

**Section I**

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

**DEPARTMENT OF INSURANCE**

**State Fire Marshal**

RULE TITLES:	RULE NOS.:
Definitions	4A-50.013
Minimum Fireworks Safety Standards	4A-50.020

PURPOSE AND EFFECT: This rule is being amended to delete the duplicative language as a result of the section 120.536(2)(b), F.S. review.

SUBJECT AREA TO BE ADDRESSED: Deletion of duplicative language.

SPECIFIC AUTHORITY: 633.01(1), 791.012 FS.

LAW IMPLEMENTED: 633.01, 791.01, 791.02, 791.04, 791.12, 791.13 FS.

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

TIME AND DATE: 9:00 a.m., April 18, 2001

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gabe Mazzeo, Senior Attorney, Division of State Fire Marshal, Department of Insurance, (850)413-3604

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

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE:	RULE NO.:
Special Instructional Programs for Students Who are Gifted	6A-6.03019

PURPOSE AND EFFECT: The purpose of this rule development is to revise the definition of giftedness and the criteria for gifted services, and to align this rule with the other rules for exceptional student education services in Florida. In addition to a revised definition of students who are gifted, the amendment will identify screening, referral, student evaluation, dismissal procedures, and requirements for instructional services, Educational Plans, and Individual Educational Plans. The effect of this amendment is to ensure consideration of students from all populations for gifted

services, and to align the rule with the rules for other exceptionalities and current research and best practices in gifted education.

SUBJECT AREA TO BE ADDRESSED: Gifted education.

SPECIFIC AUTHORITY: 229.053(1), 230.23(4)(m), 236.081(1)(c) FS.

LAW IMPLEMENTED: 228.041(18)(19), 229.565(2)(b)(c), 230.23(4)(m), 236.081(1)(c) FS.

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

TIME AND DATE: 12:00 p.m. – 4:00 p.m., April 18, 2001

PLACES: Florida Department of Education, 325 W. Gaines Street, Room 1703/07, Tallahassee, FL 32399, (850)488-1106  
Hilton Tampa Airport, 2225 N. Lois Avenue, Tampa, FL 33607, (813)877-6688

Embassy Suites Fort Lauderdale, 2200 Southeast 17th Street, Fort Lauderdale, FL 33316, (954)527-2700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Shan Goff, Chief, Bureau of Instructional Support and Community Services, Division of Public Schools and Community Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1570

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE:	RULE NO.:
Financial Records and Reports	6A-14.072

PURPOSE AND EFFECT: The purpose is to prescribe the data and procedures to be used to maintain financial records in a consistent manner at the 28 community colleges. The effect is to ensure the financial records at the 28 community colleges and data shown on financial reports will be comparable throughout the Community College System.

SUBJECT AREA TO BE ADDRESSED: Financial records and reports in the community colleges.

SPECIFIC AUTHORITY: 229.053(1), 240.325 FS.

LAW IMPLEMENTED: 240.325 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AS NOTICED IN A FUTURE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sydney H. McKenzie III, General Counsel, State Board of Community Colleges, Division of Community Colleges, 325 West Gaines St., Tallahassee, FL 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-14.072 Financial Records and Reports.

(1) Each community college shall keep financial records according to the Department of Education publication, "Accounting Manual for Florida's Public Community Colleges, 2001 1999," incorporated herein by reference. Copies may be obtained from the Division of Community Colleges, Department of Education, Tallahassee, Florida 32399-0400.

(2) Enrollment related financial records shall be kept for all instruction so as to facilitate verification, confirmation, and comparison.

(3) If financial reports are not received from a community college when due, the State Board of Community Colleges may withhold apportionments of state funds to the college until the reports are received.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.311, 240.325, 240.347, 240.349, 240.363 FS. History-Formerly 6A-8.11, Repromulgated 12-19-74, Amended 12-26-77, 7-2-79, 5-14-85, Formerly 6A-14.72, Amended 11-12-91, 7-7-92, 2-16-94, 12-18-94, 11-27-95, 11-13-96, 12-9-97, 5-18-99, 2-29-00. Cf. Accounting Manual for Florida's Public Community Colleges.

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Special Fees, Fines and Penalties
PURPOSE AND EFFECT: To repeal a rule no longer authorized by law.
SUBJECT AREA TO BE ADDRESSED: Fee for financing of chartered non-profit public interest research organizations.
SPECIFIC AUTHORITY: 240.209(1),(3) FS.
LAW IMPLEMENTED: 240.209(1),(3) FS.

RULE NO.: 6C-7.003

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN THE FUTURE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1522 Florida Education Center, Tallahassee, Florida 32399-1950

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Highway Beautification and Landscape Management
RULE CHAPTER NO.: 14-40
RULE TITLES: Grant Process
RULE NOS.: 14-40.020

Funding, Construction, and Maintenance of Beautification Projects 14-40.021
Florida Highway Beautification Council Grant Process 14-40.022

PURPOSE AND EFFECT: Part II, Florida Highway Beautification Council, is being amended. Part I, General Provisions, and Part III, Vegetation Management at Outdoor Advertising Signs, are being amended by a separate notice.

SUBJECT AREA TO BE ADDRESSED: This is an amendment to Part II, Florida Highway Beautification Council Grants.

SPECIFIC AUTHORITY: 334.044(2), 337.2505(1), 339.2405 FS.

LAW IMPLEMENTED: 335.167, 337.405, 339.2405 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: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PART II FLORIDA HIGHWAY BEAUTIFICATION COUNCIL GRANTS

14-40.020 Grant Process Procedure.

(1) Definitions.

(a) "Applicant" means a local governmental entity, as defined in Section 11.45(1)(d), Florida Statutes, or a local highway beautification council.

(b) "Department" means the Florida Department of Transportation.

(2)(+) Application Process Procedure.

(a) Applications for highway beautification grants from the Florida Highway Beautification Council (FHBC) must shall be filed and processed in accordance with this Rule Chapter. The grant application procedure shall be administered by the Department District Maintenance Engineers. Applicants should contact the appropriate District Maintenance Office prior to beginning the application process to determine if the proposed Highway Beautification Project is within the limits of a proposed Department construction project in the five year work program to avoid conflicts with future proposed construction. Applicants should meet and work with the District during preparation of the application and landscape plan. The specific processing steps to be followed are:

1. Prior to submitting a grant request, applicants must prepare a landscape plan, and have it reviewed by the District Landscape Manager. Following the review, the applicant must make any plan revisions required by the District Landscape Manager prior to approval. The plan shall be prepared in accordance with the requirements of Rule 14-40.003(2)(a), F.A.C. The Department's landscape plan review, revision, and approval process may require up to 120 days.

2. After the landscape plan has been approved by the District Landscape Manager, in accordance with subsection 1. above, ~~t~~The applicant ~~must shall~~ submit grant requests on a completed Florida Highway Beautification Council Grant Application, Form 850-060-01, Rev. 04/00 ~~08/97~~, (hereinafter "grant application") incorporated herein by reference, to the Department District Maintenance Engineer having jurisdiction over the state highway on which the beautification project is proposed. Copies of the grant application form and instructions for completing the grant application may be obtained from Department District Maintenance Offices, District Public Information Offices, Area Maintenance Offices, Central Public Information Office, or by writing to the Environmental Management Office, 605 Suwannee Street, Mail Station 37, Tallahassee, Florida 32399-0450. The grant ~~This~~ application ~~must shall~~ designate the Department fiscal year in which the grant applicant would like the application considered ~~for~~ FHBC action and possible funding. The grant application ~~must~~ is to be accompanied by ~~the draft agreements and plans which were approved in accordance with subsection 1. above as described in Rule Section 14 40.003(3).~~

3. ~~2.~~ The grant application ~~must shall~~ be complete and ~~must shall~~ contain all of the information required in Section 339.2405(11), Florida Statutes. ~~The specific information required shall be documented and explained on the application. The applicant may make corrections, additions, or deletions to the grant applications and resubmit the grant application them at any time prior to the due date as required in sSubparagraph 4.3. below.~~

4. ~~3.~~ Grant ~~a~~Applications may be submitted at any time of the year. In order for the FHBC to consider ~~a~~ grant application for any Department state fiscal year, ~~ten copies of the completed grant~~ an application must be received by the appropriate District Maintenance Engineer by February 1 of the prior Department fiscal year. ~~When requested by the District Maintenance Engineer, additional copies will be provided. Incomplete grant~~ Any applications ~~will~~ received after the due date for the requested fiscal year shall be returned to the applicant. An applicant may resubmit any returned grant application for consideration for a future fiscal year. ~~Grant applications which are not accompanied by an approved set of plans will not be considered complete. Accordingly, it is the responsibility of the applicant to submit plans for approval~~

under subsection 1. in time to allow approval prior to the grant application submittal deadline for the Department fiscal year in question.

5. In accordance with Section 215.01, Florida Statutes, the Department's fiscal year begins on July 1 and ends on June 30.

~~6.(b) In order to distribute the available funds to the greatest number of applicants, each grant award shall be limited to a maximum of 10% of the total Florida Highway Beautification Council Grants budget, or \$25,000, whichever is greater. Applicants may submit an unlimited number of grant requests, for any number of project sites.~~

~~(2) Processing Applications. Upon receipt of an application, the District Maintenance Engineer, within 90 days, shall review and determine whether the application meets the requirements of this rule.~~

~~(a) The proposal must meet all federal and state regulations and all Department requirements for safety as related to the placement of plant materials within the Department's right of way as contained in Rule Section 14 40.003(3). Copies of the incorporated materials may be obtained by writing to: Environmental Management Office, 605 Suwannee Street, Mail Station 37, Tallahassee, Florida 32399 0450.~~

~~7.(b) The applicant's governing body must have passed a resolution approving the grant application and authorizing the individual who signs the grant application chief executive officer of the local government to execute agreements and documents associated with the grant request, including a Highway Beautification Grant Agreement. A copy of such resolution shall be included with the application.~~

~~(c) Signing and sealing of landscaping plans submitted for consideration under the grant program shall be in accordance with Part II of Chapter 481, Florida Statutes, Landscape Architecture.~~

~~(d) After the District Maintenance Engineer has determined that the application is sufficient, the District Maintenance Engineer shall sign the application and forward the application to the FHBC staff coordinator. This signature will indicate to the FHBC that the application is sufficient, and that it is ready for action by the FHBC. The Department will return to the applicant any applications which are not sufficient.~~

~~(e) The FHBC staff coordinator shall maintain a file of all sufficient applications received. A report shall also be maintained identifying all applications which have been received, reviewed, and approved by the Department on which the FHBC has not taken action. This report shall be provided to the FHBC Chairman at intervals determined by the FHBC.~~

~~(3) Award of Grants.~~

~~(a) The FHBC ~~must shall~~ provide the Department a list of prioritized projects with recommended funding levels by the first day of the fiscal year. In order to distribute the available~~

funds to the greatest number of applicants, each grant award must be limited to a maximum of 10% of the total FHBC grants budget, or \$25,000, whichever is greater.

(b) Offers of grant awards ~~must shall~~ be made by the Department by certified letter to the applicant named in the grant application, detailing the grant award.

(c) An applicant ~~must shall~~ accept a grant by sending a certified letter of acceptance by certified mail to the Department's District Secretary, with copies to the Department's District Maintenance Engineer and the FHBC staff coordinator, so stating within a period of 15 days from the date of the offer of the award.

(d) ~~The responsible District will execute all necessary agreements or notify the FHBC Staff Coordinator if those agreements cannot be executed.~~ No funds will be released by the Department until the Grant Agreement, and any construction and maintenance agreements, all necessary agreements are executed.

(e) All funding of grants is contingent on legislative appropriations.

(4) Execution of Grant Agreement.

(a) It will be the responsibility of the applicant to ensure that the Grant Agreement, and any other construction and maintenance agreements all agreements associated with the grant proposal, are fully executed by the applicant within a ~~period of 90 days~~ after the agreements are sent to the applicant by the District ~~for execution~~. Failure to comply with this requirement will result in the grant offer being withdrawn. The grant may be awarded to another applicant. ~~Future Grant applications from an this applicant who fails to comply with this subsection will not shall neither be accepted nor ranked for a period of two grant years.~~

(b) The Grant Agreement between the applicant and the Department must state shall stipulate:

1. ~~The intended use of the~~ What is to be accomplished using grant monies, as described in the grant application.
2. The payment terms for the grant (e.g., lump sum reimbursement or progress payments for long term work).
3. Any ~~penalties or~~ actions which the Department will take in the event of noncompliance by the applicant local government.
4. The methods to be used by the Department to determine compliance with the terms of the grant and the agreement.

Specific Authority 334.044(2), 337.2505(1) FS. Law Implemented 335.167, 337.405, 339.2405 FS. History--New 1-19-99, Amended \_\_\_\_\_.

14-40.021 Funding, Construction, and Maintenance of Beautification Projects.

(1) Grant Agreement Required Prior to Funding Project.

(a) A Florida State Highway Beautification Grant requested under this Rule Chapter may not be funded until a Grant Agreement, and any construction and maintenance

agreements, have highway beautification grant agreement has been executed between the Department and the appropriate local government entity.

(b) If a Highway Beautification Grant is awarded for a location where a Grant Agreement, or any highway landscape construction and maintenance memorandum of agreements, or a highway landscaping maintenance memorandum of agreement already exists between the Department and a local government, that location must the area of the Highway Beautification Grant shall be removed from the Grant Agreement and any construction or maintenance agreements area compensated for by the agreement to ensure that no overlapping payments will be provided by the Department.

(2) Review of Landscape Project During and After Construction.

(a) ~~The District Secretary shall ensure that the terms of the agreements executed under this Rule Chapter are enforced.~~

(a)(b) The FHBC has reserves the right to inspect and/or review landscape projects funded by FHBC grants for completeness, ~~during construction~~, prior to final acceptance by the Department. ~~The District Maintenance Engineer shall notify the FHBC Staff Coordinator 30 days prior to final acceptance of a project to allow for such a review by the FHBC.~~

(b)(e) The Department must FHBC staff coordinator or a designee shall review and approve construction of the landscape project's as a condition of construction prior to final acceptance.

(c)(d) The individual(s) who signed the agreements on behalf of the grant recipient, or the grant recipient's designee, shall certify that the project is implemented as specified in the Grant Agreement, and any cConstruction and mMaintenance aAgreements, and shall provide a certification of completion before the final invoice is submitted for the project.

Specific Authority 334.044(2), 337.2505(1) FS. Law Implemented 335.167, 337.405, 339.2405 FS. History--New 1-19-99, Amended \_\_\_\_\_.

14-40.022 Florida Highway Beautification Council Grant Process Procedure.

This rule sets forth the FHBC's process Florida Highway Beautification Council's procedure for evaluating and ranking applications for grants, pursuant to Section 339.2405(7)(a)4., Florida Statutes.

(1) The FHBC Council will develop a prioritized list, ranked in numerical order, of all applications reported to be sufficient by the Department's of Transportation's District Maintenance Engineer.

(a) The FHBC Council will evaluate the applications based on the following attributes:

1. Appropriateness of the design for the location.
2. Use of desirable native, hybrid native, or naturalized plant materials.
3. Use of wildflowers.

4. Irrigation requirements matched to plant needs and water conservation requirements.
5. Emphasis on low maintenance requirements.
6. Aesthetic values.
7. Contribution to noise abatement, visual screening, ~~and/~~ or the correction of other environmental problems.
8. Evidence of local governmental and community support.
9. Use of imaginative design concepts.
10. Provisions for minimal impacts on traffic safety during maintenance operations.
11. Contribution to an area wide or regional beautification plan.
12. Cost effectiveness.
13. Feasibility of installation and maintenance.
14. Demonstration of the use of environmentally sensitive materials, such as solid yard waste compost as described in Rule 62-709.515, F.A.C., or the use of reuse water, in the construction or maintenance of the project for which a Florida Department of Environmental Protection permit is required, ~~in the construction or maintenance of the project.~~

15. Value to the community.

(b) The ~~FHBC Council~~ will assign a numerical score to each application by:

1. Establishing a range of numbers weighted for each attribute. Each attribute is assigned a value range of ten points, for a total possible score of ~~150~~ 140.
2. Reviewing each application and assigning a numerical score in the established range for each attribute.
3. Summing all the attribute scores for a total application numerical score.

(c) Applications will ~~shall~~ be ranked in priority by numerical score, the highest numerical score being ranked the highest priority.

(d) Cities and counties that have not maintained their landscape projects according to the terms of a Grant Agreement, and any construction or maintenance agreements ~~highway landscape construction and maintenance memorandum of agreement or a highway landscaping maintenance memorandum of agreement~~, and have not corrected deficiencies within the allotted time addressed by the agreement, shall not be eligible for a grant for a two-year period.

(2) The ~~FHBC Council~~ will provide the Department of ~~Transportation~~ with a list of prioritized projects, with recommended funding levels, by the first day of the fiscal year in which the funds are available.

Specific Authority 339.2405 FS. Law Implemented 339.2405(7)(a)4. FS. History—New 3-9-99, Amended \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Surface Water Management Basin and Related Criteria	40E-41
RULE TITLES:	RULE NOS.:
PART IV Additional Permitting Requirements for Projects Proposing Construction in and Adjacent to Water Preserve Areas Located in Western Palm Beach and Broward Counties	
Scope and Policy of Part IV	40E-41.320
Definitions	40E-41.321
Water Preserve Area and Water Preserve Area Basin Boundaries	40E-41.323
Application of Part IV	40E-41.343
Permit Thresholds	40E-41.360
Conditions of Issuance of Environmental Resource Permits and Surface Water Management Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees	40E-41.363

PURPOSE AND EFFECT: The Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission entered a Final Order directing the South Florida Water Management District (SFWMD) to initiate rulemaking to develop Environmental Resource Permit (ERP) criteria specific to projects proposing construction in and adjacent to the SFWMD's Water Preserve Areas (WPAs) for the protection of wetlands and other surface waters and the water resources of the SFWMD. The subject WPAs are located in identified basins which contribute stormwater to the Everglades Protection Area. Therefore, pursuant to the Everglades Forever Act, codified at Section 373.4592, F.S., and the SFWMD's regulatory authority derived from Part IV, Chapter 373, F.S., proposed developments in and adjacent to the WPAs located in Broward and Palm Beach Counties that require an ERP will be subject to enhanced permit criteria for water quantity, water quality, and environmental impacts.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will develop specific environmental resource permit criteria governing the construction and operation of surface water management systems of proposed projects located in, and adjacent to, the WPAs of Broward and Palm Beach Counties, provide definitions and maps identifying the geographical extent of the water preserve areas and water preserve area basins.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416, 373.4592 FS.

PREVIOUS RULE DEVELOPMENT WORKSHOPS were held on April 30, 1999; May 3, 1999; and June 19, 2000 in Palm Beach and Broward Counties in order to receive public comments. Notice of Rule Development for the April 30 and May 3, 1999 workshops was published in Vol. 25, No. 15, April 16, 1999 edition of this publication. Notice of Rule Development for the June 19, 2000 workshop was published in Vol. 26, No. 22, June 2, 2000 edition of this publication. District staff has been developing the proposed rule text in response to the comments received from the public to date.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, April 16, 2001  
 PLACE: South Broward Drainage District, S. W. 160th Avenue, Davie, Florida

PURSUANT TO THE PROVISIONS OF SUBSECTION 120.54(2)(a), F.S., THE PERSON TO CONTACT REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY TEXT OF THE PROPOSED RULE IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MS 1410, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320 or via email at pbell@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 NOT AVAILABLE.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE CHAPTER TITLE: Emergency Management Plans for Nurse Registries  
 RULE CHAPTER NO.: 59A-18

PURPOSE AND EFFECT: The purpose of this rule is to establish minimum criteria for the comprehensive emergency management plan and plan updates as required in section 400.506(15) and (16), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Emergency Management Plans for Nurse Registries

SPECIFIC AUTHORITY: 400.506 FS.

LAW IMPLEMENTED: 400.506 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: Pat Guilford, Agency for Health Care Administration, Home Care Unit, 2727 Mahan Drive, Bldg. 1, Room 203, Tallahassee, FL 32308, (850)414-6010. Copies of the initial draft rule and criteria can be obtained by contacting this office.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Managed Care and Health Quality**

RULE CHAPTER TITLE: Health Care Services Pools  
 RULE CHAPTER NO.: 59A-27

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule to reflect the changes brought about by the transfer of responsibility for Health Care Services Pools from the Department of Health to the Agency for Health Care Administration, to conform to changes in the Florida Statutes, to add language on background screening, to allow official communication by e-mail and fax, and to allow verification of certain information through the internet. Rule reduction includes the elimination of language already found in statute.

SUBJECT AREA TO BE ADDRESSED: Health Care Services Pools.

SPECIFIC AUTHORITY: 400.980 FS.

LAW IMPLEMENTED: 400.980 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: Edward Barnes, Agency for Health Care Administration, Home Care Unit, 2727 Mahan Drive, Bldg. 1, Room 203, Tallahassee, FL 32308, (850)414-6010

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Intermediate Care Facilities for the Developmentally Disabled Services, ICF/DD  
 RULE NO.: 59G-4.170

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Intermediate Care Facility for the Developmentally Disabled

(ICF/DD) Services Coverage and Limitations Handbook, as revised July 2000, and to repeal portions of the rule that are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations. The effect will be to incorporate by reference in the rule the revised, most current Florida Medicaid Intermediate Care Facility for the Developmentally Disabled (ICF/DD) Services Coverage and Limitations Handbook and to eliminate duplication.

SUBJECT AREA TO BE ADDRESSED: Intermediate Care Facility for the Developmental Disabled Services, ICF/DD.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUEST 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: 10:00 a.m. – 12:00 Noon, April 18, 2001

PLACE: AHCA, Bldg 3, Rm. E, 2727 Mahan Drive, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elsa Kellberg, Medicaid Program Development, 2727 Mahan Drive, Mail Stop #20, Tallahassee, Florida 32308-5403, (850)487-2618

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 59G-4.170 follows. See Florida Administrative Code for present text.)

59G-4.170 Intermediate Care Facilities for the Developmentally Disabled Services ~~Mentally Retarded~~, ICF/DD ~~ICF/MR~~.

(1) This rule applies to all Intermediate Care Facility for the Developmentally Disabled (ICF/DD) Services providers enrolled in the Medicaid program.

(2) All Intermediate Care Facility for the Developmentally Disabled (ICF/DD) services providers enrolled in the Medicaid program must comply with the Florida Medicaid Intermediate Care Facility for the Developmentally Disabled (ICF/DD) Services Coverage and Limitations Handbook, July 2000, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Institutional 021, September 1996, which is incorporated by reference. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS., 42 CFR, Part 431.10 Law Implemented 409.906(13), 409.908, 409.913(5)(e), 409.913 FS. History—New 8-31-76, Amended 1-1-77, 10-16-77, 7-7-81, 4-12-83, 1-12-84, 7-2-84, 7-1-85, Formerly 10C-7.49, Amended 7-19-88, 6-4-92, 5-11-93, Formerly 10C-7.049, Amended 11-27-95,\_\_\_\_\_.

## DEPARTMENT OF HEALTH

### Board of Medicine

RULE TITLE: Physician Assistant Licensure Renewal

RULE NO.: 64B8-30.005

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the substitution of a course in end-of-life and palliative health care for the HIV/AIDS or domestic violence continuing education requirement in alternate bienniums.

SUBJECT AREA TO BE ADDRESSED: Continuing education for physician assistants.

SPECIFIC AUTHORITY: 456.031, 456.033, 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.031, 456.033, 458.347 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: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.005 Physician Assistant Licensure Renewal.

(1) No change.

(2) Requirements for Renewal

(a) through (c) No change.

(d) Submission of proof of completion of the HIV/AIDS education requirement set forth in Section 456.033, F.S. ~~In lieu of completing the HIV/AIDS education requirement, licensees are permitted to substitute a course in end-of-life care and palliative health care, provided the licensee has completed the HIV/AIDS education requirement in the immediately preceding biennium.~~

(e) Submission of proof of completion of the domestic violence education requirement set forth in Section 456.031, F.S. ~~In lieu of completing the domestic violence course, licensees are permitted to substitute a course in end-of-life care and palliative health care, provided the licensee has completed the domestic violence requirement in the immediately preceding biennium.~~

(3) through (5) No change.

