520	Lake Tohopekaliga	Osceola	
527	Lake Monroe	Volusia	
528	Lake Dexter	Volusia/Lake	
540	St. Johns River Upper Basin Canals	Brevard/Indian River	C-40 Canal and canals along L-75 and L-76 levees
542	Blue Cypress Water Management Area	Indian River	Within Blue Cypress Conservation Area
544	Stick Marsh	Indian River	Within Blue Cypress Conservation Area
545	Kenansville Lake	Indian River	Within Blue Cypress Conservation Area
546	T.M. Goodwin Waterfowl Management Area	Brevard	
547	Guana River WMA	St. Johns	Lake Ponte Vedra
548	Ocala WMA	Marion/Lake	Lake Eaton, Juniper Creek and Salt Springs Run
549	Three Lakes WMA	Osceola	Lake Jackson
601	Lake Okeechobee (West)	Hendry/Glades/	Clewiston north to Indian Prairie

Management Unit	Management Unit Description	General County(ies)	Management Unit Boundary ¹
Okeechobee			
602	Lake Okeechobee (North)	Glades/ Okeechobee	Indian Prairie north and east to Taylor Creek
603	Lake Okeechobee (East)	Okeechobee/ Martin/ Palm Beach	Taylor Creek south to Palm Beach Canal
604	Lake Okeechobee (South)	Palm Beach/ Hendry	Palm Beach Canal southwest to Clewiston
711	Lake Hancock	Polk	
721	Rodman Reservoir	Marion/Putnam	
723	Lochloosa Lake	Alachua	
733	Lake Talquin	Gadsden	
734	Lake Seminole	Jackson	
741	Lake Trafford	Collier	
751	Lake George	Putnam/Volusia	

Specific boundary descriptions for these proposed alligator management units may be obtained upon request from the Florida Fish and Wildlife Conservation Commission, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN March 5, 2001
 and March 9, 2001

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE
Division of Accounting and Auditing

3A-10.083	3/6/01	3/26/01	27/5	
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DEPARTMENT OF TRANSPORTATION

14-15.010	3/7/01	3/7/01	27/5	
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AGENCY FOR HEALTH CARE ADMINISTRATION

Office of Licensure and Certification

59A-12.030	3/8/01	3/28/01	26/49	
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DEPARTMENT OF MANAGEMENT SERVICES

60-4.020	3/5/01	3/25/01	27/4	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

61G4-12.006	3/6/01	3/26/01	26/34	27/6
61G4-18.001	3/5/01	3/25/01	27/5	
61G4-18.002	3/5/01	3/25/01	27/5	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
61G4-18.003	3/5/01	3/25/01	27/5	
61G4-18.004	3/5/01	3/25/01	27/5	
61G4-18.007	3/5/01	3/25/01	27/5	
61G4-18.009	3/5/01	3/25/01	27/5	
61G4-18.013	3/5/01	3/25/01	27/5	

Board of Professional Land Surveyors

61G17-2.0013	3/5/01	3/25/01	27/5	
61G17-3.001	3/5/01	3/25/01	27/5	
61G17-6.002	3/5/01	3/25/01	27/5	
61G17-6.0031	3/5/01	3/25/01	27/5	
61G17-6.005	3/5/01	3/25/01	27/5	
61G17-7.003	3/5/01	3/25/01	27/5	

Board of Veterinary Medicine

61G18-16.005	3/9/01	3/29/01	26/47	27/4
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DEPARTMENT OF HEALTH

Board of Medicine

64B8-1.001	3/9/01	3/29/01	27/3	
64B8-51.006	3/5/01	3/25/01	27/3	