Specific Authority 456.031, 456.033, 458.309, 458.347 FS. Law Implemented 456.031, 456.033, 458.347 FS., s. 2, Ch. 91-22; s. 71, Ch. 91-297, Laws of Florida. History—New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: RULE NO.:

Physician Assistant Certification Renewal 64B15-6.0035

PURPOSE AND EFFECT: The Board proposes to amend this rule to expand the requirements for renewal of certification.

SUBJECT AREA TO BE ADDRESSED: Physician assistant certification renewal.

SPECIFIC AUTHORITY: 459.005 FS.

LAW IMPLEMENTED: 456.022(7)(b), (c) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.0035 Physician Assistant Certification Renewal.

- (1) No change.
- (2) Requirements for Renewal.
- (a) through (c) No change.

(d) Submission of proof of completion of the HIV/AIDS education requirement set forth in Section 456.033, F.S. In lieu of completing the HIV/AIDS education requirement, licensees are permitted to substitute a course in end-of-life care and palliative health care, provided the licensee has completed the HIV/AIDS education requirement in the immediately preceding biennium.

(e) Submission of proof of completion of the domestic violence education requirement set forth in Section 456.031, F.S. In lieu of completing the domestic violence course, licensees are permitted to substitute a course in end-of-life care and palliative health care, provided the licensee has completed the domestic violence requirement in the immediately preceding biennium.

- (3) through (5) No change.

Specific Authority 456.031, 456.033, 459.005 FS. Law Implemented 456.031, 456.044, 459.022(7)(b),(c) FS. History—New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE TITLES: RULE NOS.:

Definitions 64E-5.101

Limits on Levels of Radiation for Radiographic

Exposure Devices and Storage Containers 64E-5.401

Performance Requirements for Radiography	
Equipment	64E-5.402
Locking of Sources of Radiation	64E-5.403
Storage Precautions	64E-5.404
Radiation Survey Instruments	64E-5.405
Leak Testing, Repair, Tagging, Opening,	
Modification and Replacement of Sealed	
Sources	64E-5.406
Quarterly Inventory	64E-5.407
Utilization Logs	64E-5.408
Inspection and Maintenance	64E-5.409
Permanent Radiographic Installations	64E-5.410
Training and Testing	64E-5.411
Two-Member Radiography Crews	64E-5.412
Operating and Emergency Procedures	64E-5.413
Personnel Monitoring Control	64E-5.414
Security	64E-5.415
Posting	64E-5.416
Radiation Surveys and Survey Records	64E-5.417
Temporary Jobsites	64E-5.418
Special Requirements for Radiography	
Employing Radiation Machines	64E-5.419
Subjects to be Covered During the Instruction	
of Industrial Radiographers	64E-5.420
Use of Sealed Sources in Industrial Radiography	64E-5.421
Reporting Requirements	64E-5.422
Definitions	64E-5.423
Requirements for Industrial Radiography	
Equipment Using Sealed Sources	64E-5.424
Locking of Sources of Radiation, Storage	
Precautions, and Surveillance	64E-5.425
Radiation Survey Instruments	64E-5.426
Leak Testing, Repairing, Tagging, Opening,	
Modifying, and Replacing Sealed Sources	
and Devices	64E-5.427
Quarterly Inventory	64E-5.428
Source Movement Logs, Daily Survey Reports,	
and Individual Dosimeter Logs	64E-5.429
Inspection and Maintenance	64E-5.430
Permanent Radiographic Installations	64E-5.431
Radiation Protection Program	64E-5.432
Radiation Safety Officer	64E-5.433
Training, Testing, Certification, and Audits	64E-5.434
Conducting Industrial Radiographic Operations	64E-5.435
Operating and Emergency Procedures	64E-5.436
Personnel Monitoring	64E-5.437
Radiation Surveys	64E-5.438
Posting	64E-5.439
Records	64E-5.440
Reporting Requirements	64E-5.441
PURPOSE AND EFFECT: The purpose of the proposed rules	
is to establish safety measures for industrial radiography. The	
effect of the proposed rules is protection of the public from	
unnecessary radiation exposure from industrial radiography.	



SUBJECT AREA TO BE ADDRESSED: Safety requirements for industrial radiography.

SPECIFIC AUTHORITY: 404.051, 404.061, 404.071, 404.081, 404.0141 FS.

LAW IMPLEMENTED: 404.022, 404.031, 404.051(1),(4),(6), (9),(10),(11), 404.061(2), 404.071, 404.081(1), 404.141, 404.20, 404.30 FS.

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

TIME AND DATE: 9:00 a.m., April 24, 2001

PLACE: 4042 Bald Cypress Way, Room 210J, Tallahassee, FL 32311

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William A. Passetti, Chief, Bureau of Radiation Control, (850)245-4266

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation**

RULE TITLE: Healthy Families Florida

RULE NO.: 65C-23.002

PURPOSE AND EFFECT: This rule establishes requirements that Health Families Florida provide services designed to prevent or reduce out-of-wedlock births and to encourage the formation and maintenance of two parent families.

SUBJECT AREA TO BE ADDRESSED: Child Abuse Prevention.

SPECIFIC AUTHORITY: 414.158 FS.

LAW IMPLEMENTED: 414.158 FS.

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

TIME AND DATE: 9:00 a.m., April 20, 2001

PLACE: 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rae Hendlin, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399 or (850)921-1883

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**WAGES HARDSHIP EXEMPTION AND PREVENTION SERVICES**

65C-23.002 Healthy Families Florida.

Health Families Florida will provide services designed to prevent or reduce out-of-wedlock births and to encourage the formation and maintenance of two parent families.

Specific Authority 414.158 FS. Law Implemented 414.158 FS. History--New

**Section II  
Proposed Rules**

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Regulation of Overhanging Encroachments

RULE CHAPTER NO.: 14-43

RULE TITLE: Regulation of Overhanging Encroachments

RULE NO.: 14-43.001

PURPOSE AND EFFECT: The title is changed to "Regulation of Overhanging Encroachments" for Rule Chapter 14-43 and for Rule 14-43.001. The rule is reworded and restructured significantly from the August 3, 1999, amendment.

SUMMARY: Rule 14-43.001 is amended and the title of the rule is revised. This amendment also includes changes resulting from the rule development workshop, which was conducted on February 22, 2001.

SPECIFIC AUTHORITY: 334.044(2), 337.407 FS.

LAW IMPLEMENTED: 316.006, 316.0745, 316.077, 316.0775, 334.044, 335.02, 335.14, 337.29, 337.407, 338.237, 479.01, 479.107, 768.28 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., May 3, 2001

PLACE: Fourth Floor Conference Room (Room 479), Near Right of Way, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

REGULATION OF OVERHANGING ENCROACHMENTS OVER STATE RIGHTS OF WAY

14-43.001 Regulation of Overhanging Encroachments Over State Rights of Way.

(1) Definitions.

(a) "Banner" means ~~a temporary encroachment in the form of~~ a length or sheet of cloth, fabric, plastic, or other flexible material bearing a message which may be either of the following:

1. "Pole Banner" means a banner which is located adjacent to the travel lanes of the roadway and is attached to an existing permanent support.

2. "Street Banner" means a banner which extends over the travel lanes of the roadway and is attached to one or more existing permanent supports.

(b) "Canopy" means a permanent or semi-permanent, on-premise roof-like encroachment or projection partially extending over the right of way.

(c) "Department" means the State of Florida Department of Transportation.

(d) "Governmental Entity" has the same meaning as provided in Section 11.45(1)(c), Florida Statutes.

(e) "Local Governmental Entity" has the same meaning as provided in Section 11.45(1)(d), Florida Statutes.

~~(f)(e) "Overhanging Encroachment Sign" for purposes of this rule means a sign, canopy, or banner, as these terms are herein defined, permanent encroachment in the nature of an on-premise advertising display pursuant to Section 479.16, Florida Statutes, which are placed along and extends over the state rights of way which are within municipalities, or which are of curb-and-gutter construction outside municipalities.~~

(g) "Sign" has the same meaning as provided in Section 479.01(14), Florida Statutes.

(2) Overhanging encroachments are prohibited on the Interstate Highway System. Overhanging encroachments shall be authorized, pursuant to Section 337.407, Florida Statutes, to be placed along and over state roads under the following conditions:

(a) No new supports may be located within state right of way.

(b) Any overhanging encroachment must be allowed by the affected local governmental entity.

(c) Any overhanging encroachment which interferes with Department construction must be adjusted or removed at the owner's expense.

(d) Overhanging encroachments may not obstruct the view of any traffic signal, traffic device, or official sign, nor in any way interfere with motorists' ability to safely operate their vehicles.

(e) Overhanging encroachments must comply with the setback or clearance requirements set forth in (3) and (4) below. The Department will notify the owner if the overhanging encroachment must be adjusted to meet setback or clearance requirements, and, upon failure of the owner to make such adjustment, it shall be removed by the Department. If the overhanging encroachment presents a safety hazard, the Department shall remove it and notify the owner of the removal.

(f) No overhanging encroachment may be erected or maintained which would interfere with the Department's maintenance, operation, or other use of a transportation facility.

(g) When an overhanging encroachment must be removed by the Department, the owner may reclaim it within 30 calendar days from the date of removal, upon payment of any costs incurred by the Department in removing the encroachment.

~~(3)(2) Overhanging Signs and Canopies. Overhanging Signs and canopies are prohibited along and over on limited access roadways rights of way. Signs and canopies Conditions under which overhanging signs or canopies may only be placed along adjacent to and over any other roads state rights of way within corporate limits of a municipality, or outside municipalities or where curb and gutter construction exists outside municipalities as authorized under Section 337.407, Florida Statutes, are in compliance with the following conditions:~~

~~(a) Where curb and gutter construction exists, provided the entire structure, including attachments and supports, must clear the sidewalk vertically by at least nine feet, (2.7 meters) and the outside edge of the structure must be canopy or sign is at least two feet (0.6 meters) behind a the vertical line extending upward from through the face of the curb, and the entire structure must comply with the Department's clear zone requirements set forth in Table 2.11.9 2-12-1 Clear Zone Widths and Table 2.11.10 2-12-2 Clear Zone Widths for Curved Alignments on Highways With Flush Shoulders (January 2000 1998), incorporated herein by reference. Copies of these tables are available from the Maintenance Office of Right of Way, 605 Suwannee Street, MS 52 22, Tallahassee, Florida 32399-0450.~~

~~(b) Within municipalities where there is no curb and gutter construction, the entire structure provided the sign or canopy, including attachments and supports, may does not extend more than six feet (1.8 meters) over the right of way; may does not~~

extend closer than 12 feet (3.7 meters) from the edge of the driving lane; ~~must have~~ has a vertical clearance of at least 10 feet (3 meters); and the entire structure must comply with the Department's clear zone requirements as set forth in Table 2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments referenced in the tables identified and incorporated by reference in 14-43.001(2)(a) above.

~~(e) Where canopies or overhanging signs interfere with construction, they shall be adjusted or temporarily removed at the owner's expense.~~

~~(c)(d)~~ The design of said canopies or signs, or canopies as to bracing and attachments to buildings, shall be approved for safety features by the appropriate official of the governmental agency affected.

~~(d)(e)~~ No canopy or overhanging sign shall be erected away from the site of the business which it promotes advertises.

~~(f) No canopy or sign may be erected or maintained which would interfere with the Department's maintenance, operations, or other use of a transportation facility.~~

~~(e)(g)~~ Lighting of Overhanging signs and canopies shall conform to the requirements of ~~may be~~ lighted, provided, however, the lighting is in compliance with ~~S~~section 479.11(5), Florida Statutes.

~~(h) If the Department determines that a canopy or overhanging sign is not erected safely or is not in compliance with the setback or clearance requirements, upon prior written notice by the Department, it must be adjusted by the owner to meet such requirements or it shall be removed by the Department. If the canopy or overhanging sign is removed, the Department shall deliver written notice to the owner. The notice shall advise the owner of the canopy or overhanging sign of his or her right to request an administrative proceeding pursuant to Chapter 120, Florida Statutes. If the canopy or overhanging sign presents a safety hazard, the Department shall remove it and provide written notice of such removal to the permittee.~~

~~(i) When a canopy or overhanging sign must be removed by the Department, the owner may reclaim the canopy or sign within 30 calendar days from the date of removal upon payment of any costs incurred by the Department in removing the canopy or sign.~~

~~(j) No new supports may be placed within state rights of way for purposes of supporting a canopy or overhanging sign.~~

~~(k) This rule shall not authorize the erection of any canopy or sign which is prohibited by the municipality, county, local zoning authority, or agency affected.~~

~~(4)(3)~~ Banners. Banners may only be placed along and over any state roads which are within municipalities, or which are of curb and gutter construction outside municipalities erected pursuant to a permit issued by the Department subject to a local government entity under the following conditions:

(a) The banner(s) must promote a public event which is sponsored by a local governmental entity. Written authorization for the placement of banners from the local governmental entity shall constitute sponsorship.

1. For purposes of this rule, "public event" means an event which is open to all members of the public. Fund-raising drives by non-profit organizations are considered public events.

2. For purposes of this rule, "sponsored" means written concurrence from the local governmental entity that the local governmental entity supports, endorses, and approves the event as having benefit to the general public.

~~(a) All banners for which permits are issued shall be erected in accordance with the Manual on Uniform Traffic Control Devices, which is incorporated by reference under Rule 14-15.010, F.A.C.~~

~~(b) Except as provided in 1. and 2. below, b~~Banners will be permitted for a period not to exceed 30 consecutive calendar days, ~~on dates set forth in the application. The display period shall not extend more than two days beyond the date of the event being promoted.~~ Banner permits for the same event shall not be renewed within 180 days.

~~1.(e)~~ Banner pPermits for banners may be issued for routinely recurring events, e.g., events occurring monthly or quarterly, unless otherwise provided in this rule, provided the banner is displayed for no more than three consecutive days per month. The permit duration shall be no more than 12 months.

2. Within the corporate limits of a municipality, banners promoting or identifying a specific area, location, or designation within the municipality may be displayed. In these instances, the local governmental entity must be the banner applicant, and no additional messages or advertisements may be displayed on the banners.

(c) Pole banners must be placed a minimum of 1,000 feet apart on the same side of the travel lane on all limited access facilities, and on non limited access facilities outside the corporate limits of a municipality.

1. The lowest point of the banner must be at least 14 1/2 feet above the pavement elevation;

2. The pole banner must be attached to a light standard or other such device which is permanently located in the right of way. Banners may not be attached to any utility pole.

~~(d) No banner may be erected or maintained which would interfere with the Department's maintenance, operation, or other use of a transportation facility.~~

~~(e) Any banner that interferes with construction shall be adjusted or removed at the owner's expense.~~

~~(f) No new supports may be placed within state rights of way for purposes of supporting a banner.~~

~~(g) The banner must advertise a public event which is sponsored or supported by a governmental entity.~~

(h) Banners may not obstruct the view of any traffic signal, traffic device, or official sign, nor in any way interfere with motorists' ability to safely operate their vehicles.

(d)(4) Placement of banners on frangible light standards or other frangible devices will require a load rating analysis, signed and sealed by a registered professional engineer, certifying that the specific light standards or devices used to support the banners will handle the additional loadings placed on the structures by the banner and attachments, and will not to exceed the wind loading design requirements of the structure. Copies of load rating analyses previously submitted are acceptable for subsequent applications when all specifications are the same.

(e) Banners may not be placed within 500 feet of a limited access interchange.

(f) Street banners may only be placed on the right of way of non limited access roadways and must vertically clear the pavement by at least 18 feet. Street banners must be a minimum of 1,000 feet apart.

~~(j) The following additional conditions apply to banners adjacent to or across non limited access roadways:~~

~~1. Pole banners must vertically clear any curb by at least nine feet (2.7 meters) and horizontally clear the curb face by at least two feet (0.6 meters). For non limited access roads where there is no curb and gutter, the banners and support structures must vertically clear the pavement by at least 10 feet (3 meters) and horizontally clear the pavement by at least 12 feet (3.7 meters):~~

~~2. Street banners must vertically clear the pavement by at least 17 feet (5.2 meters), and may not obstruct or obscure the view of any traffic signal, traffic device, or official sign.~~

~~(k) In addition to the conditions identified in subsections (3)(a) through (i) above, the following conditions apply to the Interstate Highway System, Florida's Turnpike, and limited access roadways:~~

~~1. Pole banners will only be permitted for display for a duration not to exceed 60 consecutive days and only for events of national or international significance, provided the municipality has not hosted the event within the preceding 12 months. The following are examples of events for which pole banners may be permitted on the Interstate Highway System, Florida's Turnpike, and limited access roadways:~~

- ~~a. The World Cup~~
- ~~b. The Super Bowl~~
- ~~c. The Stanley Cup~~
- ~~d. The World Series~~
- ~~e. Summit of the Americas~~
- ~~f. The Olympic Games~~

~~2. The lowest point of the pole banner must be at least 10 feet (3 meters) above the pavement elevation;~~

~~3. The outside edge of the pole banner may be no closer than 12 feet (3.7 meters) from the edge of the driving lane; and~~

~~4. The pole banner must be attached to a light standard or other such device, which is permanently located in the right of way. No new support structures for pole banners may be placed in the right of way.~~

~~(5)(4) Permit Issuance. Applications for an overhanging encroachment sign, canopy, or banners must be made in writing to the appropriate District Maintenance Office.~~

~~(a) Applications for permits for overhanging signs and canopies shall include:~~

- ~~1. The name and address of the applicant.~~
- ~~2. A sketch of the sign or canopy, drawn to scale, which includes the message, letterings, logos, or emblems.~~
- ~~3. A sketch of the specific location of the sign or canopy, including height, location of supports, proximity to utility poles, and the identification of the state highway where the sign or canopy will be located.~~

~~4. Sketches or specific descriptions of the method to be used to affix the sign or canopy to the support structure(s).~~

~~5. Proof of compliance with any applicable local governmental regulations.~~

~~(b) Applications for permits for banners shall be made no later than 30 days and no earlier than 365 days prior to the requested installation date. The application Banner Permit Issuance. Applications for banners shall be on Application for Banner Permit, DOT Form 850-040-75, Rev. 01/01., incorporated herein by reference. Copies of Form 850-040-75 are available from the State Maintenance Engineer or any District Maintenance Engineer. The application shall include:~~

~~1. The name and address, and telephone number of the applicant. If the applicant is a business or governmental entity, the name of the contact person must be supplied that is sponsoring or supporting the event. For purposes of this rule, submission of an application for a permit for banners constitutes sponsorship or support for the event.~~

~~2. Identification of the event being promoted advertised and a description of the event.~~

~~3. A sketch or drawing of the banner(s), drawn to scale, which includes the entire message that will appear on the banner(s).~~

~~4. A sketch of the specific location of the banner(s), including height, location of supports, proximity to utility poles, and the identification of the state highway where the banner(s) will be located.~~

~~5. Sketches, photographs, or specific descriptions of the method to be used to affix the banner(s) to the support structure(s).~~

~~6. The beginning and ending dates of the event being promoted.~~

~~7.6. The beginning and ending dates of the display period(s) requested.~~

~~8.7. Proof of compliance with the requirements of subsection (4)(c) (3) and any local governmental regulations.~~

9. Written authorization from the local governmental entity granting permission to the applicant for the installation of the banners. No permit for the placement of banners shall be issued when the local governmental entity has an ordinance prohibiting their installation.

10. When the roadway requested for banner installation is under the ownership of an Expressway Authority, written authorization from the affected Expressway Authority granting permission to the applicant for the installation of the banners must be provided.

~~11.8. A~~ Load rating analysis by a registered professional engineer, if required by subsection (3)(i). See (4)(d), above.

(c) Permits for banners will not be approved where a Department construction project is planned or ongoing during the requested display period.

~~(d)(e)~~ The Permittee shall agree as follows:

1. To the extent provided by law, the Permittee shall indemnify, defend, and hold harmless the Department and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the Permittee, its agents, or employees arising from activities associated with ~~under~~ this permit, ~~except that neither the Permittee, its agents, or its employees will be liable under this provision for any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the Department or any of its officers, agents, or employees arising from activities under this permit.~~

2. When the Department receives a notice of claim for damages that may have been caused by the Permittee in the performance of activities that arise under this permit, the Department will immediately forward the claim to the Permittee. The Permittee and the Department will evaluate the claim and report their findings to each other within 14 working days and will jointly discuss options in defending the claim. After reviewing the claim, the Department will determine whether to require the participation of the Permittee in the defense of the claim or to require that the Permittee defend the Department in such claim as described in this section. The Department's failure to promptly notify the Permittee of a claim shall not act as a waiver of any right herein to require the participation in or defense of the claim by the Permittee. The Permittee shall bear all expenses of the Department in defense of the claim. The Department and the Permittee will each pay its own expenses for the evaluation, settlement negotiations, and trial, if any. However, if only one party participates in the defense of the claim at trial, that party is responsible for all expenses at trial.

~~(e)(d)~~ If the application is denied, the Department shall provide a Notice of Administrative Hearing Rights to advise the applicant in writing of the denial and advise the applicant of his or her right to request an administrative proceeding pursuant to Chapter 120, Florida Statutes.

(6) Failure to comply with the provisions of this rule shall result in the issuance of a Notice of Intent to Revoke the permit, which shall include a Notice of Administrative Hearing Rights.

(7) Provision of any notice, denial, revocation, or Notice of Administrative Hearing Rights by the Department under this rule shall not constitute or create entitlement to an administrative hearing where such right does not otherwise exist.

Specific Authority 334.044(2), 337.407 FS. Law Implemented 316.006, 316.0745, 316.077, 316.0775, 334.044, 335.02, 335.14, 337.29, 337.407, 338.237, 479.01, 479.107, 768.28 FS. History—Amended 3-21-64, 5-9-70, 7-9-75, Formerly 14-43.01, Amended 8-3-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth Towcimak, Director, Office of Right of Way  
 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 20, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 19, 2001

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 001521-EU

RULE TITLE: Adequacy of Resources  
 RULE NO.: 25-6.035

PURPOSE AND EFFECT: To clarify that the rule is intended to maintain equitable sharing of energy reserves rather than to set a prudent level of reserves for long-term planning or reliability purposes. References to Southeastern Reliability Council (SERC) standards are updated to Florida Reliability Coordinating Council (FRCC) standards.

SUMMARY: The amendment states that the purpose of the rule is to maintain equitable sharing of energy reserves, not to set a prudent level of reserves for long range planning or reliability purposes. The phrase "most severe single contingency" is amended to read "most severe single generating unit contingency". References to Southeastern Reliability Council (SERC) are updated to Florida Reliability Coordinating Council (FRCC). The phrase "utility's maximum demand" and word "demand" are replaced by "control area's peak hour net energy for load" and "peak hour net energy for load", respectively. The time in which operating reserves are required to be fully available is changed from "ten" to "fifteen" minutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement was prepared.

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

SPECIFIC AUTHORITY: 366.05(1) FS.  
 LAW IMPLEMENTED: 366.03, 366.04(2)(c),(5), 366.055 FS.  
 WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 9:30 a.m., April 20, 2001  
 PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.035 Adequacy of Resources.

(1) Each electric utility shall maintain sufficient generating capacity, supplemented by regularly available generating and non-generating resources, in order to meet all reasonable demands for service and provide a reasonable reserve for emergencies. Each electric utility shall also coordinate the sharing of energy reserves with other electric utilities in Peninsular Florida. To achieve an equitable sharing of energy reserves, Peninsular Florida utilities shall be required to maintain, at a minimum, a 15% planned reserve margin. The planned and operating reserve margin standards established herein are intended to maintain an equitable sharing of energy reserves, not to set a prudent level of reserves for long-term planning or reliability purposes. The planned reserve margin for each utility shall be calculated as follows:

$$RM = [(C - L)/L]*100 \text{ where;}$$

"RM" – Is defined as the utility's percent planned reserve margin;

"C" – Is defined as the aggregate sum of the rated dependable peak-hour capabilities of the resources that are expected to be available at the time of the utility's annual peak; and

"L" – Is defined as the expected firm peak load of the system for which reserves are required.

The following shall be utilized as the operating reserve standard for Peninsular Florida's utilities: operating reserves shall be maintained by the combined Peninsular Florida system at a value equal to or greater than the loss of generation that would result from the most severe single generating unit contingency. The operating reserves shall be allocated among the utilities in proportion to each control area's peak hour net energy for load utility's ~~maximum demand~~ for the preceding year, and the summer gross Florida Southeastern Electric

Reliability Coordinating Council (FRCC SERC) capability of its largest unit or ownership share of a joint unit, whichever is greater. Fifty percent shall be allocated on the basis of peak hour net energy for load demand and fifty percent on the basis of the summer gross FRCC SERC capability of the largest unit. Operating reserves shall be fully available within fifteen ten minutes. At least 25% of the operating reserves shall be in the form of spinning reserves which are automatically responsive to a frequency deviation from normal.

(2) through (5) No change.

Specific Authority 366.05(1) FS. Law Implemented 366.03, 366.04(2)(c),(5), 366.055 FS. History--New 7-29-69, Formerly 25-6.35, Amended 9-5-96,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Tom Ballinger

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 26, No. 45, November 9, 2000

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

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).

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Publications Incorporated by Reference	40E-2.091
Conditions for Issuance of Permits	40E-2.301
Limiting Conditions	40E-2.381

**PURPOSE AND EFFECT:** The purpose and effect of the rule development is to establish criteria for conditions of permit issuance consistent with Rule 40E-8, F.A.C., regarding minimum flows and levels. The purpose is also to update citations to and modify the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – October 1997" to incorporate changes consistent with Rule 40E-8, F.A.C.

**SUMMARY:** Citations to the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – October 1997" are updated to reflect

the current revision date of the Basis of Review. The Basis is also changed to incorporate the definitions set forth in Chapter 40E-8, F.A.C. Evaluations for MFL water bodies subject to a recovery strategy are set forth, describing the criteria for permit renewals, and new or modified permits – direct and indirect withdrawals consistent with Chapter 40E-8, F.A.C. Evaluations for MFL water bodies subject to a prevention strategy are set forth, describing the criteria for permit renewals and new or modified permits consistent with Chapter 40E-8, F.A.C.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** Consumptive use permittees (including those owned or operated by local governments) in the Lower East Coast planning area, including the Lake Okeechobee Service area, and the Lower West Coast planning area, will be required to comply with rule criteria for permit renewals, new permits and permit modifications for allocations either directly or indirectly from MFL water bodies, depending upon the applicable recovery or prevention strategy for the subject MFL water body. Cost estimates for implementation of recovery and prevention strategies are laid out in the Lower East Coast Regional Water Supply Plan (May 2000) for the Everglades, Biscayne Aquifer, and Lake Okeechobee, and Caloosahatchee River and in the Lower West Coast Regional Water Supply Plan (April 2000) for the Caloosahatchee River and Lower West Coast Aquifer system. In general, the water management districts are primarily responsible for implementing "water resource development" as defined in Section 373.019(19), and consumptive users are primarily responsible for implementing "water supply development" options as defined in Section 373.019(21). Cost estimates for alternative sources identified in the regional water supply plans can be found in the description of "Water Supply Development Options". See pages 241-268 of the Lower East Coast Regional Supply Plan (May 2000) and pages 49-100 in the Lower West Coast Regional Water Supply Plan (April 2000). Cost estimates for implementation of "water resource development" projects are set forth in the Lower East Coast Regional Water Supply pages 272-328, and in the Lower West Coast Regional Water Supply Plan pages 105 to 140. In general, the MFL rules are designed to implement the "assurances" to existing water users approved by the Governing Board in the applicable regional water supply plans. The estimated Costs to the SFWMD for implementation of the MFL rules through regulatory programs are set forth in the chapters on "Recommendations" in the applicable regional water supply plan.

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:** 373.044, 373.113, 373.171 FS.

**LAW IMPLEMENTED:** 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS.

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

**TIME AND DATE:** 8:30 a.m., May 10, 2001

**PLACE:** South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** For technical issues contact Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison (internet: jjenniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680.

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 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 FULL TEXT OF THE PROPOSED RULES IS:**

40E-2.091 Publications Incorporated by Reference.

(1) The "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_ ~~October 1997~~," is hereby published by reference and incorporated into this chapter.

(2) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS. History—New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, \_\_\_\_\_.

40E-2.301 Conditions for Issuance of Permits.

(1) In order to obtain a permit, permit renewal, or permit modification under this chapter, an applicant must give reasonable assurances that the proposed water use at the time the permit application is deemed complete:

- (a) Will not cause significant saline water intrusion;
- (b) Will not adversely impact offsite land uses;
- (c) Will not cause adverse environmental impacts;
- (d) Will not cause pollution of the water resources;

(e) Is otherwise a reasonable-beneficial use as defined in subsection 373.019(4), Florida Statutes, with consideration given to the factors set forth in Rule 62-40.422, F.A.C. 17-40.401(2);

(f) Will not interfere with presently existing legal uses;

(g) Is in accordance with the Water Resource Implementation Rule State Water Policy on water transport pursuant to Rule ~~62-40.410, F.A.C.; 47-40.402;~~

(h) Makes use of a reclaimed water source unless the applicant, in any geographic location, demonstrates that its use is either not economically, environmentally or technically feasible; or in areas not designated as Critical Water Supply Problem Areas pursuant to Chapter 40E-23, F.A.C., the applicant demonstrates reclaimed water is not readily available;

(i) Meets the established minimum flows and levels and implementation provisions in Chapter 373, this Chapter and Chapter 40E-8; and

~~(i)~~ Is consistent with Sections 373.016, 373.036, Florida Statutes, and otherwise is consistent with the public interest as prescribed by Chapter 373 and this Chapter.

(2) In order to satisfy the conditions for permit issuance in subsection (1), the permit applicant must provide reasonable assurances that the criteria in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_ ~~October 1997~~", incorporated by reference in Rule 40E-2.091(1), are met.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.023, ~~373.042, 373.0421, 373.185, 373.219, 373.223, 373.226, 373.236~~ FS. History—New 9-3-81, Formerly 16K-2.035(2), Amended 2-24-85, 1-4-93, 4-20-94, 7-11-96, 4-9-97, 12-10-97, \_\_\_\_\_.

40E-2.381 Limiting Conditions.

The Board shall impose on any permit granted under this part such reasonable standard and special permit conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5.1 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_ ~~October 1997~~, incorporated by reference in Rule 40E-2.091(1) shall be set forth in the permit. Special permit conditions, including those specified in Section 5.2 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_ ~~October 1997~~, shall be set forth in the permit.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, ~~373.0421, 373.219~~(1) FS. History—New 9-3-81, Amended 2-24-85, 4-20-94, 7-11-96, 4-9-97, 12-10-97, \_\_\_\_\_.

(The following represents proposed changes to the document entitled “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – October 1997” incorporated by reference in Rule 40E-2.091, F.A.C.)

The following changes are made to Chapter 1.0

1.8 Definitions

“Allocation Coefficient:” through “Xeriscape” No change.

The definitions set forth in Chapter 40E-8, FAC. shall be incorporated into the Basis of Review.

The following changes are made to Chapter 3.0:

Sections 3.0 through 3.8 No change.

3.9 Minimum Flows and Levels

Applications for consumptive use permits for water uses that directly or indirectly withdraw water from MFL water bodies must meet the criteria in this section, in addition to all other conditions for permit issuance in Chapters 40E-2 or 40E-20, as applicable. Applications that meet the criteria contained in this section are considered to comply with Rule 40E-2.301(1)(i), F.A.C. Consumptive use permit applications shall be reviewed based on the recovery or prevention strategy approved at the time of permit application review.

3.9.1 Evaluations for MFL Water Bodies Subject to a Recovery Strategy

Evaluations for direct or indirect withdrawals from MFL water bodies that are subject to a recovery strategy:

(1) Permit Renewals: A request for renewal of an existing permitted allocation, which directly or indirectly withdraws water from a MFL water body, shall meet the requirements of this section if:

(a) The impact of the withdrawal of water will be corrected through implementation of a recovery strategy; and

(b) The level of impacts from the allocation approved in the expiring permit are no greater under the requested renewal. If the level of certainty under the expiring permit is changed to a 1 in 10 year level of certainty by rule (e.g. a golf course irrigation level of certainty changed from a 1 in 5 to a 1 in 10 year level of drought) the levels of impact from the withdrawal of water under the expiring permit shall be normalized to a 1 in 10 drought level of certainty in order to evaluate the impact of the withdrawal of water.

(2) New or Modified Permits – Direct Withdrawals. A request for a new or increased permit allocation which directly withdraws water from a MFL water body, shall meet the requirements of this section, if:

(a) Sufficient additional water has been made available for the new or increased portion of the requested allocation via the certification of a component(s) of the recovery strategy, as certified by the District, as referenced in Rule 40E-8.421(1)(e), F.A.C. Water made available from a certified phase of a recovery strategy for new or increased uses will be allocated based on the criteria in the Basis of Review and Chapter 40E-2; or

(b) The request incorporates a District approved alternative measure or source that prevents additional impacts to the MFL water body from the new or increased portion of the requested allocation. An example of an acceptable



alternative measure is an aquifer storage and recovery system, which stores excess water during the wet season in order to minimize new or increased withdrawals during the dry season. The permit conditions shall require the District approved alternative measure or source to be operating or otherwise available concurrently with the new or increased use.

(3) New or Modified Permits – Indirect Withdrawals. A request for a new or increased permit allocation which indirectly withdraws water from a MFL water body, shall meet the requirements of this section, if the new or increased use is consistent with the recovery strategy as delineated in the applicable regional water supply plan.

3.9.2. Evaluations for MFL Water Bodies Subject to a Prevention Strategy

Evaluations for direct or indirect withdrawals from MFL water bodies that are subject to a prevention strategy:

(1) Permit Renewals – A request for renewal of an existing permitted allocation that directly or indirectly withdraws water from a MFL water body shall meet the requirements of this section if the level of impacts from the allocation approved in the expiring permit are no greater under the requested renewal. If the level of certainty under the expiring permit is changed to a 1 in 10 year level of certainty by rule (e.g. a golf course irrigation level of certainty changed from a 1 in 5 to a 1 in 10 year level of drought) the levels of impact from the withdrawal of water under the expiring permit shall be normalized to a 1 in 10 drought level of certainty in order to evaluate the impact of the withdrawal of water.

(2) New or Modified Permits – A request for a new or increased permit allocation that directly or indirectly withdraws water from a MFL water body, shall meet the requirements of this section if the request is consistent with the prevention strategy(ies) as delineated in the applicable regional water supply plan.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Wm. Scott Burns, Director, Water Use Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000, October 20, 2000, November 27, 2000, February 2, 2001 and February 16, 2001

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Purpose and General Provisions	40E-8.011
Definitions	40E-8.021
Minimum Flows and Levels: Surface Waters	40E-8.221
Minimum Levels: Aquifers	40E-8.231

Minimum Flows and Levels: Surface Waters	40E-8.321
Minimum Levels: Aquifers	40E-8.331
Prevention and Recovery Strategies	40E-8.421
Consumptive Use Permits	40E-8.431
Water Shortage	40E-8.441

**PURPOSE AND EFFECT:** The purpose and effect of the rule development is to establish minimum flows and levels by January, 2001 for Lake Okeechobee, the Everglades (which includes the freshwater regions of Everglades National Park, Water Conservation Areas, and the Holeyland and Rotenberger Wildlife Management Areas), the Biscayne Aquifer in Southeastern Florida, the Lower West Coast Aquifers, and the Caloosahatchee River, in accordance with Chapter 373, Florida Statutes.

**SUMMARY:** The proposed rule established Minimum Flows and Levels (“MFLs”) for the Everglades, the Caloosahatchee River, Lake Okeechobee, the Biscayne Aquifer and the Lower West Coast Aquifers to correct or prevent significant harm to the water resources and ecology of an area. The MFLs are established using best available information (peer reviewed) and will be reviewed no less than every 5 years. Review of the Caloosahatchee MFL will occur within a year of rule adoption, and the MFL modified as necessary. Resource protections standards in Chapter 373, F.S. are defined. The proposed rule distinguished between an MFL exceedance (falling below the MFL) and an MFL violation (falling below the MFL in excess of the allowable frequency). Recovery and prevention strategies for the subject areas are outlined. Consumptive use permitting and water shortage criteria are outlined. The Governing Board retains the ability to balance water supply, flood protection, natural resource protection and water quality protection goals in implementing the MFLs. The MFLs will become effective immediately upon adoption of the proposed rules. Implementation of recovery and prevention strategies will be phased in, as required by the regional water supply plan. In MFL Recovery Areas (the Everglades and the Caloosahatchee River) existing water use permits will not be revoked or modified by the District prior to expiration based on their impact on an MFL water body, unless an approved alternative source is concurrently provided to offset any reduction.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** Consumptive use permittees (including those owned or operated by local governments) in the Lower East Coast planning area, including the Lake Okeechobee Service area, and the Lower West Coast planning area, will be required to comply with rule criteria for permit renewals, new permits and permit modifications for allocations either directly or indirectly from MFL water bodies, depending upon the applicable recovery or prevention strategy for the subject MFL water body. Cost estimates for implementation of recovery and prevention strategies are laid out in the Lower East Coast Regional Water Supply Plan (May 2000) for the Everglades, Biscayne Aquifer, and Lake Okeechobee, and

Caloosahatchee River and in the Lower West Coast Regional Water Supply Plan (April 2000) for the Caloosahatchee River and Lower West Coast Aquifer system. In general, the water management districts are primarily responsible for implementing "water resource development" as defined in Section 373.019(19), and consumptive users are primarily responsible for implementing "water supply development" options as defined in Section 373.019(21). Cost estimates for alternative sources identified in the regional water supply plans can be found in the description of "Water Supply Development Options". See pages 241-268 of the Lower East Coast Regional Supply Plan (May 2000) and pages 49-100 in the Lower West Coast Regional Water Supply Plan (April 2000). Cost estimates for implementation of "water resource development" projects are set forth in the Lower East Coast Regional Water Supply pages 272-328, and in the Lower West Coast Regional Water Supply Plan pages 105 to 140. In general, the MFL rules are designed to implement the "assurances" to existing water users approved by the Governing Board in the applicable regional water supply plans. The estimated Costs to the SFWMD for implementation of the MFL rules through regulatory programs are set forth in the chapters on "Recommendations" in the applicable regional water supply plan.

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: 373.042, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

TIME AND DATE: 8:30 a.m., May 10, 2001

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: For technical issues contact Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison (internet: jjenniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680

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 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 FULL TEXT OF THE PROPOSED RULES IS:

PART I: GENERAL

40E-8.011 Purpose and General Provisions.

(1) The purpose of this Chapter is:

(a) To establish minimum flows for specific surface watercourses and minimum water levels for specific surface waters and specific aquifers within the South Florida Water Management District, pursuant to Section 373.042, F.S.; and;

(b) To establish the rule framework for implementation of recovery and prevention strategies, developed pursuant to Section 373.0421, F.S.

(2) Minimum flows are established to identify where further withdrawals would cause significant harm to the water resources, or to the ecology of the area. Minimum levels are established to identify where further withdrawals would cause significant harm to the water resources of the area. Specific minimum flows and levels (MFLs) are established in this rule for specified priority water bodies that have been designated pursuant to Section 373.042(2), F.S.

(3) The MFL's established herein are based on existing best available information, and will be periodically reviewed, at least every five years, based on new information and changing water resource conditions. Revisions to established MFLs will be peer reviewed as required by Section 373.042, F.S., prior to rule adoption. The minimum flow criteria for the Caloosahatchee River in Rule 40E-8.221(2), F.A.C., shall be reviewed within one year of the effective date of this rule (month, year) and amended, as necessary, based on best available information.

(4) The recovery and prevention strategies set forth in Rule 40E-8.421, F.A.C., the consumptive use permitting procedures described in Rules 40E-2.301(1)(i), 40E-8.431, F.A.C. and Section 3.9 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_," and the water shortage plan implementation provisions specified in Rules 40E-8.441, 40E-21.531, and 40E-21.541, and Part III of Chapter 40E-22, F.A.C., (month, year) are inseparable components of the minimum flows and levels established in Rules 40E-8.321 and 40E-8.331, F.A.C. (month, year). If the rules cited above, as they pertain to a specified MFL water body, are found to be invalid, in whole or in part, such specified minimum flow(s) or level(s) in Rule 40E-8.321 or 40E-8.331, F.A.C., (including Lake Okeechobee, Everglades, Biscayne Aquifer, Lower West Coast Aquifers, Caloosahatchee River) (month, year) shall not be adopted, or if already in effect, shall not continue to be applied, until the District amends the subject rules, as

necessary to address the reason for invalidity consistent with the requirements of Section 373.0421, F.S. This section shall be triggered after a rule is found to be invalid pursuant to a final order issued under Section 120.56, F.S., and after appellate review remedies have been exhausted.

Specific Authority 373.044, 373.0831, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History—New

#### 40E-8.021 Definitions.

The terms set forth herein shall have the meanings ascribed to them, unless the context clearly indicates otherwise, and such meanings shall apply throughout the rules contained in this Chapter. The terms defined in Rule 40E-8.021, F.A.C. shall apply throughout the District's consumptive use permit rules. In the event of a conflict or difference between the definitions contained in Rule 40E-8.021, F.A.C. and the definitions set forth in other District rules, the definitions in this Rule 40E-8.021, F.A.C., shall control for purposes of this chapter.

(1) Biscayne Aquifer – means the highly permeable surficial strata (hydraulic conductivities generally greater than 500 ft/day) that occur within Monroe, Miami-Dade (excluding those portions of coastal Monroe and Miami-Dade counties that discharge groundwater into Florida and Biscayne Bays), eastern Broward, and portions of eastern Palm Beach counties.

(2) Caloosahatchee River – means the surface waters that flow through the S-79 structure, combined with tributary contributions below S-79 that collectively flow southwest to San Carlos Bay.

(3) C&SF Project – means the project for Central and Southern Florida authorized under the heading “CENTRAL AND SOUTHERN FLORIDA” in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(4) CERP – means the Comprehensive Everglades Restoration Plan contained in the “Final Integrated Feasibility Report and Programmatic Environmental Impact Statement”, dated April 1, 1999, as modified by the Water Resources Development Act of 2000.

(5) Direct Withdrawal means:

(a) A ground water withdrawal that causes a water table drawdown greater than 0.1 feet, as determined using a model accepted by the District, at any location beneath the MFL surface water body or aquifer, up through a 1 in 10 year drought; or

(b) A surface water withdrawal from facilities physically located within the boundaries of a MFL surface water body.

(6) Everglades – means the lands and waters included within Water Conservation Areas, the Holeyland/Rotenberger wildlife management areas, and the freshwater portions of the Everglades National Park.

(7) Harm – means the temporary loss of water resource functions, as defined for consumptive use permitting in Chapter 40E-2, F.A.C., that results from a change in surface or ground water hydrology and takes a period of one to two years of average rainfall conditions to recover.

(8) Indirect Withdrawal – means the withdrawal of water from a water source for a consumptive use that receives surface water or ground water from a MFL water body or is tributary to a MFL water body.

(9) Lake Okeechobee – means the lands and waters contained within the perimeter of the Hoover Dike.

(10) LEC Plan – means the Lower East Coast Regional Water Supply Plan – May 2000, including all three volumes.

(11) Lower West Coast Aquifers – means the lower Tamiami aquifer, sandstone aquifer and the mid-Hawthorn aquifer that occur within Charlotte, Hendry, Glades, Lee and Collier counties.

(12) LWC Plan – means the Lower West Coast Regional Water Supply Plan – April 2000, including all three volumes.

(13) Minimum Flow – means a flow established by the District pursuant to Sections 373.042 and 373.0421, F.S., for a given water body and set forth in Parts II and III of this chapter, at which further withdrawals would be significantly harmful to the water resources or ecology of the area.

(14) Minimum Flow and Level Exceedance – means to fall below a minimum flow or level, which is established in Parts II and III of this chapter, for a duration greater than specified for the MFL water body.

(15) Minimum Flow and Level Violation – means to fall below a minimum flow or minimum level, which is established in Parts II and III of this chapter, for a duration and frequency greater than specified for the MFL water body. Unless otherwise specified herein, in determining the frequency with which water flows and levels fall below an established MFL for purposes of determining a MFL violation, a "year" means 365 days from the last day of the previous MFL exceedance.

(16) Minimum Level – means the level of groundwater in an aquifer or the level of surface water established by the District pursuant to Sections 373.042 and 373.0421, F.S., in Parts II and III of this chapter, at which further withdrawals would be significantly harmful to the water resources of the area.

(17) MFL Water Body – means any surface water, watercourse, or aquifer for which an MFL is established in Part II or III of this chapter.

(18) Operations – means activities taken by the District for the movement of surface water through works of the District pursuant to Chapter 373, F.S.

(19) Prevention Strategy(ies) – means the structural and non-structural actions approved by the District in regional water supply plans, pursuant to Section 373.0421, F.S., or by rule, for areas where MFLs are currently not violated, but are

projected to be violated within twenty (20) years of the establishment of the minimum flow or level, if said prevention strategies are not implemented.

(20) Recovery Strategy(ies) – means the structural and non-structural actions approved by the District in regional water supply plans, pursuant to Section 373.0421, F.S., or by rule, for areas where MFLs are currently violated.

(21) Regional Water Supply Plan – means a plan approved by the District pursuant to Section 373.0361, F.S.

(22) Serious Harm – means the long-term loss of water resource functions, as defined in Chapters 40E-21 and 40E-22, F.A.C., resulting from a change in surface or ground water hydrology.

(23) Significant Harm – means the temporary loss of water resource functions which result from a change in surface or ground water hydrology that take more than two years to recover, but which is considered less severe than serious harm. The specific water resource functions addressed by a MFL and the duration of the recovery period associated with significant harm are defined for each priority water body based on the MFL technical support document.

Specific Authority 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History—New \_\_\_\_\_.

## PART II: MFL CRITERIA LOWER EAST COAST REGIONAL PLANNING AREA

### 40E-8.221 Minimum Flows and Levels: Surface Waters.

The MFLs contained in this Part identify the point at which further withdrawals would cause significant harm to the water resources, or ecology, of the area as applicable, pursuant to Sections 373.042 and 373.0421, F.S. It is the District's intent to correct or prevent the violation of these criteria through management of the water resources.

#### (1) Lake Okeechobee

An MFL violation occurs in Lake Okeechobee when an exceedance, as defined herein, occurs more than once every six years. An "exceedance" is a decline below 11 feet NGVD for more than 80, non-consecutive or consecutive, days, during an eighteen month period. The eighteen month period shall be initiated following the first day Lake Okeechobee falls below 11 feet NGVD, and shall not include more than one wet season, defined as May 31st through October 31st of any given calendar year.

#### (2) Caloosahatchee River

A minimum mean monthly flow of 300 CFS is necessary to maintain sufficient salinities at S-79 in order to prevent a MFL exceedance. A MFL exceedance occurs during a 365 day period, when: (a) a 30-day average salinity concentration exceeds 10 parts per thousand at the Ft. Myers salinity station (measured at 20% of the total river depth from the water surface at a location of latitude 263907.260, longitude 815209.296; or (b) a single, daily average salinity exceeds a concentration of 20 parts per thousand at the Ft. Myers salinity station. Exceedance of either subsection (a) or subsection (b), for two consecutive years is a violation of the MFL.

#### (3) Everglades

##### (a) Criteria for Peat-Forming Wetlands

Water levels within wetlands overlying organic peat soils within the water conservation areas, Rotenberger and Holey Land wildlife management areas, and Shark River Slough (Everglades National Park) shall not fall 1.0 feet or more below ground surface, as measured at a key gage, for one or more days during a period in which the water level has remained below ground for a minimum of 30 days, at specific return frequencies as specified in Table 1, below.

##### (b) Criteria for Marl-Forming Wetlands

Water levels within marl-forming wetlands that are located east and west of Shark River Slough, the Rocky Glades, and Taylor Slough within Everglades National Park, shall not fall 1.5 feet below ground surface, as measured at a key gage, for one or more days during a period in which the water level has remained below ground for a minimum of 90 days, at specific return frequencies for different areas, as identified in Table 1, below.

The MFL criteria listed in Table 1 are based on existing changes and structural alterations to the pre-drainage conditions of the Everglades. It is the District's intent through implementation of the LEC Plan and the CERP to achieve minimum hydropattern return frequencies that approximate CERP compatible pre-drainage conditions in the Everglades. As a result, as the existing structural changes and alterations are corrected, the MFL criteria contained herein will be modified through a rule amendment consistent with the LEC Plan and the CERP.

Specific Authority 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History—New \_\_\_\_\_.

Table 1. Minimum water levels, duration and return frequencies for key water management gages located within the Everglades<sup>(1,2,3)</sup>

Area	Key Gage	Soil Type & MFL Criteria	Return Frequency (years) <sup>(3)-(4)</sup>
<u>WCA-1</u>	<u>1-7</u>	<u>Peat</u> <sup>(1)</sup>	<u>1 in 4</u>
<u>WCA-2A</u>	<u>2A-17</u>	<u>Peat</u>	<u>1 in 4</u>
<u>WCA-2B</u>	<u>2B-21</u>	<u>Peat</u>	<u>1 in 3</u>
<u>WCA-3A North</u>	<u>3A-NE</u>	<u>Peat</u>	<u>1 in 2</u>
<u>WCA-3A North</u>	<u>3A-NW</u>	<u>Peat</u>	<u>1 in 4</u>
<u>WCA-3A North</u>	<u>3A-2</u>	<u>Peat</u>	<u>1 in 4</u>
<u>WCA-3A North</u>	<u>3A-3</u>	<u>Peat</u>	<u>1 in 3</u>
<u>WCA-3A central</u>	<u>3A-4</u>	<u>Peat</u>	<u>1 in 4</u>
<u>WCA-3A South</u>	<u>3A-28</u>	<u>Peat</u>	<u>1 in 4</u>
<u>WCA-3B</u>	<u>3B-SE</u>	<u>Peat</u>	<u>1 in 7</u>
<u>Rotenberger WMA</u>	<u>Rotts</u>	<u>Peat</u>	<u>1 in 2</u>
<u>Holey Land WMA</u>	<u>HoleyG</u>	<u>Peat</u>	<u>1 in 3</u>
<u>NE Shark Slough</u>	<u>NESRS-2</u>	<u>Peat</u>	<u>1 in 10</u>
<u>Central Shark Slough</u>	<u>NP-33</u>	<u>Peat</u>	<u>1 in 10</u>
<u>Central Shark Slough</u>	<u>NP 36</u>	<u>Peat</u>	<u>1 in 7</u>
<u>Marl wetlands east of Shark Slough</u>	<u>NP-38</u>	<u>Marl</u> <sup>(2)</sup>	<u>1 in 3</u>
<u>Marl wetlands west of Shark Slough</u>	<u>NP-201</u> <u>G-620</u>	<u>Marl</u>	<u>1 in 5</u>
<u>Rockland marl marsh</u>	<u>G-1502</u>	<u>Marl</u>	<u>1 in 2</u>
<u>Taylor Slough</u>	<u>NP-67</u>	<u>Marl</u>	<u>1 in 2</u>

(1) = MFL Criteria for Peat-forming wetlands: Water levels within wetlands overlying organic peat soils within the water conservation areas, Rotenberger and Holeyland wildlife management areas, and Shark River Slough (Everglades National Park) shall not fall 1.0 feet or more below ground surface, as measured at a key gage, for one or more days during a period in which the water level has remained below ground for at least 30 days, at specific return frequencies shown above.

(2) = MFL Criteria for Marl-forming wetlands: Water levels within marl-forming wetlands that are located east and west of Shark River Slough, the Rocky Glades, and Taylor Slough within the Everglades National Park, shall not fall 1.5 ft. below ground surface, as measured at a key gage, for one or more days during a period in which the water level has remained below ground for at least 90 days, at specific return frequencies for different areas, as shown above.

(3) = Return frequencies were developed using version 3.7 of the South Florida Water Management Model (SFWMM) and are the same as those stated on page 168, Table 44 of the adopted LEC Regional Water Supply Plan ( May 2000).

(4) = MFL depth, duration and return frequencies are based on historic rainfall conditions for the 31 year period of record from 1965 to 1995.

40E-8.231 Minimum Levels: Aquifers.Biscayne Aquifer.

The minimum level for the Biscayne aquifer is the level that results in movement of the saltwater interface landward to the extent that ground water quality at an established withdrawal point is insufficient to serve as a water supply source. A MFL violation occurs when water levels within the aquifer produce this degree of saltwater movement at any point in time.

Specific Authority 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History—New

PART III: MFL CRITERIA FOR LOWER WEST COAST REGIONAL PLANNING AREA40E-8.321 Minimum Flows and Levels: Surface Waters.

The MFLs contained in this Part identify the point at which further withdrawals would cause significant harm to the water resources, or ecology, of the area, as applicable, pursuant to Sections 373.042 and 373.0421, F.S. It is the District's intent to correct or prevent the violation of these criteria through management of the water resources.

Specific Authority 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History—New

40E-8.331 Minimum Levels: Aquifers.

The minimum levels for the lower Tamiami aquifer, the Sandstone aquifer and the mid-Hawthorn aquifer shall equal the structural top of the aquifer. A violation of this criteria occurs when the water levels drop below the top of the upper most geologic strata that comprises the aquifer, at any point in time. Water level measurements that are made to monitor the conditions of the aquifers for the purpose of this rule, shall be located no closer than 50 feet from any existing pumping well.

Specific Authority 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History—New

PART IV: IMPLEMENTATION40E-8.421 Prevention and Recovery Strategies.

(1) At the time of adoption of this rule, the existing flow or level for certain specified water bodies is below, or within 20 years is projected to fall below, the applicable MFL. For this reason, Section 373.0361, F.S. requires regional water supply plans to contain recovery and prevention strategies, including water resource development and water supply development projects that are needed to achieve compliance with the MFLs during the planning period. The implementation of such projects will allow for the orderly replacement or enhancement of existing water sources with alternative supplies in order to provide sufficient water for all existing and projected reasonable-beneficial uses, consistent with Section 373.0421, F.S.

(a) MFLs and recovery and prevention strategies will be implemented in phases with consideration of the District's missions in managing water resources, including water supply, flood protection, environmental enhancement and water quality protection, as required by Section 373.016, F.S.

(b) MFLs are implemented to prevent significant harm to the water resources, and where applicable, the ecology, of the area due to further withdrawals (Sections 373.042 and 373.0421, F.S.). A consumptive use permitting program is implemented to prevent harm to the water resource (Section 373.219, F.S.). A water shortage program is implemented to prevent serious harm to the water resource (Sections 373.175 and 373.246, F.S.). Additionally, the protection of water resources will, in part, be achieved through the reservation of water for fish and wildlife or public health and safety (Section 373.223(3), F.S.). The conceptual model identifying the relationships between these water resource protection requirements is set forth in Figure I in this Part.

(c) The rules implementing water resource protection tools, including Chapters 40E-2, 40E-8, 40E-20, 40E-21, and 40E-22, F.A.C., identify the specific factors and conditions that will be applied and considered in implementing the conceptual model. Due to the extreme variations in water resource conditions, climatic conditions, hydrologic conditions, and economic considerations that will be faced when implementing these rules, it is critical to apply such criteria flexibly and to reserve for the governing board the ability to implement water resource protection and allocation programs considering all of the District's missions under Chapter 373, F.S., and to balance water supply, flood protection, resource protection and water quality protection needs. Implementation of the recovery and prevention strategies will be achieved in compliance with the assurances to consumptive users and to natural systems contained in the LEC Plan and the LWC Plan.

(d) The phasing and timetables for implementation of structural components in recovery and prevention strategies contained in approved regional water supply plans are found to meet the requirements in Section 373.0421(2), F.S., for the expeditious and practicable recovery of the MFLs.

(e) Upon completion of each phase of a recovery or prevention plan, as a requirement of the water resource development component in regional water supply plans, pursuant to Subsection 373.0361(2)(a), F.S., the District will certify the additional quantity, distribution and timing of delivery of water that is made available for the natural system and for consumptive use, from the construction and operation of such phase.

(f) In order to ensure that the actual and projected performance of prevention and recovery strategies approved in the regional waters supply plans is sufficient to meet water resource needs, including MFLs, and the existing and projected reasonable-beneficial uses, the District will implement a

process for updating recovery and prevention strategies on a periodic basis, based on new information and system performance. The performance of the recovery and prevention strategies in comparison to the performance projected in the regional water supply plans, will be assessed by the District for each recovery or prevention strategy phase. Based on the actual performance and new information obtained regarding the water resources, the District will review and revise, if necessary,

recovery and prevention strategies through the regional water supply plan update process every five years, or sooner, as required by Section 373.0361, F.S. At that time, the governing board will determine if rule modifications to the MFL or recovery and prevention strategies are necessary to continue to meet the requirements of Sections 373.042 and 373.0421, F.S.

Figure 1: Conceptual Relationship Among the Harm, Serious Harm and Significant Harm Standards

(2) The Everglades and the Caloosahatchee River

(a) As the effective date of this rule (month, year), the Everglades and Caloosahatchee River have experienced MFL violations. As a result, the LEC Plan and the LWC Plan contain approved recovery strategies, pursuant to Section 373.0421, F.S. Included in these recovery and prevention strategies is the CERP.

(b) MFLs for many areas within the Everglades and the Caloosahatchee River, served by the C&SF Project, will not be achieved immediately upon adoption of this rule largely because of the lack of adequate regional storage or ineffective water drainage and distribution infrastructure. Although not all locations within the Everglades are currently in violation of the proposed MFL, the Everglades, as a whole, is subject to a recovery strategy. The LEC Plan identifies the structural and non-structural remedies necessary for the recovery of MFL water bodies. These structural and non-structural remedies are also intended to restore the Everglades and the Caloosahatchee River above the MFLs, through programmatic authorities of the District. The projected long-term restoration of flows and levels in the Everglades resulting from implementation of the LEC Plan and the CERP is documented in the LEC Plan, and are intended to more closely approximate "pre-drainage" conditions. The planned components include implementing consumptive use and water shortage programs, removing

conveyance limitations, implementing revised C&SF Project operational programs, storing additional freshwater, reserving water for the protection of fish and wildlife, and developing alternative sources for water supply. These components will be implemented over the next 20 years, resulting in a phased restoration of the affected areas.

(c) The District, as the U.S. Army Corps of Engineers' local sponsor of the C&SF Project, is charged with implementing the CERP, in accordance with the Water Resources Development Act of 2000 (WRDA), Title VI entitled "Comprehensive Everglades Restoration," and in accordance with State law. Assurances regarding water availability for consumptive uses and protection of natural systems are set forth in WRDA, Chapter 373, CERP and the LEC Plan, which will be followed by the District in implementing this Chapter. Additional quantities of water for both consumptive uses and the natural systems made available from the CERP and other water resource development projects will be documented and protected on a project basis. For project components implemented under CERP, the additional quantity, distribution and timing of delivery of water that is made available for the natural system for consumptive use, will be identified consistent with purposes of the CERP. Under

State law, water reservations and water allocations to consumptive uses will be utilized to protect water availability for the intended purposes.

(3) Lake Okeechobee. The LEC Plan contains an approved prevention strategy for Lake Okeechobee pursuant to Section 373.0421, F.S. The prevention strategy consists of implementing the District's water shortage plan, including supply side management, as simulated in the LEC Plan, and constructing and operating water supply and resource development projects.

(4) Biscayne Aquifer. The LEC Plan contains an approved prevention strategy for the Biscayne Aquifer pursuant to Section 373.0421, F.S., which consists of the following:

(a) Maintain coastal canal stages at the minimum operation levels shown in Table J-2 of the LEC Plan;

(b) Apply conditions for permit issuance in Chapter 40E-2 or Chapter 40E-20, F.A.C., to prevent the harmful movement of saltwater intrusion up to a 1-in-10 year level of certainty;

(c) Maintain a ground water monitoring network and utilize data to initiate water shortage actions pursuant to Rule 40E-8.441, F.A.C. and Chapters 40E-21 and 40E-22, F.A.C.;

(d) Construct and operate water resource and water supply development projects; and,

(e) Conduct research in high risk areas to identify where the portions of the saltwater front is adjacent to existing and future potable water sources.

(5) Lower West Coast Aquifers. The LWC Plan identifies a prevention strategy for the LWC Aquifers, pursuant to Section 373.0421, F.S., as follows:

(a) Establish "no harm" maximum permissible levels for each aquifer (regulatory levels) for a 1-in-10 year level of certainty;

(b) Implement rule criteria to prevent harm through the consumptive use permitting process;

(c) Construct and operate water resource and supply development projects; and,

(d) Implement the water shortage plan in Chapter 40E-21, F.A.C., as needed to prevent serious harm during drought conditions in excess of a 1-in-10 year level of certainty.

Specific Authority 373.044, 373.0831, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History—New

#### 40E-8.431 Consumptive Use Permits.

(1) Consumptive use permit applications that propose to withdraw water directly or indirectly from a MFL water body, that meet the conditions for permit issuance in Part II of Chapter 373, F.S., (including implementing rules in this Chapter, Chapter 40E-2, the Water Use Basis of Review, and 40E-20, as applicable), and consistent with the approved recovery and prevention strategies under Section 373.0421,

F.S., will be permitted. Consumptive use permit applications will be reviewed based on the recovery and prevention strategy approved at the time of permit application review.

(2) An existing permit will not be subject to revocation or modification by the District, prior to permit expiration, based on its impact on a MFL water body, unless the District has determined in the regional water supply plan that the reasonable-beneficial use served by the existing permitted allocation can otherwise be met from new or alternative water sources available (in place and operational) concurrent with such revocation or modification.

(3) A permittee must comply with the requirements of Rules 40E-2.351, F.A.C., in order to obtain a permit transfer to a new permittee.

Specific Authority 373.044, 373.0831, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History—New

#### 40E-8.441 Water Shortage.

(1) Water shortage restrictions will be imposed as required by District rules, on the direct or indirect withdrawals from a MFL water body, if a MFL exceedance occurs or is projected to occur during climatic conditions more severe than a 1-in-10 year drought, to the extent consumptive uses contribute to such exceedance. Under these circumstances, the District will equitably distribute available supplies to prevent serious harm to the water resources, pursuant to Sections 373.175 and 373.246, F.S., and the District's Water Shortage Plan, Chapter 40E-21, F.A.C. The Water Shortage Plan utilizes a phased cutback approach with the severity of use restrictions increasing commensurate with increased potential for serious harm to the water resources.

(2) Water shortage restrictions will not be used in place of a component in an approved recovery plan to provide hydrologic benefits that are ultimately to be provided by such recovery strategy.

(3) MFL criteria will not be utilized to trigger water shortage restrictions during climatic conditions less severe than a 1 in 10 year level of drought.

(4) Water shortage restrictions will be implemented considering the factors in Chapter 40E-21, F.A.C., and this rule. In declaring a water shortage to protect a MFL water body, the governing board shall give consideration to:

(a) The level of drought;

(b) Whether the MFL criteria will be or is being exceeded due to direct or indirect withdrawals;

(c) The magnitude of the impact on the MFL water body, including water resource functions addressed by the MFL, from such withdrawals;

(d) The magnitude of the regional hydrologic improvements projected to be derived from the proposed cutbacks;



(e) Water management actions significantly contributing to the MFL exceedance; and

(f) The practicality of using other methods, such as deliveries of water from the regional system, to reduce MFL exceedances.

(5) The establishment and implementation of MFLs shall not limit the District's ability to impose water shortage restrictions pursuant to Sections 373.175 and 373.246, F.S., and the District's Water Shortage Plan, Chapter 40E-21, F.A.C., when water levels in a MFL water body are above an established MFL, nor shall it limit the District's ability to allow for the discharge or withdrawal of water from a MFL water body, when water levels are below an established MFL.

(6) Phase III water shortage restrictions may be imposed, consistent with the factors herein, when a MFL criteria exceedance or violation is imminent. Phase III or greater water shortage restrictions shall be implemented allowing for a shared adversity between continuing consumptive use and water resource needs.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Wm. Scott Burns, Director, Water Use Regulation Department  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000, October 20, 2000, November 27, 2000, February 2, 2001 and February 16, 2001

**WATER MANAGEMENT DISTRICTS**  
**South Florida Water Management District**

RULE TITLES:	RULE NOS.:
Policy and Purpose	40E-20.011
Notice of Intent	40E-20.112
Conditions for Issuance of Authorization	40E-20.302
Limiting Conditions	40E-20.381

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish criteria for conditions for permit issuance consistent with Rule 40E-8, F.A.C., regarding minimum flows and levels. The purpose is also to update references to the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – October 1997".

SUMMARY: Citations to the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – October 1997" are updated to reflect the current revision date of the Basis of Review. The "Conditions for Issuance of Authorization" section regarding

general permit authorization is changed to be consistent with Chapter 40E-8, F.A.C. addressing water use activities that directly withdraw water from an MFL water body.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Consumptive use permittees (including those owned or operated by local governments) in the Lower East Coast planning area, including the Lake Okeechobee Service area, and the Lower West Coast planning area, will be required to comply with rule criteria for permit renewals, new permits and permit modifications for allocations either directly or indirectly from MFL water bodies, depending upon the applicable recovery or prevention strategy for the subject MFL water body. Cost estimates for implementation of recovery and prevention strategies are laid out in the Lower East Coast Regional Water Supply Plan (May 2000) for the Everglades, Biscayne Aquifer, and Lake Okeechobee, and Caloosahatchee River and in the Lower West Coast Regional Water Supply Plan (April 2000) for the Caloosahatchee River and Lower West Coast Aquifer system. In general, the water management districts are primarily responsible for implementing "water resource development" as defined in Section 373.019(19), and consumptive users are primarily responsible for implementing "water supply development" options as defined in Section 373.019(21). Cost estimates for alternative sources identified in the regional water supply plans can be found in the description of "Water Supply Development Options". See pages 241-268 of the Lower East Coast Regional Supply Plan (May 2000) and pages 49-100 in the Lower West Coast Regional Water Supply Plan (April 2000). Cost estimates for implementation of "water resource development" projects are set forth in the Lower East Coast Regional Water Supply pages 272-328, and in the Lower West Coast Regional Water Supply Plan pages 105 to 140. In general, the MFL rules are designed to implement the "assurances" to existing water users approved by the Governing Board in the applicable regional water supply plans. The estimated Costs to the SFWMD for implementation of the MFL rules through regulatory programs are set forth in the chapters on "Recommendations" in the applicable regional water supply plan.

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: 373.044, 373.113 FS.  
LAW IMPLEMENTED: 373.042, 373.0421, 373.103, 373.118, 373.175, 373.246 FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE LISTED BELOW.

TIME AND DATE: 8:30 a.m., May 10, 2001  
PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: For technical issues contact Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison (internet: jjenniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680

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 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 FULL TEXT OF THE PROPOSED RULES IS:

40E-20.011 Policy and Purpose.

(1) No change.

(2) Water uses or withdrawals that meet the conditions for issuance of authorization for a general permit specified in Rule 40E-20.302 are presumed to meet the criteria in Section 373.223, Florida Statutes. Staff will recommend denial of general permit authorizations for water uses or withdrawals that do not meet the conditions for issuance of authorization. The District shall require an individual permit, or deny issuance of a general permit authorization, if the applicable conditions for issuance of authorization are insufficient to demonstrate that a particular proposed use or withdrawal meets the criteria in Section 373.223, Florida Statutes. Where applicable, criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_” incorporated by reference in Rule 40E-2.091, will be utilized to determine whether the conditions for issuance of authorization are satisfied.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.219 FS. History–New 9-3-81, Formerly 16K-2.032(4), 16K-3.031(4), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, \_\_\_\_\_.

40E-20.112 Notice of Intent.

Except in those circumstances detailed in subsection (4), prior to commencement of any use or withdrawal of water authorized in this chapter the permittee shall file with the District, a written Notice of Intent to Use Water, form number 0645, Surface Water Management Permit Applications and/or Water Use Permit Applications, in addition to any other applicable Notice of Intent forms specified in this section for a requested general permit authorization. Authorized uses or withdrawals, in existence prior to January 29, 1979, are not required to file a Notice of Intent. However, in order to

continue such use or withdrawal beyond January 29, 1999, the appropriate Notice of Intent must be filed in order to receive a general permit prior to that date.

(1) No change.

(a) through (i) No change.

(j) a statement that all applicable conditions in Rule 40E-20.381 and Section 5 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_” incorporated by reference in Rule 40E-2.091, will be met.

(2) No change.

(a) through (k) No change.

(l) a statement that all applicable conditions in Rule 40E-20.381 and Section 5 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_” incorporated by reference in Rule 40E-2.091, will be met.

(m) No change.

(3) No change.

(a) through (i) No change.

(j) a statement that all applicable conditions in Rule 40E-20.381 and Section 5 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_” incorporated by reference in Rule 40E-2.091, will be met.

(4) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.223, 373.229 FS. History–New 9-3-81, Formerly 16K-2.031(3), 16K-2.032(3), Amended 7-26-87, 11-21-89, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 7-2-98, \_\_\_\_\_.

40E-20.302 Conditions for Issuance of Authorization.

To receive a general permit authorization, a person must provide reasonable assurances that the conditions for issuance of authorization are met. Applicable criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_” incorporated by reference in Rule 40E-2.091(1), shall be utilized by District Staff in determining whether applicable conditions for issuance of authorization will be met.

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

(c) Water use activities that directly withdraw water from a MFL water body that is subject to a recovery strategy shall not qualify for a general permit.

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

(d) Water use activities that directly withdraw water from a MFL water body that is subject to a recovery strategy shall not qualify for a general permit.

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

(c) Water use activities that directly withdraw water from a MFL water body that is subject to a recovery strategy shall not qualify for a general permit.

(4) Persons who use or withdraw water in conjunction with short-term dewatering operations or aquifer performance tests (APT) are authorized to do so provided the permittee provides reasonable assurances that the applicable conditions of subparagraph 40E-20.381 and Section 5 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_" incorporated by reference in subsection 40E-2.091(1), will be satisfied and provided the permittee satisfies all conditions below.

(a) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History—New 9-3-81, Amended 12-1-82, Formerly, 16K-2.031(1), 16K-2.032(1)(b), Amended 2-24-85, 3-29-87, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, \_\_\_\_\_.

**40E-20.381 Limiting Conditions.**

(1) The Board shall impose on any permit granted under this chapter such reasonable standard and special conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_" incorporated by reference in subsection 40E-2.091(1) shall be in the permit. Special permit conditions, including those specified in Section 5.2 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – October 1997" shall be in the permit.

(2) No change.

Specific Authority 373.044, 373.113, 373.118, FS. Law Implemented 373.042, 373.0421, 373.118, 373.219, 373.223 FS. History—New 9-3-81, Formerly, 16K-2.031(2), 16K-2.032(2), Amended 2-24-85, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wm. Scott Burns, Director, Water Use Regulation Department  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000, October 20, 2000, November 27, 2000, February 2, 2001 and February 16, 2001

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	40E-21.051
Evaluating Water Conditions	40E-21.221
Declaring a Water Shortage	40E-21.231

General Water Use Restrictions	40E-21.271
Phase I Severe Water Shortage	40E-21.521
Phase II Severe Water Shortage	40E-21.531
Phase III Extreme Water Shortage	40E-21.541

**PURPOSE AND EFFECT:** This rule implements MFL proposed for the Everglades, the Caloosahatchee River, Lake Okeechobee, the Biscayne Aquifer, and the Lower West Coast Aquifers through the water shortage plan.

**SUMMARY:** Water condition evaluations, water shortage restrictions, and declarations are modified to incorporate chapter 40E-8, F.A.C. provisions and specific phase cutbacks for uses in the Lake Okeechobee Service Area are included.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** Consumptive use permittees (including those owned or operated by local governments) in the Lower East Coast planning area, including the Lake Okeechobee Service area, and the Lower West Coast planning area, will be required to comply with rule criteria for permit renewals, new permits and permit modifications for allocations either directly or indirectly from MFL water bodies, depending upon the applicable recovery or prevention strategy for the subject MFL water body. Cost estimates for implementation of recovery and prevention strategies are laid out in the Lower East Coast Regional Water Supply Plan (May 2000) for the Everglades, Biscayne Aquifer, and Lake Okeechobee, and Caloosahatchee River) and in the Lower West Coast Regional Water Supply Plan (April 2000) for the Caloosahatchee River and Lower West Coast Aquifer system. In general, the water management districts are primarily responsible for implementing "water resource development" as defined in Section 373.019(19), and consumptive users are primarily responsible for implementing "water supply development" options as defined in Section 373.019(21). Cost estimates for alternative sources identified in the regional water supply plans can be found in the description of "Water Supply Development Options". See pages 241-268 of the Lower East Coast Regional Supply Plan (May 2000) and pages 49-100 in the Lower West Coast Regional Water Supply Plan (April 2000). Cost estimates for implementation of "water resource development" projects are set forth in the Lower East Coast Regional Water Supply pages 272-328, and in the Lower West Coast Regional Water Supply Plan pages 105 to 140. In general, the MFL rules are designed to implement the "assurances" to existing water users approved by the Governing Board in the applicable regional water supply plans. The estimated Costs to the SFWMD for implementation of the MFL rules through regulatory programs are set forth in the chapters on "Recommendations" in the applicable regional water supply plan.

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: 373.044, 373.113 FS.  
 LAW IMPLEMENTED: 373.042, 373.0421, 373.103, 373.118, 373.175, 373.246 FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE LISTED BELOW.

TIME AND DATE: 8:30 a.m., May 10, 2001

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: For technical issues contact Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison (internet: jjenniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680

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 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 FULL TEXT OF THE PROPOSED RULES IS:

40E-21.051 Definitions.

The terms set forth herein shall have the meanings ascribed to them, unless the context clearly indicates otherwise, and such meanings shall apply throughout the rules contained in this Chapter. The definitions set forth in Rule 40E-8.021, F.A.C., shall be incorporated by reference into this Rule.

(1) through (24) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History--New 5-31-82, Amended 1-26-86, 2-14-91, \_\_\_\_\_.

40E-21.221 Evaluating Water Conditions.

(1) through (2) No change.

(3) Current data shall be compared to historical data to determine whether estimated present and anticipated available water supply within any source class will be insufficient to meet the estimated present and anticipated demands of the users from the source class, or whether serious harm to the water resources can be expected. It shall be the policy of the District to seek the cooperation and assistance of state, county and municipal government officials in developing the historic and technical data used to periodically evaluate water conditions.

(a) through (c) No change.

(d) Evaluations under this rule shall consider established minimum flows and levels and associated rules regarding implementation of water shortage provisions contained in Chapters 40E-8 and 40E-22. Minimum flows and levels shall be implemented allowing for a shared adversity between consumptive uses and water resources, consistent with this Chapter, and Chapters 40E-8 and 40E-22.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History--New 5-31-82, Amended 1-26-86, \_\_\_\_\_.

40E-21.231 Declaring a Water Shortage.

(1) If in the opinion of the District there is a possibility that insufficient water will be available within a source class to meet the estimated present and anticipated user demands from that source, or to protect the water resource from serious harm, as determined by evaluating the factors in Rule 40E-21.221, the Board may declare a water shortage for the affected source class. When the affected source extends beyond the District's boundaries, the District shall coordinate water shortage declarations with the appropriate water management districts to the extent practicable.

(2) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History--New 5-31-82, Amended 1-26-86, \_\_\_\_\_.

40E-21.271 General Water Use Restrictions.

(1) through (2) No change.

(3) Additional restrictions which may be considered include:

(a) through (c) No change.

(d) provisions designed to implement minimum flows and levels through water shortage rules in this Chapter, and Chapters 40E-8 and 40E-22.

(e) through (j) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History--New 5-31-82, Amended 1-26-86, \_\_\_\_\_.

40E-21.521 Phase I Severe Water Shortage.

The following restrictions shall apply when a Phase II water shortage is declared by the District:

(1) Essential/Domestic/Utility/Commercial: No change.

(2) Agriculture.

(a)1. through 5. No change.

6. Withdrawals by each permitted user within the Lake Okeechobee Agricultural Service Area as described in Rule 40E-21.691(3), shall be limited to an amount that represents each user's share of the total allocation for agricultural irrigation made by the District from Lake Okeechobee (Lake) for that month and in that basin. The District's allocation determination for agricultural irrigation within the Lake Okeechobee Agricultural Service Area will be based on its evaluation of the supply capabilities of the source class, the

supply capabilities of other source classes available in the area, the needs of agriculture and other users in the area and the District's overall management strategy for handling the uncertainties of future climatological events. The share of the total agricultural irrigation allocation available to each user will be based on any prioritization among crops the District establishes based on irrigation efficiency, economic loss and equity considerations, and the acreage and quantity of withdrawals for which the user has been permitted. The District's allocation determination for agricultural irrigation within the Lake Okeechobee Agricultural Service Area will be based on the supply capacity of Lake Okeechobee assuming a June 1st lake stage of 10.5 feet NGVD.

- (b) through (e) No change.
- (3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History--New 5-31-82, Amended 1-26-86, 2-14-91,\_\_\_\_\_.

40E-21.531 Phase II Severe Water Shortage.

The following restrictions shall apply when a Phase II water shortage is declared by the District:

- (1) Essential/Domestic/Utility/Commercial: No change.
- (2) Agriculture.
- (a)1. through 5. No change.

6. Withdrawals by each permitted user within the Lake Okeechobee Agricultural Service Area as described in Rule 40E-21.691(3), shall be limited to an amount that represents each user's share of the total allocation for agricultural irrigation made by the District from Lake Okeechobee (Lake) for that month and in that basin. The District's allocation determination for agricultural irrigation within the Lake Okeechobee Agricultural Service Area will be based on its evaluation of the supply capabilities of the source class, the supply capabilities of other source classes available in the area, the needs of agriculture and other users in the area and the District's overall management strategy for handling the uncertainties of future climatological events. The share of the total agricultural irrigation allocation available to each user will be based on any prioritization among crops the District establishes based on irrigation efficiency, economic loss and equity considerations, and the acreage and quantity of withdrawals for which the user has been permitted. The District's allocation determination for agricultural irrigation within the Lake Okeechobee Agricultural Service Area will be based on the supply capacity of Lake Okeechobee assuming a June 1st lake stage of 10.5 feet NGVD.

- (b) through (e) No change.
- (3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History--New 5-31-82, Amended 1-26-86, 2-14-91,\_\_\_\_\_.

40E-21.541 Phase III Extreme Water Shortage.

The following restrictions shall apply when a Phase III shortage is declared by the District.

- (1) No change.
- (2)(a)1. through 4. No change.

5. Withdrawals by each user from each source class in each month shall be limited to an amount that represents each user's share of the total allocation for agricultural irrigation made by the District from that source for that month and in that basin. The District's allocation determination for agricultural irrigation will be based on its evaluation of the supply capabilities of the source class, the supply capabilities of other source classes available in the area, the needs of agriculture and all other users in the area and the District's overall management strategy for handling the uncertainties of future climatological events. The share of the total agricultural irrigation allocation available to each user will be based on any prioritization among crops the District established based on irrigation efficiency, economic loss and equity considerations and the acreage and quantity of withdrawals for which the user has been permitted. The District's allocation determination for agricultural irrigation within the Lake Okeechobee Agricultural Service Area, as described in Rule 40E-21.691(3), will be based on the supply capacity of Lake Okeechobee as defined by the establishment of a temporary revised reference elevation.

- (a) The short and long term harm to the water resources and economy associated with further reduction in Lake stage;
- (b) The harm to the crops, and associated economic impacts, projected to result from the reduction or elimination of water supply; and
- (c) The projected drought duration.

The day to day operational decisions associated with implementing the temporary revised reference elevation shall be delegated to staff in the Phase III water shortage order. The governing board will be updated on a monthly basis at a governing board or other public meeting of any changes to the temporary revised reference elevation.

- 6. No change.
- (b) through (e) No change.
- (3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History--New 5-31-82, Amended 1-26-86, 2-14-91,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Wm. Scott Burns, Director, Water Use Regulation Department  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Governing Board of the South  
 Florida Water Management District  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: March 15, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: July 28, 2000, October 20, 2000,  
 November 27, 2000, February 2, 2001 and February 16, 2001

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLES:	RULE NOS.:
Policy and Purpose	40E-22.312
Lake Okeechobee Agricultural Area Boundary	40E-22.322
Water Shortage Triggers	40E-22.332

PURPOSE AND EFFECT: The purpose and effect of the rule development is to create a regional water shortage plan for Lake Okeechobee consistent with Chapter 40E-8, F.A.C. requirements.

SUMMARY: A regional water shortage plan is established for Lake Okeechobee consistent with Chapter 40E-8, F.A.C. Water levels within Lake Okeechobee that will be considered by the Governing Board in declaring a water shortage pursuant to Rule 40E-21.231, F.A.C. are identified. The rules in this section apply to the withdrawal of surface water from Lake Okeechobee and its connected canal system.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Consumptive use permittees (including those owned or operated by local governments) in the Lower East Coast planning area, including the Lake Okeechobee Service area, and the Lower West Coast planning area, will be required to comply with rule criteria for permit renewals, new permits and permit modifications for allocations either directly or indirectly from MFL water bodies, depending upon the applicable recovery or prevention strategy for the subject MFL water body. Cost estimates for implementation of recovery and prevention strategies are laid out in the Lower East Coast Regional Water Supply Plan (May 2000) for the Everglades, Biscayne Aquifer, and Lake Okeechobee, and Caloosahatchee River and in the Lower West Coast Regional Water Supply Plan (April 2000) for the Caloosahatchee River

and Lower West Coast Aquifer system. In general, the water management districts are primarily responsible for implementing "water resource development" as defined in Section 373.019(19), and consumptive users are primarily responsible for implementing "water supply development" options as defined in Section 373.019(21). Cost estimates for alternative sources identified in the regional water supply plans can be found in the description of "Water Supply Development Options". See pages 241-268 of the Lower East Coast Regional Supply Plan (May 2000) and pages 49-100 in the Lower West Coast Regional Water Supply Plan (April 2000). Cost estimates for implementation of "water resource development" projects are set forth in the Lower East Coast Regional Water Supply pages 272-328, and in the Lower West Coast Regional Water Supply Plan pages 105 to 140. In general, the MFL rules are designed to implement the "assurances" to existing water users approved by the Governing Board in the applicable regional water supply plans. The estimated Costs to the SFWMD for implementation of the MFL rules through regulatory programs are set forth in the chapters on "Recommendations" in the applicable regional water supply plan.

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: 373.042, 373.0421, 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.086, 373.103(4), 373.175, 373.246 FS.

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

TIME AND DATE: 8:30 a.m., May 10, 2001

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: For technical issues contact Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison (internet: jjenniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680

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 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 FULL TEXT OF THE PROPOSED RULES IS:

40E-22.312 Policy and Purpose.

This section identifies water levels within Lake Okeechobee that will be considered by the Governing Board in declaring a water shortage pursuant to Rule 40E-21.231, F.A.C. The rules in this section apply to the withdrawal of surface water from Lake Okeechobee and its connected canal system as depicted on Figure 22-4.

Specific Authority 373.042, 373.0421, 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.086, 373.103(4), 373.175, 373.246 FS. History—New \_\_\_\_\_.

40E-22.322 Lake Okeechobee Agricultural Area Boundary.

The boundaries that constitute the Lake Okeechobee Agricultural Area are described in Rule 40E-21.691(3), F.A.C.

Specific Authority 373.042, 373.0421, 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.086, 373.103(4), 373.175, 373.246 FS. History—New \_\_\_\_\_.

40E-22.332 Water Shortage Triggers.

(1) Water shortage trigger levels for Lake Okeechobee are shown on Figure 22-4. When water levels within Lake Okeechobee fall below these trigger levels, the governing board may impose water shortage restrictions pursuant to Rule 40E-21.231, Rule 40E-8.441, and this Part. In considering declaring a water shortage, the governing board shall consider other factors evaluated in this Part and Rule 40E-21.221, F.A.C. along with these trigger levels.

(2)(a) When water levels within Lake Okeechobee fall within Zone "A" depicted on Figure 22-4, a Phase I water shortage may be declared within the service area, pursuant to Rule 40E-21.521, F.A.C.

(b) When water levels within Lake Okeechobee fall within "Zone A" area depicted on Figure 22-4, and can be expected to reach a June 1st lake stage of 10.5 feet NGVD, a Phase II water shortage may be declared within the service area pursuant to Rule 40E-21.531, F.A.C.

(c) When water levels within Lake Okeechobee fall below, or can be expected to fall below the June 1st lake stage of 10.5 feet NGVD, a Phase III or greater water shortage may be declared within the service area pursuant to Rule 40E-21.541, F.A.C.

Specific Authority 373.042, 373.0421, 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.086, 373.103(4), 373.175, 373.246 FS. History—New \_\_\_\_\_.

Fig 22-4. Water Shortage Trigger Levels for Lake Okeechobee.

INSERT MAP



NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Wm. Scott Burns, Director, Water Use Regulation Department  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Governing Board of the South  
 Florida Water Management District  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: March 15, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: July 28, 2000, October 20, 2000,  
 November 27, 2000, February 2, 2001 and February 16, 2001

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Health Quality Assurance**

RULE TITLES:	RULE NOS.:
Definitions	59A-4.200
Gold Seal Award	59A-4.201
Quality of Care	59A-4.202
Financial Requirements	59A-4.203
Turnover Ratio	59A-4.204
The State Long Term Care Ombudsman Council Review	59A-4.205
Termination and Frequency of Review	59A-4.206

PURPOSE AND EFFECT: The Agency proposes to establish a rule consistent with provisions of s. 400.235(9), Florida Statutes, which became effective June 21, 2000. The legislation provides for development of rules regarding specific criteria involving the quality of care, turnover ratio, and substantiated findings by the State Long Term Care Ombudsman Council that relates to the Gold Seal Award.

SUMMARY: Specific criteria for the Gold Seal Award.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 400.235 FS.  
 LAW IMPLEMENTED: 400.235(9) FS.

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

TIME AND DATE: 10:00 a.m., April 23, 2001  
 PLACE: Health Central Park of Winter Garden, 411 North Dillard Street, Winter Garden, FL 34787

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Richard Kelly, Agency for Health Care Administration, Long-Term Care Unit, 2727 Mahan Drive, Suite 228, Tallahassee, Florida 32308 or call (850)488-5861

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-4.200 Definitions.

(1) Department means the Agency for Health Care Administration.

(2) Panel means the Panel on Excellence in Long Term Care.

(3) Parent company means an entity that owns, leases, or through any other device controls a group of two or more health care facilities or at least one health care facility and any other business. A related party management company is considered to be a parent company.

(4) Region means a geographical area of the state of Florida defined by a list of counties reflected by the department's 11 area offices. The regions are defined in the AHCA Gold Seal Scoring and Ranking Algorithm dated August 2000, which is incorporated by reference.

(5) Selected tags means a set of deficiency citations to reflect quality of care in nursing homes. The selected tags are listed in the AHCA Gold Seal Scoring and Ranking Algorithm dated August 2000, which is incorporated by reference.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History--  
 New\_\_\_\_\_.

59A-4.201 Gold Seal Award.

In order to be considered for nomination for a Gold Seal Award, a nursing home licensee must submit to the department's Long Term Care Unit:

(1) A letter of nomination from the department, a nursing facility industry organization, a consumer, the State Long-Term Care Ombudsman Council, or a member of the community;

(2) A completed Application for Gold Seal Award (September 2000) which is incorporated by reference;

(3) The financial documentation required by Rule 59A-4.203; and

(4) The stable workforce documentation required by Rule 59A-4.204.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History--  
 New\_\_\_\_\_.

59A-4.202 Quality of Care.

(1) The department shall determine how a Gold Seal nominated facility ranks relative to other facilities in the same region in the quality of care provided to residents.

(2) The department shall consider selected tags, which reflect quality of care, and shall also consider the severity and scope of the selected tags.

(a) For federally certified facilities, the selected tags are a subset of all possible deficiencies.

(b) For facilities that are not federally certified the text of all deficiencies shall be read to determine which if any of the cited deficiencies are equivalent to any of the selected tags.

(3) The department shall consider all such selected tags received by the facility in all surveys conducted over the most recently available 30-month period prior to the date of the Panel meeting. The date of each Panel meeting shall be published in the Florida Administrative Weekly. The most recently available 30-month period shall be defined as the period that ends on the last workday of the most recent calendar quarter prior to the relevant Panel meeting. For federally certified facilities, the above computations will reflect any changes resulting from the Informal Dispute Resolution process; in as much as the federal Health Care Financing Administration concurs, changes resulting from administrative or appellate proceedings will also be reflected, only if available at the time of the Gold Seal application.

(4) The department shall compute a score (hereafter referred to as the quality of care score), based on the selected tags, for all facilities in the applicant's region.

(5) The department shall score and rank facilities in accordance with the Gold Seal Scoring and Ranking Algorithm, dated August 2000, incorporated by reference herein.

(6) The facilities shall be ranked based on this quality of care score. The resulting rank will hereafter be referred to as the quality of care rank.

(7) To be considered further for a Gold Seal Award, the facility's quality of care rank must be in the top 25% of facilities in the applicant's region.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History—New \_\_\_\_\_.

#### 59A-4.203 Financial Requirements.

To be eligible for a Gold Seal designation, a facility must have been in operation for a minimum of 30 months prior to the date of application and must provide evidence of financial soundness and stability. To demonstrate 30 months of financial soundness and stability prior to the date of the application:

(1) Facilities shall submit certified public accountant (CPA) audited financial statements prepared in accordance with Generally Accepted Accounting Principles (GAAP) for the three consecutive years immediately preceding the date of application, including, but not limited to: a balance sheet, income statement and statement of cash flows and all relevant footnotes. CPA-reviewed financial statements may be submitted for facilities not associated with a parent company only if audited financial statements are not available. The CPA reviewed statements shall include all relevant footnotes. If CPA reviewed financial statements are provided, a statement of negative assurance must be provided by the CPA stating that there are no going concern issues. Each facility that is affiliated with a parent company must submit audited GAAP prepared financial statements regarding the individual recommended

facility and audited consolidated GAAP prepared financial statements regarding the facility's parent company. Each facility and parent company, where applicable, shall also submit a one-year set of pro-forma financial statements, including balance sheet, income statement and statement of cash flows. For a facility that is audited as part of a consolidated entity, the facility can satisfy the audit requirement by submitting the three most recent consecutive years of CPA audited consolidated financial statements if the statements break out the balance sheet, income statement, and statement of cash flows of the individual facility.

(2) Each facility and parent company must meet at least two of the three following financial soundness and stability thresholds listed below for at least two of three years of the statements, to include the most recent year submitted and the pro-forma statements. Otherwise, its facilities cannot be recommended for the Gold Seal Award except as described in (c) below.

(a) A positive current ratio of at least one (1). The current ratio is determined by dividing current liabilities into current assets. Current assets are those held for conversion within a year or less, such as cash, temporary investments, receivables, inventory, and prepaid expenses. Current liabilities are short-term debts and unearned revenues to be paid out of current assets within a year or less.

(b) A positive tangible net worth as determined by the balance sheet. This shall be determined as equity (total assets less total liabilities) net of intangible assets. An intangible asset is a capital asset having no physical existence, its value being dependent on the rights that possession confers upon the owner. Examples include goodwill and trademarks.

(c) A times interest earned ratio of at least 1.15 or 115 percent. This shall be determined by dividing interest expense into net income before deducting such interest and income tax. Net income is defined as revenues (receipts or earnings) less expenses (costs).

(3) If a facility or parent company can meet only one of the three financial ratios in (b) above for one of the two required years, the facility may be recommended for a Gold Seal Award only if the most recent CPA prepared financial statements provided for the facility and parent company, if applicable, are for a period ending within six months of the date of the application and these financial statements meet all three of the financial criteria set forth in (b) above.

(4) Neither the facility nor its parent company shall have been the subject of bankruptcy proceedings during the period beginning 30 months prior to the date of the application and ending on the date of the award of the Gold Seal.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History—New \_\_\_\_\_.

#### 59A-4.204 Turnover Ratio.

(1) An applicant for Gold Seal Award must meet at least one of the following to demonstrate a stable workforce:

(a) Have a turnover rate no greater than 85 percent for the most recent 12 month period ending on the last workday of the most recent calendar quarter prior to submission of an application. The turnover rate will be computed quarterly with the annual rate being the cumulative sum of the quarterly rates. The formula to determine the quarterly turnover rate will be the total number of separations experienced during the quarter divided by the total number of staff employed at the end of the period for which the rate is computed and expressed as a percent, or stated as:

$$\text{Quarterly Turnover Rate} = \frac{\text{\# of Separations}}{\text{\# Employees at End of Period}}$$

The turnover rate will include: certified nursing assistants, licensed nurses (registered nurses and licensed practical nurses), director of nursing and administrator, or

(b) Have a stability rate indicating that at least 50 percent of its staff have been employed at the facility for at least one year. This rate determines the percentage of staff that did not turnover. The stability rate will be calculated by dividing the number of employees that have been employed over 12 months by the total number of employees at the end of the 12-month period and expressed as a percent or stated as:

$$\text{Stability Rate} = \frac{\text{\# of Employees Employed in Excess of 12 months}}{\text{Total \# of Employees}}$$

The stability rate will include: certified nursing assistants, licensed nurses (registered nurses and licensed practical nurses), director of nursing and administrator.

(2) Each applicant for Gold Seal Award must submit evidence of an effective recruitment and retention program.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History--New \_\_\_\_\_.

59A-4.205 The State Long Term Care Ombudsman Council Review.

The State Long Term Care Ombudsman Council shall provide a profile of substantiated ombudsman program complaints against facilities applying for the Gold Seal award. Upon request, the State Long Term Care Ombudsman Council shall provide the findings of ombudsman program administrative inspections of facilities applying for the Gold Seal Award. One violation of the patients' rights tags, such as neglect or abuse, shall eliminate a facility from contention. The Panel on Excellence in Long Term Care shall make the final determination regarding whether the facility demonstrated an outstanding history in regard to substantiated Ombudsman complaints.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History--New \_\_\_\_\_.

59A-4.206 Termination and Frequency of Review.

(1) The occurrence of any one of the following events shall disqualify a nursing facility from continuing as a Gold Seal facility:

(a) The filing of a petition by or against the owner or its parent company under the Bankruptcy Code;

(b) Failure to participate in the required consumer satisfaction survey as prescribed by the department;

(c) The issuance of a Class I or Class II deficiency or the assignment of a conditional license.

(2) For federally certified facilities, if the disqualifying event is the issuance of a citation for a Class I or Class II deficiency or the assignment of a conditional license status, the Gold Seal Award shall be withdrawn only after the results of the federal Informal Dispute Resolution (IDR) process are considered, if an IDR is requested.

(3) The termination or correction of a disqualifying event does not cause the Gold Seal to be reinstated. The facility shall resubmit a complete application package and must meet all the conditions necessary to be awarded a Gold Seal.

(4) If a facility receives a Class I or Class II deficiency or is assigned a conditional license status while it is being considered for a Gold Seal Award by the panel, the application will be denied.

(5) Frequency of Review. A Gold Seal facility shall submit a complete renewal application every two years. The renewal application must be received by the department six months prior to the two-year anniversary of the Gold Seal designation.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard F. Kelly, Health Services and Facilities Consultant,  
Managed Care and Health Quality

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 2001

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Health Quality Assurance**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Minimum Standards for Home Health Agencies	59A-8
RULE TITLES:	RULE NOS.:
Definitions	59A-8.002
Telephone Reporting	59A-8.0025
Licensure Requirements	59A-8.003
Licensure Procedures	59A-8.004
Geographic Service Area	59A-8.007
Scope of Services	59A-8.008
Denial, Suspension, Revocation of License and Imposition of Fines	59A-8.0086
Personnel	59A-8.0095

Personnel Policies	59A-8.0185
Acceptance of Patients or Clients	59A-8.020
Plan of Care	59A-8.0215
Services Provision Plan	59A-8.0218
Clinical Records	59A-8.022
Administration of Drugs and Biologicals	59A-8.024
Emergency Management Plans	59A-8.027

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule, including rule reduction, language clarification, and minor changes to conform to changes in the Florida Statute.

SUMMARY: Due to changes in the Florida Statutes the proposed rule amendment includes rule reductions through deletion of entries related to the service provision plan, abuse registry, contracts, employment history, frequency of supervisory visits, and storage of records. The Service Provision Plan section is deleted entirely because it was deleted from the Florida Statutes. The Administration of Drugs and Biologicals section is deleted because the Agency for Health Care Administration no longer has rule writing authority in this area. Language is added or changed in such areas as emergency management, assessment of costs related to investigations, and home health aide competency test, among others.

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: 400.461-.497, 400.512-.518 FS.

LAW IMPLEMENTED: 400.461-.497, 400.512-.518 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, April 24, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anne Menard, Agency for Health Care Administration, Home Care Unit, 2727 Mahan Drive, Bldg. 1, Room 207, Tallahassee, FL 32308, (850)414-6010

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-8.002 Definitions.

(1) through (5) No change.

(6) "Change of ownership" means when a home health agency is purchased by a new corporation or partnership from the entity which currently holds the home health agency license. A one hundred percent stock purchase of the current corporate or partnership owner, or a change in the principals

principles in the existing corporation or partnership, does not constitute a change of ownership, if that corporation or partnership continues to be the owner of the home health agency. If a person or persons own the home health agency, rather than a corporation or partnership, a change of ownership takes place when those individual(s) sell the home health agency to other individual(s), or when the form of ownership changes from individual ownership to a business entity.

(7) through (10) No change.

(11) "Drop-off site" means any location in any county within the geographic service area of the main office, pursuant to Rule 59A-8.003(8)(7).

(12) "Emergency Management Plan" means a comprehensive plan developed by the home health agency describing how the agency will prepare for and respond in an emergency, pursuant to Rule 59A-8.027.

(12) through (14) renumbered (13) through (15) No change.

(16)(15) "Financial instability," pursuant to s. 400.126(1)(d), F.S., means the home health agency cannot meet its financial obligation. Evidence such as the issuance of bad checks or an accumulation of delinquent bills shall constitute prima facie evidence that the ownership of the home health agency lacks the financial ability to operate. Evidence also includes the Medicare or Medicaid program's indications or determination of financial instability or fraudulent handling of government funds by the home health agency.

(16) through (29) renumbered (17) through (30) No change.

(31)(30) "Providing one service directly" means the agency must provide one service, in part, all of the service will be provided by direct employees except when an employee is documented to be on leave, for a period of not more than 6 months, and a temporary contracted staff person provides the services during the employee's absence.

(31) through (32) renumbered (32) through (33) No change.

(34)(33) "Satellite office" means a secondary office established in the same county as the main office, pursuant to Rule 59A-8.003(7)(6).

(34) "Service provision plan" means a plan to provide services which exclude nursing, therapy or dietitians/nutritionists, and which do not require a physician's treatment orders.

(35) No change.

(36) "Special needs patients," pursuant to s. 252.355, F.S., means those persons who have physical or mental conditions that require limited medical and nursing oversight during emergency evacuations. They are medically dependent individuals who are not acutely ill.

(37) “Special needs registry,” pursuant to s. 252.355, F.S., means a registry maintained by the local emergency management agency of persons who need assistance during evacuations and sheltering because of physical or mental handicaps.

(36) through (37) renumbered (38) through (39) No change.

Specific Authority 400.497 FS. Law Implemented 400.462, 400.487 FS. History—New 4-19-76, Formerly 10D-68.02, Amended 4-30-86, 8-10-88, 5-30-90, 5-27-92, Formerly 10D-68.002, Amended 10-27-94, 1-17-00, \_\_\_\_\_.

#### 59A-8.0025 Telephone Reporting.

The Agency for Health Care Administration shall notify home health agencies 90 days prior to a change in the statewide toll free telephone number for the Department of Children and Family Services central abuse hotline registry. While employees are no longer required to complete abuse registry screening, the abuse hotline is still operational for reporting suspected abuse, neglect or exploitation. Home health agencies are required to notify patients of the abuse hotline toll free telephone number.

Specific Authority 400.497 FS. Law Implemented 400.497 FS. History—New 5-30-90, Formerly 10D-68.0025, Amended 10-27-94, 1-17-00, \_\_\_\_\_.

#### 59A-8.003 Licensure Requirements.

(1) The issuance of an initial license shall be based upon compliance with Chapter 400, Part IV, F.S., and this rule as evidenced by a signed and notarized, complete and accurate home health agency application, as referenced in Rule 59A-8.004(1) form number AHCA 3110-1001, January, 2000, incorporated by reference, and the results of a survey conducted by the AHCA.

(2) An application for renewal of license must be submitted to AHCA at least 90 days prior to the date of expiration of the license, pursuant to s. 400.471(6), F.S. It is the responsibility of the home health agency to submit an application within the specified time frames whether or not they receive separate notification from AHCA of the impending expiration of the license. Home health agencies that apply for renewal of their licenses will be surveyed on a variable survey cycle, pursuant to s. 400.484, F.S., based on the extent of compliance on previous surveys with these rules and state laws. After two consecutive full surveys, home health agencies that had no class I, class II, or class III deficiencies, as defined in s. 400.484(2)(a)-(c), F.S., as a result of the surveys or a complaint survey, will be surveyed on an unannounced basis no later than every 36 months. Home health agencies that had no class I or class II deficiencies as defined in s. 400.484(2)(a) and (b), F.S., as a result of the previous survey or a complaint survey will be surveyed on an unannounced basis no later than a range of 12 18 to 36 24 months. Home health agencies that had a change of ownership since the previous survey, a complaint survey or other survey with a class I or class II deficiency citation, as defined in s.

400.484(2)(a)-(b)(e), F.S., will receive an unannounced survey no later than every 12 months. Area offices may do follow up surveys to check on correction of deficiencies at any time on an unannounced basis, prior to the next full survey cycle. An exit conference will be conducted to report the findings and to receive additional information or clarification concerning the survey.

(3) No change.

(a) No change.

(b) It is the responsibility of the home health agency to request exemption from state licensure surveys deemed status by writing to the AHCA Home Care Unit, submitting and showing documentation of accreditation by an approved accrediting organization and the most recent survey from the accrediting organization. In all situations the accredited home health agency must have documentation that the deemed status survey was conducted by the appropriate organization.

(c) Home health agencies requesting deemed status must submit the annual licensure renewal application packet and required fees, along with the accrediting organization's survey report. The AHCA Home Care Unit will submit the survey report to the AHCA area office for review the request and approve or deny the request, notifying the appropriate AHCA field office determination as to whether the home health agency is in substantial compliance with state licensure requirements.

(d) The AHCA area office will notify the home health agency of the determination of compliance or non-compliance with state licensure standards. For home health agencies not in compliance the area office may survey the home health agency or may prepare a statement of deficiencies based on a review of the accrediting organization's report.

(e) Home health agencies not in compliance with licensure standards must submit a plan of correction to the AHCA area office within 10 calendar days of receipt of the statement of deficiencies. AHCA will review the Plan of Correction for approval or denial.

(d)(f) Home health agencies that receive an exemption in compliance will not be subject to an inspection by AHCA except under the following circumstances:

1. through 2. No change.

(4) No change.

(5) In addition to any other penalties imposed pursuant to this Rule, the agency may assess costs related to an investigation that results in a successful prosecution, pursuant to s. 400.484(3), F.S. The prosecution can be resolved by stipulation settlement or final hearing. The following costs may apply: travel costs related to the investigation; investigative time by AHCA's surveyor or surveyors including travel time; processing time by AHCA's professional staff and administrative support staff of Field Operations, and processing time for administrative support staff and professional staff of the AHCA Home Care Unit in

Tallahassee. The costs related to AHCA's professional staff and support staff will be determined according to the hourly rate of pay for those positions.

~~(6)(5)~~ An application package for a change of ownership shall be made on a form prescribed by AHCA, as referenced in Rule 59A-8.004(1) Application for Home Health Agency License, AHCA 3110-1001, Revised January, 2000.

(a) The buyer or lessee must make application to AHCA ~~the agency~~ for a new license at least 60 days before the date of the transfer of ownership as required by s. 400.471(7), F.S.

(b) through (c) No change.

(6) through (9) renumbered (7) through (10) No change.

(a) through (d) No change.

(e) Failure to be available or to respond, as defined in subsections (a) through (c) above Rule 59A-8.003(9)(a), (b) and (e), will result in a \$500 fine, pursuant to s. 400.474(1), F.S. A second incident will be grounds for denial or revocation of the agency license.

~~(11)(10)~~ No change.

Specific Authority 400.497 FS. Law Implemented 400.464, 400.741, 400.497, 400.471, 400.484 FS. History—New 4-19-76, Formerly 10D-68.03, Amended 4-30-86, 8-10-88, 5-30-90, 6-12-91, Formerly 10D-68.003, Amended 10-27-94, 2-1-97, 1-17-00.

59A-8.004 Licensure Procedure.

(1) An application for licensure, initial, change of ownership, or renewal, shall be made on a form prescribed by the AHCA, Home Health Agency Application for Licensure, form number, AHCA 3110-1001, Revised February, 2001 January, 2000, incorporated by reference. The form may be obtained through the Agency for Health Care Administration – Health Facility Regulation Compliance, Home Care Unit, 2727 Mahan Drive, Building 1, Room 200, Mail Stop 34, Tallahassee, Florida 32308.

(2) through (3) No change.

(4) For initial and change of ownership applications and name changes, an affidavit of fictitious name is required when the home health agency chooses to operate under a name other than the name of the partnership or corporation, pursuant to s. 865.09, F.S.

(5) For initial applications, including changes of ownership, the applicant must submit proof of financial ability to operate, pursuant to s. 400.471(3), F.S. The compliance is demonstrated by completion of schedules 1 through 7 of the home health agency application, as referenced in subsection (1) above.

~~(6)(4)~~ An applicant for renewal of licenses shall not be required to provide proof of financial ability to operate, unless the applicant has demonstrated financial inability to operate, as defined in 59A-8.002(16), F.A.C. If an agency has shown signs of financial instability in which case the AHCA shall require the applicant for renewal of license to provide proof of financial ability to operate, by submitting schedules 3 through 7 described in subsection (5) above.

~~(7)(5)~~ No change.

~~(8)(6)~~ New employees may work on probationary status, once they have submitted the documents described in subsections (9) or (10) below Rule 59A-8.004(7) or (8), pending a determination of compliance with minimum standards set forth in Chapter 435, F.S.

~~(9)(7)~~ Screening for good moral character for the administrator and the financial officer shall be in accordance with level 2 standards for screening set forth in s. 400.471(4), F.S.. The fingerprint card ~~and the Florida Abuse Hotline Information System Background Check form, AHCA 3110-0003~~, for level 2 screening for the administrator and the financial officer can be obtained from, and should be submitted to, the Agency for Health Care Administration, Home Care Unit, 2727 Mahan Drive, Building 1, Room 200, Mail Stop 34, Tallahassee, Florida 32308.

~~(10)(8)~~ No change.

~~(a) Submission of the Florida Abuse Hotline Information System Background Check, AHCA form 3110-0003, July 1998, incorporated by reference, to the local DCF screening coordinator. The form may be obtained through the Agency for Health Care Administration – Health Facility Compliance, Home Care Unit, 2727 Mahan Drive, Building 1, Room 200, Tallahassee, Florida 32308. The cost of processing the screening request must be paid by the home health agency or the employee being screened. The check must accompany the screening request and made payable to the DCF.~~

~~(b) Submission of the Request for Level 1 Criminal History Check, AHCA form 3110-0002, June 1998, incorporated by reference. The FDLE form can be submitted either through AHCA's Background Screening Unit, directly to FDLE, or through a third party vendor. The address for submission to AHCA's Background Screening Unit is AHCA Background Screening Unit, Mail Stop 40, 2727 Mahan Drive, Tallahassee, FL 32308. The address for submission through FDLE is to the FDLE, Crime Information Bureau, Post Office Box 1489, Tallahassee, Florida 32302. The form may be obtained through the Agency for Health Care Administration – Health Facility Regulation Compliance, Home Care Unit, 2727 Mahan Drive, Building 1, Room 200, Mail Stop 34, Tallahassee, Florida 32308. The cost of processing the screening request must be paid by the home health agency or the employee being screened. The check must accompany the screening request and be made payable to the FDLE or to the home health agency's agent, if one is used for FDLE screening.~~

(11) Employees who have direct patient contact and are found to have a disqualifying offense cannot continue patient contact unless they obtain an exemption. Administrators and financial officers who have a disqualifying offense cannot continue in those positions unless they obtain an exemption. Exemptions can be requested as defined in s. 400.512(1), F.S.

Specific Authority 400.497 FS. Law Implemented 400.471, 400.512 FS. History—New 4-19-76, Formerly 10D-68.04, Amended 4-30-86, 8-10-88, 5-30-90, 6-12-91, 10-6-91, Formerly 10D-68.004, Amended 10-27-94, 2-1-97, 1-17-00,\_\_\_\_\_.

59A-8.007 Geographic Service Area.

(1) All home health agencies must apply for a geographic service area on their initial license application. Home health agencies may apply for a geographic service area which encompasses one or more of the counties within the specific AHCA area boundaries, pursuant to s. 408.032(5), F.S., and s. 400.497(7)(8), F.S., in which the main office is located provided that the license application includes a plan for:

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

Specific Authority 400.497 FS. Law Implemented 400.497 FS. History—New 10-27-94, Amended 1-17-00,\_\_\_\_\_.

59A-8.008 Scope of Services.

- (1) through (4) No change.

~~(5) Services provided by contract shall be through a written agreement between the home health agency requesting staff, herein referred to as the agency, and the company supplying staff, or the individual, herein referred to as the contractor. The contract must include the following:~~

- ~~(a) services to be provided,~~
  - ~~(b) designation that the agency is responsible for monitoring of services provided, in accordance with s. 400.487(5), F.S.,~~
  - ~~(c) designation of full responsibility of the agency over all contracted services,~~
  - ~~(d) charges for contracted services and designation of full responsibility for patient billing by the agency,~~
  - ~~(e) responsibility of the agency to retain and maintain all clinical records of patients served by the contracted staff,~~
  - ~~(f) evidence of liability and insurance coverage,~~
  - ~~(g) period of contract,~~
  - ~~(h) procedures for submitting clinical and progress notes,~~
- and

- ~~(i) date and signatures of appropriate parties.~~

- (5)(6) No change.

(6)(7) If a home health agency occupies space within a licensed assisted living facility, and this space is not licensed as a home health agency, the home health agency must notify AHCA, in writing, whether the space is a satellite office or a drop-off site, as defined in Rule 59A-8.002, F.A.C.

Specific Authority 400.487, 400.497, 400.509 FS. Law Implemented 400.497 FS. History—New 10-27-94, Formerly 10D-68.08, Amended 4-30-86, 8-10-88, 5-30-90, Formerly 10D-68.008, Amended 10-27-94, 1-17-00,\_\_\_\_\_.

59A-8.0086 Denial, Suspension, Revocation of License and Imposition of Fines.

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

(b) if the applicant fails to screen all employees as required by this rule or employs persons who are disqualified from employment based on ~~abuse registry screening or~~ criminal record check, ~~or~~

(c) if the applicant fails to carry out its responsibilities for the care of patients as described in s. 400.487(5), F.S. ~~provide at least one service directly to patients for a period of six consecutive months,~~

- (d) through (e) No change.
- (2) through (4) No change.

Specific Authority 400.497 FS. Law Implemented 400.474, 400.481, 120 FS. History—New 10-27-94, Amended 1-17-00,\_\_\_\_\_.

59A-8.0095 Personnel.

- (1) through 1. No change.

~~2. Be knowledgeable of the statute and administrative rules of the AHCA and ensure compliance with them by the agency.~~

~~3. Be responsible for informing the employees about the home health statute and administrative rules and shall have copies available for their reference.~~

~~4. Be responsible for the maintenance and submission of such reports and records as required by the AHCA.~~

2.5. Designate, in writing, a direct employee or an individual covered under a management company contract to manage the home health agency or an employee leasing contract, pursuant to s. 468.520, F.S., that provides the agency with full control over all operational duties and responsibilities to serve as an on-site alternate administrator during absences of the administrator. This person will be available during designated business hours, when the administrator is not available. Available during designated business hours means being readily available on the premises or by telecommunications. During the absence of the administrator, the on-site alternate administrator will have the responsibility and authority for the daily operation of the agency. The alternate administrator must meet qualifications as stated in s. 400.462(1), F.S. 59A-8.0095(1)(a)1., of this rule.

~~6. Maintain a current organizational chart to show lines of authority to the patient level.~~

~~7. Assure the orientation of new staff, and opportunities for continuing education for the staff.~~

~~(b) If an individual serves as the administrator of more than one licensed agency, pursuant to s. 400.462(1), F.S., a designated alternate administrator must be available during designated business hours, at each additional agency who has the responsibility and authority for the daily operation of the agency. Available during designated business hours means being readily available on the premises or by telecommunications.~~

(b)(e) If an agency changes administrator or alternate administrator the agency shall notify AHCA Home Care Unit office in Tallahassee prior to or on the date of the change.

Notification shall consist of submission of the person's name, professional resume, professional license, if applicable, and a copy of the Affidavit of Good Moral Character. The administrator also must submit level 2 screening, pursuant to Rule 59A-8.004(9), or inform the Home Care Unit that level 2 screening was previously submitted.

(2) No change.

(a) No change.

1. meet the criteria as defined in s. 400.462(7), F.S.;

2. through (3) No change.

(a) A registered nurse shall be currently licensed in the state, pursuant to Chapter 464, F.S., and:

1. through (4) No change.

(a) A licensed practical nurse shall be currently licensed in the state, pursuant to Chapter 464, F.S., and provide nursing care assigned by and under the direction of a registered nurse who provides on-site supervision as needed, based upon the severity of patients medical condition and the nurse's training and experience. Supervisory visits will be documented in patient files. Provision shall be made in agency policies and procedures for annual evaluation of the LPN's performance of duties by the registered nurse.

(b) No change.

1. through (5)(a) No change.

(b) Supervision of the home health aide and CNA by a registered nurse in the home will be in accordance with s. 400.487(3), F.S.. Home health agencies will need to obtain the patient's verbal permission to send a registered nurse into the home to conduct supervisory visits.

(b) through (c) renumbered (c) through (d) No change.

1. through 5. No change.

6. maintenance of a clean and; safe, ~~and healthy~~ environment;

7. recognition of emergencies and applicable follow-up within the home health aide scope of performance; knowledge of emergency procedures;

8. No change.

9. appropriate and safe techniques in personal hygiene and grooming, including bed bath, sponge, tub, or shower bath; shampoo, sink, tub, or bed; nail and skin care; oral hygiene; care of dentures;

10. safe transfer techniques, including use of appropriate equipment, and ambulation;

11. No change.

12. adequate nutrition and fluid intake;

~~13. the role of the aide in the home;~~

~~13,14.~~ cultural differences in families;

~~14,15.~~ food preparation and household chores; ~~management;~~

~~15,16.~~ No change.

~~16,17.~~ other ~~health-related~~ topics pertinent to home health aide services.

~~(e)(d)~~ If a home health aide successfully completes training through a vocational school approved by Florida's Department of Education, the individual must present to a home health agency a diploma issued by the vocational school. If the home health aide completes the ~~his~~ training through a home health agency, and wishes to be employed at another agency, the individual must present to the second home health agency documentation of successful completion of training as listed in Rule 59A-8.0095(5)(~~d~~)(~~e~~)1. through ~~16,17.~~

~~(f)(e)~~ No change.

~~(g)(f)~~ Home health training documentation issued by a home health agency on or after October 1, 1999 must contain language as listed in paragraph ~~(f)(e)~~ above.

~~(h)(g)~~ No change.

~~(i)(h)~~ A home health agency shall ensure that a certified nursing assistant has competency in the home health core curriculum listed in Rule 59A-8.0095(5)(~~d~~)(~~e~~)2. and 13. through ~~16,17.~~

~~(j)(i)~~ No change.

(k) A licensed home health agency may choose to administer the Home Health Aide Competency Test, form number AHCA form number 3110-1007, February, 2001, incorporated by reference, in lieu of the forty hours of training required in Rule 59A-8.0095(5)(d), F.A.C. This test is designed for home health agencies to determine competency of potential employees. This written and practical test can only be used by licensed-only agencies. Medicare and Medicaid home health agencies must follow the training requirements in 42 Code of Federal Regulations 484.

1. Home health agencies that choose to administer the test, must maintain documentation of the aide's successful passage of the competency test. However, if the home health aide does not pass the test, it is the decision of the home health agency giving the test as to whether the aide may take the test again. The home health agency may also provide training or arrange for training in the areas that were not passed on the test prior to the aide re-taking the test.

a. The Home Health Aide Competency Test, AHCA form number 3110-1007, February 2001, has two parts: a practical part in which competency is determined through observation of the performance of tasks and a written part with questions to answer. Successful passage of the test means the accurate performance of all 14 tasks on the practical part plus correctly answering 90 of the 104 questions on the written part.

b. Successful passage of the competency test alone does not permit a home health aide to assist with self-administration of medication as described in s. 400.488, F.S.. Any home health aide that will assist patients with self-administration of medications must have completed two hours of training on assistance with self-administered medication as required in 59A-8.0095(5)(c)16.



2. Any staff person of a home health agency may administer the written portion of the test, but the practical competency test must be administered and evaluated by a registered nurse or a licensed practical nurse under the supervision of a registered nurse. The staff person, registered nurse, or licensed practical nurse may also be responsible for grading the written test.

3. When a home health aide completes the competency test through the employing agency and wishes to be employed at another agency, the home health agency shall furnish documentation of successful passage of the test to the requesting agency pursuant to s. 400.497(1), F.S. Documentation of successful passage may be provided in a format established by the home health agency, except as prohibited in 59A-8.0095(5)(f)-(h), F.A.C., that specifies limitations on the manner in which a home health agency may describe home health aide training. The documentation, at minimum, should include the home health aide's name, address and social security number; the home health agency's name and address; date the test was passed; the signature of the person providing the documentation; and any other information necessary to document the aide's passage of the test.

~~(1)(f)~~ Home health aides and CNA's must receive in-service training each calendar year, pursuant to s. 400.497(1), F.S. HIV educational requirements are listed in Rule 59A-8.0185(2)(b). Training must be provided to obtain and maintain a certificate in cardiopulmonary resuscitation. Medicare and Medicaid agencies should check federal regulations for additional in-service training requirements.

~~(m)(k)~~ No change.

1. through 6.d. No change.

~~(n)(f)~~ In cases where a home health aide or a CNA will provide assistance with self-administered medications in accordance with s. 400.488, F.S., and paragraph ~~(p)(m)~~ below, an assessment of the medications for which assistance is to be provided shall be conducted by a licensed health care professional to ensure the unlicensed caregiver provides assistance in accordance with their training and with the medication prescription.

~~(o)~~ A licensed health care professional shall inform the patient, or the patient's caregiver, that the patient may receive assistance with self-administered medication by an unlicensed person. The patient, or the patient's caregiver, must give written consent for this arrangement, pursuant to s. 400.488(2), F.S.

~~(p)(m)~~ No change.

1. through 4. No change.

~~(q)(m)~~ No change.

~~(r)(e)~~ CNA's who earn their certificate in another state may work as a home health aide in a home health agency in Florida if they present a copy of their current CNA certificate from that state. For CNA's, who have a certificate from out of

state and who want to obtain a Florida CNA certificate, they can ~~must~~ contact the Florida Certified Nursing Assistant office at the Department of Health to inquire about taking the written examination, pursuant s. 464.203, F.S., prior to working as a CNA in Florida, pursuant to s. 400.211, F.S.

~~(s)~~ Home health aides who are trained in another state must provide a copy of the course work and documentation of course completion to the employing home health agency. Individuals who have graduated from an accredited school of nursing and are awaiting to take their boards for licensure in Florida, can work as a home health aide. Registered nurses and licensed practical nurses who can show proof they are licensed in another state, can work as a home health aide in Florida. If the course work is equivalent to Florida's requirements, the home health agency may employ the home health aide. If the home health aide's course work does not meet Florida's requirements, the home health aide must be trained to the extent necessary to bring the training into compliance with Rule 59A-8.0095(5), prior to providing services in the patient's or client's home.

(6) No change.

(a) The physical therapist shall be currently licensed in the state, pursuant to Chapter 485, F.S., with at least 1 year of experience in physical therapy. The physical therapist assistant shall be currently licensed in the state, pursuant to Chapter 485, F.S., with at least 1 year of experience under the supervision of licensed physical therapist. Services provided by the physical therapist assistant will be provided under the general supervision of a licensed physical therapist and shall not exceed any of the duties outlined in this section. General supervision means the supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist. The physical therapists shall be accessible at all times by two way communication, which enable the physical therapist to be readily available for consultation during the delivery of care.

(b) No change.

1. through 5. No change.

(7) Speech Pathologist. The speech pathologist shall be currently licensed in the state, pursuant to Chapter 468, F.S., and shall:

(a) through (d) No change.

(8) No change.

(a) The occupational therapist shall be currently licensed in the state, pursuant to Chapter 468, F.S., with one year of experience in occupational therapy and the occupational therapist assistant shall be currently licensed in the state, pursuant to Chapter 468, F.S., with one year of experience under the supervision of a licensed occupational therapist. Duties of the occupational therapist assistant shall be directed by the licensed occupational therapist and shall not exceed those outlined in this section.

(b) No change.

1. No change.

2. to guide the patient in ~~the his~~ use of therapeutic, creative and self-care activities for the purpose of improving function;

3. through (11) No change.

(a) The dietitian/nutritionist shall be currently licensed in this state, pursuant to Chapter 468, with at least 1 year of experience in dietetics and nutrition practice.

(b) No change.

1. through 4. No change.

(12) ~~Homemakers and Companions Utilized by Home Health Agencies.~~

(a) through (b) No change.

1. through 3. No change.

4. stabilize the client when walking, as needed, by holding the client's arm or hand;

5. through 7. No change.

(c) No change.

1. through 4. No change.

5. stabilize the client when walking, as needed, by holding the client's arm or hand;

6. through 7. No change.

Specific Authority 400.497 FS. Law Implemented 400.462, 400.471 400.487, 400.488, 400.497 FS. History--New 2-1-97, Amended 1-17-00,\_\_\_\_\_.

59A-8.0185 Personnel Policies.

(1) through (3) No change.

(4) The agency shall maintain a record of the employment or contractual history of all agency personnel, both employed or under contract, and shall make submission of such history a condition of employment or contract, ~~and shall verify the history unless through diligent efforts such verification is not possible. Diligent efforts shall involve at least two documented attempts to verify.~~

Specific Authority 400.497 FS. Law Implemented 400.471, 400.497 FS. History--New 10-27-94, Amended 1-17-00,\_\_\_\_\_.

59A-8.020 Acceptance of Patients or Clients.

(1) When a home health agency accepts a patient or client for service, there shall be a reasonable expectation that the services can be provided safely to the patient or client in his place of residence. The responsibility of the agency is to assure that the patient or client receives services as defined in a specific plan of care, for those patients receiving care under a physician's treatment orders, or in a written agreement, as described in subsection (3) below, for clients receiving care without a physician's orders. This responsibility includes assuring the patient receives a service provision plan, including all assigned visits.

(2) At the start of services a home health agency must establish a written agreement between the agency and the patient or client or the patient's or client's legal representative, including the information described in s. 400.487(1), F.S. This

written agreement must be signed and dated by a representative of the home health agency and the patient or client or the patient's or client's legal representative. A copy of the agreement must be given to the patient or client and the original must be placed in the patient's or client's file.

(3) The written agreement, as specified in subsection (2) above, shall serve as the home health agency's service provision plan, pursuant to s. 400.491(2), F.S., for clients who receive homemaker and companion services or home health aide services which do not require a physician's treatment order. The written agreement for these clients shall be maintained for one year after termination of services.

(4)(2) When the agency terminates services for a patient or client needing continuing home health care, as determined by the patient's physician, for patients receiving skilled care under a physician's treatment order, or as determined by the client patient or caregiver, for clients patients receiving care without a physician's treatment order under a service provision plan, a plan must be developed and a referral made by home health agency staff to another home health agency or service provider prior to termination. The patient or client must be notified in writing of the date of termination, the reason for termination, pursuant to s. 400.491, F.S., and the plan for continued services by the agency or service provider to which the patient or client has been referred, pursuant to s. 400.497(6)(7), F.S.. This requirement does not apply to patients paying through personal funds or private insurance who default on their contract through non-payment. The home health agency should provide social work assistance to patients to help them determine their eligibility for assistance from government funded programs if their private funds have been depleted or will be depleted.

Specific Authority 400.497 FS. Law Implemented 400.487 FS. History--New 4-19-76, Formerly 10D-68.20, Amended 4-30-86, 8-10-88, Formerly 10D-68.020, Amended 10-27-94, 1-17-00,\_\_\_\_\_.

59A-8.0215 Plan of Care.

(1) A plan of care shall be established in consultation with the physician, pursuant to s. 400.487, F.S., and the home health agency staff who are involved in providing the care and services required to carry out the physician's treatment orders. The plan must be included in the clinical record and available for review by all staff involved in providing care to the patient. The plan of care shall contain a list of individualized specific goals for each skilled discipline that provides patient care, with implementation plans addressing the level of staff who will provide care, the frequency of home visits to provide direct care and case management, ~~and the frequency of supervisory visits for staff providing direct care.~~

(2) Home health agency staff must follow the physician's treatment orders that are contained in the plan of care. If the orders cannot be followed and must be altered in some way, the patient's physician must be notified and must approve of

the change. Any verbal changes are put in writing and signed and dated with the date of receipt by the nurse or therapist who talked with the physician's office.

~~(2)~~(3) No change.

(a) through (c) No change.

Specific Authority 400.497 FS. Law Implemented 400.487 FS. History--New 10-27-94, Amended 1-17-00, \_\_\_\_\_.

#### 59A-8.0218 Service Provision Plan.

Specific Authority 400.497 FS. Law Implemented 400.487 FS. History--New 10-27-94, Amended 1-17-00, Repealed \_\_\_\_\_.

#### 59A-8.022 Clinical Records.

(1) A clinical record must be maintained for each patient receiving nursing or therapy services, ~~pursuant to s. 400.497(6), F.S.~~, that includes all the services provided directly by the employees of the home health agency and those provided by contracted individuals or agencies.

(2) through (4) No change.

~~(5) If a home health agency has a satellite office, either the main office will maintain the records for the patients served by the satellite office or the records will be maintained in the satellite office. In the event the main office does not maintain the patient records, these records shall be made available to AHCA representatives at the main office within 3 hours of the request. At a minimum, a listing of patients will be maintained in the office which does not maintain the records.~~

~~(5)~~(6) No change.

(a) No change.

(b) physician's verbal orders initiated by the physician prior to start of care and signed by the physician within ~~30~~ 24 days of start of care, ~~pursuant to s. 400.497(7), F.S.~~;

(c) through (h) No change.

1. through 4. No change.

(i) through (l) No change.

(6) The following applies to signatures in the clinical record:

(a) Facsimile Signatures. The plan of care or written order may be transmitted by facsimile machine. The home health agency is not required to have the original signature on file. However, the home health agency is responsible for obtaining original signatures if an issue surfaces that would require certification of an original signature.

(b) Alternative Signatures. Home health agencies that maintain patient records by computer rather than hard copy may use electronic signatures. However, all such entries must be appropriately authenticated and dated. Authentication must include signatures, written initials, or computer secure entry by a unique identifier of a primary author who has reviewed and approved the entry. The home health agency must have safeguards to prevent unauthorized access to the records and a process for reconstruction of the records in the event of a system breakdown.

Specific Authority 400.497 FS. Law Implemented 400.491, 400.494, 400.497 FS. History--New 4-19-76, Amended 2-2-77, Formerly 10D-68.22, Amended 4-30-86, 8-10-88, Formerly 10D-68.022, Amended 10-27-94, 1-17-00, \_\_\_\_\_.

#### 59A-8.024 Administration of Drugs and Biologicals.

Specific Authority 400.497 FS. Law Implemented 400.497 FS. History--New 4-19-76, Formerly 10D-68.24, Amended 4-30-86, 8-10-88, Formerly 10D-68.024, Amended 10-27-94, 1-17-00, Repealed \_\_\_\_\_.

#### 59A-8.027 Emergency Management Plans.

(1) Pursuant to s. 400.492, F.S., each home health agency shall prepare and maintain a written comprehensive emergency management plan, in accordance with the "Emergency Management Planning Criteria for Home Health Agencies," AHCA Form 3110-1006, February, 2001, incorporated by reference. This document is available from the Agency for Health Care Administration and shall be included as part of the home health agency's emergency management plan. The plan shall describe how the home health agency establishes and maintains an effective response to emergencies and disasters.

(2) Emergency management plans will be reviewed by the local County Health Department or by the Department of Health, pursuant to s. 400.497(8)(c),(d), F.S., in those counties where the Department of Health receives funding for such reviews, pursuant to s. 381.0303(7), F.S. The Agency for Health Care Administration will notify those agencies who will be required to submit their emergency management plans for review.

(3) The agency shall review its emergency management plan on an annual basis and make any substantive changes.

(4) Changes in the telephone numbers of those staff who are coordinating the agency's emergency response must be reported to the agency's county office of Emergency Management and to the local County Health Department. For agencies with multiple counties on their license, the changes must be reported to each County Health Department and each county Emergency Management office. The telephone numbers must include numbers where the coordinating staff can be contacted outside of the agency's regular office hours. All home health agencies must report these changes, whether their plan has been previously reviewed or not, as defined in subsection (2) above.

(5) When an agency goes through a change of ownership the new owner shall review its emergency management plan and make any substantive changes, including changes noted in subsection (4) above. Those agencies which previously have had their plans reviewed by the local County Health Department or by the Department of Health, as defined in subsection (2) above, will need to report any substantive changes to the reviewing entity.

(6) In the event of an emergency the agency shall implement the agency's emergency management plan in accordance with s. 400.492, F.S. Also, the agency must meet the following requirements:

(a) All staff who are designated to be involved in emergency measures must be informed of their duties and be responsible for implementing the emergency management plan.

(b) If telephone service is not available during an emergency, the agency shall have a contingency plan to support communication, pursuant to s. 400.492, F.S. A contingency plan may include cell phones, contact with a community based ham radio group, public announcements through radio or television stations, driving directly to the employee's or the patient's home, and, in medical emergency situations, contact with police or emergency rescue services.

(7) Home health agencies which are exempt from this requirement are listed in s. 400.497(8)(e), F.S.

(8) On admission, each home health agency shall, pursuant to s. 252.355, F.S., inform patients and patient caregivers of the agency's procedures during and immediately following an emergency and inform patients of the special needs registry maintained by their county Emergency Management office. The agency must document in the patient's file if the patient plans to evacuate or remain at home; if during the emergency the patient's caregiver can take responsibility for services normally provided by the agency; or if the agency needs to continue services to the patient.

(9) Upon eminent threat of an emergency or disaster the home health agency must contact those patients needing ongoing services and confirm each patient's plan during and immediately following an emergency.

(10) During emergency situations, when there is not a mandatory evacuation order issued by the local Emergency Management agency, some patients may decide not to evacuate and will stay in their homes. The home health agency must establish procedures, prior to the time of an emergency, which will delineate to what extent the agency will continue care during and immediately following an emergency. The agency shall also ascertain which patients remaining at home will need care from the home health agency and which patients have plans to receive care from their family or caregivers.

(11) If the agency at some point ceases operation, as defined in s. 400.492(3), F.S., the agency must inform those patients whose services will be discontinued during the emergency.

(12) Each home health agency is required to collect registration information for special needs patients who will need continuing care or services during a disaster or emergency, pursuant to s. 252.355, F.S. This registration information shall be submitted, when collected, to the county Emergency Management office, or on a periodic basis as determined by the agency's county Emergency Management office.

(13) Home health agency staff shall educate patients registered with the special needs registry that special needs shelters are an option of last resort and that services will not be equal to what they have received in their homes.

(14) The prioritized list of registered special needs patients maintained by the home health agency shall be kept current and shall include information as defined in s. 400.492(2), F.S. This list will assist home health agency staff during and immediately following an emergency which requires implementation of the emergency management plan. This list also shall be furnished to local County Health Departments and to the county Emergency Management office, upon request.

(15) The patient record for each person registered as a special needs patient shall include information as listed in s. 400.492(1), F.S.

(16) The home health agency is required to maintain in the home of the special needs patient a list of patient-specific medications, supplies and equipment required for continuing care and service should the patient be evacuated. The list must include the names of all medications, their dose, frequency, route, time of day and any special considerations for administration. The list must also include any allergies; the name of the patient's physician and the physician's phone number(s); the name, phone number and address of the patient's pharmacy. If the patient permits, the list can also include the patient's diagnosis.

Specific Authority 400.492, 400.497 FS. Law Implemented 400.492, 400.497 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Anne Menard

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2000

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-22R

RULE CHAPTER TITLE: Permits  
RULE CHAPTER NO.: 62-4

RULE TITLE: Procedures to Obtain Permits and other Authorizations; Applications  
RULE NO.: 62-4.050

PURPOSE, EFFECT AND SUMMARY: The Department of Environmental Protection is authorized by the U. S. Environmental Protection Agency to implement the National Pollutant Discharge Elimination System (NPDES) permitting program, in Florida, as required by the federal Clean Water

Act. On October 23, 2000, the Department adopted amendments to Chapter 62-620, F.A.C., to implement the stormwater element of the Department's EPA approved NPDES program. The provisions adopted implemented Phase I of the stormwater element as required by the Clean Water Act. Additional stormwater regulations have been published by EPA to effect Phase II of the stormwater element of the NPDES program, as required by the Clean Water Act, which ultimately must be incorporated into the state's NPDES program. The proposed rule modifies Rule 62-4.050(4)(d)3., F.A.C., to delete certain language and thereby more accurately incorporate the appropriate language to describe the "no exposure" conditional exclusion from NPDES stormwater permitting. This change is consistent with language as promulgated by EPA and is substantially identical to the federal regulation as set out in 40 CFR 122.26(g) (2000).

SPECIFIC AUTHORITY: 373.043, 373.418, 403.061, 403.087, 403.704(30) FS.

LAW IMPLEMENTED: 373.109, 373.309, 373.409, 373.413, 373.4135, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.418, 373.421, 403.061, 403.087, 403.0877, 403.088, 403.722, 403.861(7) FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTIONS WITH THE ENVIRONMENTAL REGULATION COMMISSION AT THE FOLLOWING ADDRESS: 3900 Commonwealth Boulevard, Mail Station 18, Tallahassee, Florida 32399-3000, Attention: Jackie McGorty. Objections must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to which the person objects and the reason for the objection. Objections which are frivolous will not be considered sufficient to prohibit adoption of the rule as published.

WRITTEN COMMENTS: The Secretary of the Department of Environmental Protection will consider written comments received within 21 days of publication of this notice. Comments should be submitted to: Fred Noble, NPDES Stormwater Section, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-4.050 Procedures to Obtain Permits and Other Authorizations; Applications.

(1) through (4)(d)2. No change.

3. No Exposure Certification for Exclusion from NPDES Stormwater Permitting under the Multi-Sector Generic Permit for stormwater discharge associated with industrial activity \$ 100

4. through (8) No change.

Specific Authority 373.043, 373.418, 403.061, 403.087, 403.704(30) FS. Law Implemented 373.109, 373.309, 373.409, 373.413, 373.4135, 373.414(9),(11), (12)(a),(13),(14),(15),(16), 373.4145, 373.418, 373.421, 403.061, 403.087, 403.0877, 403.088, 403.722, 403.861(7) FS. History--New 5-17-72, Amended 6-19-74, 7-8-82, Formerly 17-4.05, Amended 11-15-87, 8-31-88, 10-3-88, 4-4-89, 3-19-90, 6-11-90, 3-7-91, 3-18-91, 5-30-91, 10-30-91, 11-16-92, 12-21-92, 7-11-93, 2-2-94, 7-4-95, 12-15-98, 10-22-00.

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: David B. Struhs, Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NOS.: 00-32R, 01-23R

RULE CHAPTER TITLE: Wastewater Facility and Activities

Permitting 62-620

RULE TITLE: Scope\Applicability\References

PURPOSE, EFFECT AND SUMMARY: The Department of Environmental Protection is authorized by the U. S. Environmental Protection Agency to implement the National Pollutant Discharge Elimination System (NPDES) permitting program, in Florida, as required by the federal Clean Water Act. On 23 October 2000, the Department adopted amendments to Chapter 62-620, F.A.C., to implement the stormwater element of the Department's EPA approved NPDES program. The provisions adopted implemented Phase I of the stormwater element as required by the Clean Water Act. Additional stormwater regulations have been published by EPA to effect Phase II of the stormwater element of the NPDES program, as required by the Clean Water Act, which ultimately must be incorporated into the state's NPDES program. The proposed rule incorporates the "no exposure" exclusion from NPDES stormwater permitting as promulgated by EPA and is substantially identical to the federal regulation as set out in 40CFR 122.26(g) (2000). Rule 62-620.100(3) incorporates by reference certain regulations and documents necessary to implement the NPDES program in Florida including The Department Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., dated 10-23-00. The proposed rule updates the guide, as incorporated by reference, and incorporates the 2000 edition of the applicable federal rules as published in the Code of Federal Regulations (CFR).

RULE NO.: 62-620.100

SPECIFIC AUTHORITY: 403.061, 403.087 FS.

LAW IMPLEMENTED: 403.051, 403.061, 403.087, 403.088, 403.0885 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTIONS WITH THE ENVIRONMENTAL REGULATION COMMISSION AT THE FOLLOWING ADDRESS: 3900 Commonwealth Boulevard, Mail Station 18, Tallahassee, Florida 32399-3000, Attention: Jackie McGorty. Objections must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to which the person objects and the reason for the objection. Objections which are frivolous will not be considered sufficient to prohibit adoption of the rule as published.

WRITTEN COMMENTS: The Secretary of the Department of Environmental Protection will consider written comments received within 21 days of publication of this notice. Comments should be submitted to: Fred Noble, NPDES Stormwater Section, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-620.100 Scope\Applicability\References.

(1) through (2)(n) No change.

(o) Conditional exclusion for "no exposure" of industrial activities and materials to stormwater. Discharges composed entirely of stormwater are not stormwater discharges associated with industrial activity if there is "no exposure" of industrial materials and activities to precipitation and/or runoff, and the discharger satisfies the conditions in paragraphs (o)(1) through (o)(4) of this section. "No exposure" means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to precipitation and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product.

1. Qualification. To qualify for this exclusion, the operator of the discharge must:

a. Provide a storm resistant shelter to protect industrial materials and activities from exposure to precipitation and runoff;

b. Submit to the Department a completed and signed Form 62-620.910(17), F.A.C., entitled "No Exposure Certification for Exclusion from NPDES Stormwater Permitting," certifying that there are no discharges of storm water contaminated by exposure to industrial materials and activities from the entire facility, except as provided in paragraph (o)(2) of this section. The completed and signed Form 62-620.910(17), and certification fee as required by Rule 62-4.050(4)(d)3., F.A.C., must be submitted to: Department of Environmental

Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400;

c. Renew the certification every 5 years by filing a new completed and signed Form 62-620.910(17), and certification fee as required by Rule 62-4.050(4)(d)3., F.A.C., to the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, upon the expiration of each 5 year interval.

d. Allow the Department or its agents to inspect the facility to determine compliance with the "no exposure" conditions; and,

e. For facilities that discharge through a Municipal Separate Storm Sewer System (MS4), submit a copy of the certification of "no exposure" to the MS4 operator, as well as allow inspection and public reporting by the MS4 operator.

2. Industrial materials and activities not requiring storm resistant shelter. To qualify for this exclusion, storm resistant shelter is not required for:

a. Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak ("Sealed" means banded or otherwise secured and without operational taps or valves);

b. Adequately maintained vehicles used in material handling; and,

c. Final products, other than products that would be mobilized in stormwater discharge (e.g., rock salt).

3. Limitations. This conditional exclusion from stormwater permitting under this chapter and/or chapter 62-621 is not available:

a. for stormwater discharges from construction activities;

b. for individual outfalls. The exclusion is available on a facility wide basis only;

c. if circumstances change and industrial materials or activities become exposed to precipitation and/or runoff, the conditions for this exclusion no longer apply. In such cases, the discharge becomes subject to enforcement for un-permitted discharge. Any conditionally excluded discharger who anticipates changes in circumstances should apply for and obtain permit authorization prior to the change of circumstances; and,

d. Notwithstanding the provisions of this paragraph, the Department retains the authority to require permit authorization (and deny this exclusion) upon making a determination that the discharge causes or contributes to the violation of an applicable water quality standard, including designated uses.

(3) References. The Department adopts and incorporates by reference the following sections of Title 40 of the Code of Federal Regulations (CFR) revised as of July 1, 2000 ~~1999~~, and the Department Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., dated \_\_\_\_\_

~~10-23-00~~. Copies of these documents may be obtained by writing the Department of Environmental Protection, Bureau of Water Facilities Regulation, 2600 Blair Stone Road, MS3535, Tallahassee, Florida 32399-2400.

- (a) through (q) No change.
- (4)(a) through (b) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885 FS. History--New 11-29-94, Amended 12-24-96, 3-2-00, 10-22-00, 10-23-00,\_\_\_\_\_.

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: David B. Struhs, Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2000 (00-32R), March 21, 2001 (01-23R)

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-24R

RULE CHAPTER TITLE: Wastewater Facility and Activities

RULE CHAPTER NO.:

Permitting 62-620

RULE TITLE: Forms and Instructions

RULE NO.: 62-620.910

PURPOSE, EFFECT AND SUMMARY: The Department of Environmental Protection has been authorized by the U. S. Environmental Protection Agency to implement the National Pollutant Discharge Elimination System (NPDES) permitting program, in Florida, as required by the federal Clean Water Act. The NPDES program is implemented through, among others, Chapter 62-620, F.A.C. Rule 62-620.910 incorporates by reference certain documents necessary to implement the NPDES program in Florida, as well as the state's domestic wastewater program, including Form 62-620.910(2) entitled Application Form 2A, Permit for Domestic Wastewater Treatment and Reuse or Disposal Facility, the latest version of which was published in 1994. The proposed rule incorporates by reference a new Application Form 2A, Permit for Domestic Wastewater Treatment and Reuse or Disposal Facility. Additionally, the rule amendments incorporate a new form, Form 62-620.910(17), entitled "No Exposure Certification for Exclusion from NPDES Stormwater Permitting." This form is necessary to implement the "no exposure" exclusion from NPDES permitting whereby one may not need an NPDES permit if it can be established stormwater falling upon a facility has "no exposure" to industrial activity.

SPECIFIC AUTHORITY: 403.061, 403.8055 FS.

LAW IMPLEMENTED: 403.051, 403.061, 403.087, 403.088, 403.0885 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTIONS WITH THE ENVIRONMENTAL REGULATION COMMISSION AT THE FOLLOWING ADDRESS: 3900 Commonwealth Boulevard, Mail Station 18, Tallahassee, Florida 32399-3000, Attention: Jackie McGorty. Objections must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to which the person objects and the reason for the objection. Objections which are frivolous will not be considered sufficient to prohibit adoption of the rule as published.

WRITTEN COMMENTS: The Secretary of the Department of Environmental Protection will consider written comments received within 21 days of publication of this notice. Comments should be submitted, regarding Application Form 2A, to Lisa Wadsworth, Domestic Wastewater Section, Mail Station 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; or, as to the No Exposure Certification form, to Fred Noble, NPDES Stormwater Section, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-620.910 Forms and Instructions.

The forms and instructions used by the Department for the wastewater facilities or activities permitting and compliance program are listed in this part. Copies of the forms and instructions may be obtained at the Department District Offices. The Department adopts and incorporates by reference in this section the following forms and instructions:

- (1) No change.
- (2) Application Form 2A, Permit for Domestic Wastewater Treatment and Reuse or Disposal Facility, effective ~~11-29-94~~.
- (3) through (16) No change.
- (17) No Exposure Certification for Exclusion from NPDES Stormwater Permitting, effective \_\_\_\_\_.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History--New 11-29-94, Amended 12-24-96, 10-23-00,\_\_\_\_\_.

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: David B. Struhs, Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Marine Resources

DOCKET NO.: 01-21R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

The Comprehensive Artificial Fishing

Reef Program Control Code 62R-9

RULE TITLES: RULE NOS.:

Introduction and Scope 62R-9.001

Definitions 62R-9.002

Program Criteria for Allocating Available Funds 62R-9.003

Project Application 62R-9.004

Project Application Evaluation 62R-9.005

Processing of Project Applications 62R-9.006

Implementing the Approved Project 62R-9.007

Fiscal Administration 62R-9.008

Forms and Instructions 62R-9.009

PURPOSE, EFFECT AND SUMMARY: This will repeal all rules within Chapter 62R-9, Fla. Admin. Code. The Department of Environmental Protection's statutory authority for these rules has been transferred to the Florida Fish and Wildlife Conservation Commission which now administers its grant program under section 370.023, Fla. Stat. (amended by section 237, Chap. 99-245, Laws of Fla.), and the artificial reef program under section 370.25, Fla. Stat. (amended by section 45, Chap. 2000-364, Laws of Fla.). The Florida Fish and Wildlife Commission has asked that the Department repeal its rule as the Commission has initiated its own rule development to implement the revised 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: 370.25, 370.023 FS.

LAW IMPLEMENTED: 370.25, 370.023 FS.

IF REQUESTED WITHIN 21 DAYS OF DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT A TIME, DATE AND PLACE TO BE DETERMINED.

If an accommodation is needed for a disability in order to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days prior to the event.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mara B. Levy, Assistant General Counsel, Department of Environmental Protection, 3900 Commonwealth Blvd., MS #35, Tallahassee, Florida 32399-3000, phone (850)488-9314

THE FULL TEXT OF THE PROPOSED RULES IS:

62R-9.001 Introduction and Scope.

Specific Authority 370.25 FS. Law Implemented 370.25 FS. History--New 4-4-82, Formerly 16B-32.01, 16B-32.001, 16R-9.001, Repealed.

62R-9.002 Definitions.

Specific Authority 370.25 FS. Law Implemented 370.25 FS. History--New 4-4-82, Amended 1-16-85, Formerly 16B-32.02, 16B-32.002, 16R-9.002, Repealed.

62R-9.003 Program Criteria for Allocating Available Funds.

Specific Authority 370.25 FS. Law Implemented 370.25 FS. History--New 4-4-82, Amended 1-16-85, Formerly 16B-32.03, 16B-32.003, 16R-9.003, Repealed.

62R-9.004 Project Application.

Specific Authority 370.25 FS. Law Implemented 370.25 FS. History--New 4-4-82, Amended 1-16-85, Formerly 16B-32.04, 16B-32.004, 16R-9.004, Repealed.

62R-9.005 Project Application Evaluation.

Specific Authority 370.25 FS. Law Implemented 370.25 FS. History--New 4-4-82, Amended 1-16-85, Formerly 16B-32.05, 16B-32.005, 16R-9.005, Repealed.

62R-9.006 Processing of Project Application.

Specific Authority 370.25 FS. Law Implemented 370.25 FS. History--New 4-4-82, Amended 1-16-85, Formerly 16B-32.06, 16B-32.006, 16R-9.006, Repealed.

62R-9.007 Implementing the Approved Project.

Specific Authority 370.25, 370.023 FS. Law Implemented 370.25, 370.023 FS. History--New 4-4-82, Amended 1-16-85, Formerly 16B-32.07, 16B-32.007, 16R-9.007, Repealed.

62R-9.008 Fiscal Administration.

Specific Authority 370.25, 370.023 FS. Law Implemented 370.25, 370.023 FS. History--New 4-4-82, Formerly 16B-32.08, 16B-32.008, 16R-9.008, Repealed.

62R-9.009 Forms and Instructions.

Specific Authority 370.25 FS. Law Implemented 370.25 FS. History--New 4-4-82, Formerly 16B-32.09, 16B-32.009, 16R-9.009, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mara B. Levy, Assistant General Counsel, Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edwin W. Conklin, Director, Division of Resource Management and Assessment, Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2001



**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Disciplinary Guidelines  
 RULE NO.: 64B8-55.001

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

SUMMARY: This amendment addresses specific requirements for disciplinary guidelines.

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: 456.072, 456.079, 478.52(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 478.52(4) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-55.001 Disciplinary Guidelines.

(1) No change.

(2) Sexual misconduct in the delivery of electrolysis services is sexual behavior or involvement as defined in Section 456.063(1), Florida Statutes ~~with a client, or an immediate family member of a client, including verbal or physical behavior, which may reasonably be interpreted as intended for the sexual arousal or gratification of the Electrologist, the client, an immediate family member of the client, or any third party.~~

(3) Violations and Range of Penalties. In imposing discipline upon applicants and licensees in proceedings pursuant to Section 120.57(1) and 120.57(2), Florida Statutes, the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION

(a) through (e) No change.

(f) Unprofessional conduct, failure to conform to acceptable standards. (478.52(1)(f), F.S., 456.072(3)(b), F.S. ~~455.624(3)(b), F.S.~~)

(g) through (q) No change.

(r) Inability to practice because of mental or physical condition or use of alcohol or controlled substances. (478.52(1)(r), F.S.) (456.072(1)(v), F.S.)

(t) through (kk) No change.

(ll) Testing positive for a drug on employment drug screening (456.072(1)(z), F.S.)

RECOMMENDED RANGE OF PENALTY

(f)1. For first-time violation where no actual patient harm occurred, citation and \$250 fine. For first-time violation where actual patient harm occurred, from six months probation to revocation or denial, and an administrative fine from \$1,000 to \$2,500.

(f)2. After the first offense, from one year probation to revocation or denial, and an administrative fine from \$1,000 to \$5,000.

(r)1. From probation to denial or indefinite suspension until licensee is able to demonstrate the ability to practice with reasonable skill and safety followed by probation, and an administrative fine from \$250 to \$5,000.

(r)2. For a second offense, from indefinite suspension until licensee is able to demonstrate the ability to practice with reasonable skill and safety followed by probation to revocation, and an administrative fine from \$1,000 to \$5,000.

(ll)1. Probation to revocation or denial licensure, and administrative fine from \$250 to \$2,500.

(ll)2. After the first offense, probation to revocation, and administrative fine from \$2,500 to \$5,000.

(4) through (7) No change.

Specific Authority ~~456.072, 456.079, 455.624, 455.627, 478.52(4)~~ FS. Law Implemented ~~456.072, 456.079, 455.624, 455.627, 478.52(4)~~ FS. History—New 11-16-93, Formerly 61F6-80.001, Amended 1-2-95, Formerly 59R-55.001, Amended 2-9-98, 10-12-98, 3-1-00, 9-28-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 16, 2001

**DEPARTMENT OF HEALTH  
Council of Licensed Midwifery**

RULE TITLE: Informed Consent  
PURPOSE AND EFFECT: The Department of Health, Council of Licensed Midwifery has revised its Informed Consent for Licensed Midwifery Services form, and accordingly, proposes this rule amendment to properly incorporate this revision.

RULE NO.: 64B24-7.005

SUMMARY: Subsection (1) of Rule 64B24-7.005, FAC., is amended to properly incorporate by reference the amended Informed Consent for Licensed Midwifery Services form, DH-MQA 1047, revised 3/01.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Has not been prepared regarding this proposed 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: 467.005 FS.

LAW IMPLEMENTED: 467.014, 467.015(1)(a), 467.016 FS.  
A HEARING WILL BE HELD IF REQUESTED, AT A TIME, DATE AND PLACE, TO BE ANNOUNCED IN A LATER ISSUE OF THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, is asked to advise the agency at least 5 calendar days before the meeting by contacting: Letitia Morris, (850)245-4444, Ext. 3489. If you are hearing or speech impaired, please contact the agency by calling (850)245-4474. All written material received by the Department within 21 days of the date of publication of this notice shall be made a part of the official record.

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they may need

to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-7.005 Informed Consent.

(1) ~~A~~ The licensed midwife shall obtain ~~upon acceptance of the patient her~~ a patient's consent for the provision of midwifery services. ~~Such and record that~~ consent shall be recorded on the Informed Consent for Licensed Midwifery Services, Form DH-MQA 1047, revised 3/01, which is hereby adopted and incorporated by reference ~~herein, effective 7-14-94~~, and can be obtained from the Council of Licensed Midwifery, 4052 Bald Cypress Way, BIN #C06 Department of Health, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-~~3256~~ 2204.

Specific Authority ~~455.521(5), 467.005~~ FS. Law Implemented 467.014, 467.015(1)(a), 467.016 FS. History—New 7-14-94, Formerly 61E8-7.005, 59DD-7.005, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Baker, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joe Baker, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256

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

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Managed Care and Health Quality**

RULE NO.: 59A-4.1075  
RULE TITLE: Medical Directors

**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. 49, December 8, 2000, issue of the Florida Administrative Weekly.

Paragraph (1) No change.

Paragraph (2)(a):

(2)(a) The Medical Director must be a physician licensed under Chapter 458 or 459, Florida Statutes. The nursing home administrator may require that the Medical Director be certified or credentialed through a recognized certifying or credentialing organization.

Paragraph (2)(b) was moved from Paragraph (2)(d):

(b) A Medical Director who does not have hospital privileges shall be certified or credentialed through a recognized certifying or credentialing body, such as the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the American Medical Directors Association, the Florida Medical Directors Association or a health maintenance organization licensed in Florida.

Paragraph (2)(c) was moved from Paragraph (2)(b):

(c) A physician must have his/her principal office within 60 miles of all facilities for which he/she serves as Medical Director. Principal office is the office maintained by a physician pursuant to ss. 458.351, Florida Statute and applicable rules, where the physician delivers the majority of medical services. The physician must specify the address of his/her principal office at the time of becoming Medical Director. The agency may approve a request to waive this requirement for rural facilities that exceed this distance requirement. A rural facility is a facility located in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from any other nursing home facility within the same county.

Paragraph (2)(c) was moved from Paragraph (2)(d):

(d) The facility shall appoint a Medical Director who shall visit the facility at least once a month. The Medical Director shall review all new policies and procedures; review all new incident and new accident reports from the facility to identify clinical risk and safety hazards. The Medical Director shall review the most recent grievance logs for any complaints or concerns related to clinical issues. Each visit must be documented in writing by the Medical Director.

Paragraph (3) No change.

Paragraph (4):

(4) The Medical Director appointed by the facility shall meet at least quarterly with the quality assessment and assurance committee of the facility.

Paragraph (5):

(5) The Medical Director appointed by the facility shall participate in the development of the comprehensive care plan for the resident when he/she is also the attending physician of the resident.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-9.0105  
 RULE TITLE: Continuing Education Exemption for Spouses of Military Personnel

**NOTICE OF CORRECTION**

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the above proposed rule, as published in Vol. 26, No. 51, December 22, 2000 issue of the Florida Administrative Weekly is hereby renumbered to read 61G6-9.015.

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

**Section IV  
 Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 354, JUST FOR YOU  
 RULE NO.: 53ER01-13

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 354, "JUST FOR YOU" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-13 Instant Game Number 354, JUST FOR YOU.

(1) Name of Game. Instant Game Number 354, "JUST FOR YOU."

(2) Price. JUST FOR YOU tickets sell for \$2.00 per ticket.

(3) JUST FOR YOU lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning JUST FOR YOU lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any JUST FOR YOU lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbols captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) The holder of a ticket having a number in the "YOUR NUMBERS" play area that matches either number in the "WINNING NUMBERS" play area shall be entitled to the corresponding prize shown for that number. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$40.00, \$100, \$250, \$500, \$1,000, \$5,000, \$10,000. The holder of a ticket which entitles the player to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a JUST FOR YOU lottery ticket which entitles the holder to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(b) The holder of a ticket having a "present" symbol in the "YOUR NUMBERS" play area shall be entitled to all ten prizes shown in the PRIZE play area.

(9) The value, number of prizes, and odds of winning in Instant Game Number 354 are as follows:

<u>MATCH ANY OF YOUR NUMBERS TO EITHER WINNING NUMBER, WIN PRIZE SHOWN, REVEAL A "PRESENT" SYMBOL, WIN ALL TEN PRIZES SHOWN</u>		<u>NUMBER OF WINNERS IN 28 POOLS OF 180,000 TICKETS PER POOL</u>	
<u>TICKET</u>	<u>WIN</u>	<u>PER POOL</u>	<u>ODDS</u>
\$2	\$2	436,800	1 in 11.54
\$5	\$5	268,800	1 in 18.75
\$1 x 10 (Present Symbol)	\$10	67,200	1 in 75.00
\$10	\$10	33,600	1 in 150.00
\$2 x 10 (Present Symbol)	\$20	16,800	1 in 300.00
\$20	\$20	16,800	1 in 300.00
\$40	\$40	9,520	1 in 529.41
\$4 x 10 (Present Symbol)	\$40	2,320	1 in 409.09
\$100	\$100	1,624	1 in 3,103.45
\$10 x 10 (Present Symbol)	\$100	1,652	1 in 3,050.85
\$250 x 2	\$500	84	1 in 60,000.00
\$500	\$500	84	1 in 60,000.00
\$1,000 x 10 (Present Symbol)	\$10,000	2	1 in 2,520,000.00
\$5,000 x 2	\$10,000	2	1 in 2,520,000.00
\$10,000	\$10,000	2	1 in 2,520,000.00

(10) The overall odds of winning any prize in Instant Game Number 354 are 1 in 3.28.

(11) For reorders of Instant Game Number 354, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(12) By purchasing a JUST FOR YOU lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History--New 3-16-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: March 16, 2001

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 341, WILD 7'S  
 RULE NO.: 53ER01-14  
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 341, "WILD 7'S," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-14 Instant Game Number 341, WILD 7'S.

(1) Name of Game. Instant Game Number 341, "WILD 7'S."

(2) Price. WILD 7'S tickets sell for \$1.00 per ticket.

(3) WILD 7'S lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning WILD 7'S lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any WILD 7'S lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) Determination of Prize Winners.

The holder of a ticket having three "7's" in the play area in any one row, column or diagonal shall be entitled to the corresponding prize shown. The prizes are: FREE TICKET, \$2, \$3, \$7, \$27, \$77, and \$700. The holder of a ticket which entitles the player to a prize of a "FREE TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a WILD 7'S lottery ticket which entitles the holder to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(6) The value, number of prizes, and odds of winning in Instant Game Number 341 are as follows:

		<u>NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS</u>	
<u>GET THREE SEVENS IN:</u>	<u>WIN</u>	<u>PER POOL</u>	<u>ODDS</u>
<u>RIGHT COLUMN</u>	<u>\$1 TICKET</u>	<u>1,209,600</u>	<u>1 in 8.33</u>
<u>MIDDLE COLUMN</u>	<u>\$2</u>	<u>672,000</u>	<u>1 in 15.00</u>
<u>LEFT COLUMN</u>	<u>\$3</u>	<u>302,400</u>	<u>1 in 33.33</u>
<u>TOP ROW</u>	<u>\$7</u>	<u>201,600</u>	<u>1 in 50.00</u>
<u>CENTER ROW</u>	<u>\$27</u>	<u>37,240</u>	<u>1 in 270.68</u>
<u>BOTTOM ROW</u>	<u>\$77</u>	<u>2,240</u>	<u>1 in 4,500.00</u>
<u>DIAGONAL</u>	<u>\$700</u>	<u>56</u>	<u>1 in 180,000.00</u>

(7) The overall odds of winning any prize in Instant Game Number 341 are 1 in 4.16.

(8) For reorders of Instant Game Number 341, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(9) By purchasing a WILD 7'S lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History--New 3-16-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: March 16, 2001

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

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Petition for Variance or Waiver from the City of Bonifay is deemed approved by virtue of ninety (90) days having passed since the Petition was received by the Department. The Petition was received by the Department on December 8, 2000, and the 90th day from receipt of that petition was March 8, 2001. The Petitioner sought a waiver of or variance from the provisions of Rule 9B-43.012, Fla. Admin. Code, which require that a Community Development Block Grant ("CDBG") for economic development must create or retain one job for every \$12,000 of CDBG funds.

### DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that on March 19, 2001, the Florida Department of Transportation issued an order granting the Petition for Variance and/or Waiver from the provisions of Rule 14-22.012, Florida Administrative Code, filed by Precision Traffic Counting, Inc., d/b/a Buckholz Traffic, Case No. 01-027. The aforementioned rule provides for the suspension, revocation, or denial of a contractor's qualification to bid for good cause, as that term is defined in Section 337.16(2), Florida Statutes, thereby prohibiting the contractor from bidding on any Department contract for which pre-qualification is required. In addition, Rule 14-22.012, Florida Administrative Code, provides for a determination of non-responsibility to bid on any other construction or maintenance contract and from acting as a material supplier, subcontractor, or consultant on any Department contract or project during the period of suspension, revocation, or denial. The petition was received by the Department and filed by the Clerk of Agency Proceedings on February 15, 2001. The Department published its notice of receipt of the petition in the March 2, 2001, edition of the Florida Administrative Weekly.

The Department granted the petition because the purpose of Rule Chapter 14-22, Florida Administrative Code, will be served by the eight (8) month period that Petitioner has served, and the remaining revocation period of four (4) months will not substantially advance said purpose. A copy of the Department's order may be obtained from the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458. For additional information, contact James C. Myers at (850)414-5393.

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NOTICE IS HEREBY GIVEN that the Florida Department of Transportation received a Petition for Variance from Keystone Building Center, Inc. (DOT Case 01-041) on March 9, 2001, seeking a variance from the provisions of Rule 14-96.007(9), Florida Administrative Code, which establishes Rail or Abandoned Non-Highway Vehicular Use Corridors. The Petition of Keystone Building Center, Inc., requests that it be granted a variance to allow a driveway connection to State Road 100 in Keystone Heights, Florida, which would cross an abandoned rail corridor. Comments on this proposed variance should be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice. A copy of the Petition for Variance may be obtained from the Clerk of Agency Proceedings. For additional information, contact Robert Downie II, Assistant General Counsel, at (850)414-5265.

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NOTICE IS HEREBY GIVEN that the Florida Department of Transportation has received a Petition for Variance from Gate Maritime Properties on January 16, 2001, seeking a variance from the provisions of Rule Chapter 14-57.003, Florida Administrative Code. Rule 14-57.003(5)(c)1. establishes the minimum distance between the center lines of parallel standard gauge railroad tracks. Gate Maritime Properties proposes the Department grant a waiver at Blount Island, Jacksonville, Florida, for a five hundred foot section of two parallel railroad tracks whose center lines are, at their closest, approximately nine and one half feet apart. Comments on this proposed variance should be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice. A copy of the Petition for Variance may be obtained from the Clerk of Agency Proceedings. For additional information, contact Scott Matthews, Assistant General Counsel, at (850)414-5265.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, State of Florida, has received from

Christopher Clement a Petition for a Variance or Waiver from Rule 61D-6.006(2), Florida Administrative Code, pursuant to Section 120.542, Florida Statutes, and filed with the Agency Clerk on March 8, 2001. Rule 61D-6.006(2), Florida Administrative Code, requires a split sample analysis of a urine sample that has tested positive for an impermissible substance be performed by a laboratory from the approved list of independent confirmatory laboratories required by Section 550.2415(5)(a), Florida Statutes.

Comments on this Petition should be filed with: Mary Polombo, Division Clerk, Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

A copy of the Petition may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

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**NOTICE OF AN EMERGENCY PETITION FOR VARIANCE** – The above referenced notice is being changed to address comments from the Joint Administrative Procedures Committee. This Notice of an emergency petition for variance was originally published in Vol. 27, No. 10, Florida Administrative Weekly, March 9, 2001. The notice should read as follows:

The Board of Funeral Directors and Embalmers hereby gives notice that it has received an "Emergency Petition For Waiver of Rules" 61G8-25.001 and 61G8-25.002, filed on February 13, 2001, by Shawn L. Watters and a similar non-emergency Petition for Waiver of the same rules, filed on February 27, 2001, by Josette L. Camacho. Petitioners are seeking waivers of Rule 61G8-25.001's requirement of a grade of 75% on all sections of the embalmer's examination administered by the Conference of Funeral Service Examining Boards, to be licensed as an embalmer by endorsement in the State of Florida. Petitioners are also seeking waivers of Rule 61G8-25.002's requirement of a grade of 75% on all sections of the funeral director's examination administered by the Conference of Funeral Service Examining Boards, to be licensed as a funeral director by endorsement in the state of Florida.

To the extent that Mr. Watters' Petition is a request for an emergency waiver requesting expedited time frames as set forth in Rule 28-102.005, F.A.C., it is denied for the following reasons: (1) There is no reference to that rule in the Petition, (2) The petition is styled an "Emergency Petition" rather than a "Petition for Emergency Waiver," (3) Petitioner has placed himself in the position of having come to Florida, purchasing a home in the state, and accepting a job transfer which requires him to be licensed by the 14th of March, with apparent disregard of the licensure requirements in this state. (4) Petitioner created any hardship he now faces, his lack of planning cannot now create an emergency for the government of this state. Because his intent is not clear, and because to

permit willful ignorance of the law to create a government emergency would be ill conceived, the waiver requests will be considered as set forth below.

The Board of Funeral Directors and Embalmers will hold a telephone hearing to discuss the petition on March 29, 2001, beginning at 10:00 a.m. The conference call "meet me" number is (850)921-2470, if you wish to participate.

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

A copy of the petition for variance may be obtained by writing: Anthony Spivey, Executive Director, Board of Electrical Contractors' Licensing, Department of Business and Professional Regulation, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Florida Department of Health received on January 5, 2001, a petition from Joseph Pezzimenti, seeking a variance from the requirements of rule 64B14-4.003(2)(c), Florida Administrative Code.

Copies may be received from, and written comments submitted to: Miriam Wilkinson, Office of the General Counsel, Department of Health, BIN A-02, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1703.

Comments must be received no later than 14 days from the date of publication of this notice.

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NOTICE IS HEREBY GIVEN that the Florida Department of Health received on January 22, 2001, a petition from Rosario Carrazana, seeking a variance from the requirements of rule 64B14-4.004, Florida Administrative Code.

Copies may be received from, and written comments submitted to: Miriam Wilkinson, Office of the General Counsel, Department of Health, BIN A-02, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1703.

Comments must be received no later than 14 days from the date of publication of this notice.

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NOTICE IS HEREBY GIVEN that the Florida Department of Health received on January 22, 2001, a petition from Elvio Carrazana, seeking a variance from the requirements of rule 64B14-4.004, Florida Administrative Code.

Copies may be received from, and written comments submitted to: Miriam Wilkinson, Office of the General Counsel, Department of Health, Bin A-02, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1703.

Comments must be received no later than 14 days from the date of publication of this notice.

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NOTICE IS HEREBY GIVEN that the Florida Department of Health received on February 13, 2001, a petition from David Garcia, seeking a variance from the requirements of rule 64B14-4.001(2)(a), Florida Administrative Code.

Copies may be received from, and written comments submitted to: Miriam Wilkinson, Office of the General Counsel, Department of Health, Bin A-02, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1703.

Comments must be received no later than 14 days from the date of publication of this notice.

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## Section VI Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

The Board of Trustees of **Historic Pensacola Preservation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 11, 2001, 12:00 Noon

PLACE: J. Earle Bowden Building, 120 Church Street, Pensacola, FL 32501

PURPOSE: General business meeting.

A copy of the agenda may be obtained by writing: Historic Pensacola Preservation Board, P. O. Box 12866, Pensacola, FL 32576-2866.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any persons with handicaps wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

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The Board of Directors of **Historic Pensacola, Inc.**, the direct support organization of the Historic Pensacola Preservation Board announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday April 11, 2001, immediately following the meeting of the Historic Pensacola Preservation Board, which will begin at 12:00 Noon

PLACE: J. Earle Bowden Building, 120 Church Street, Pensacola, FL 32501

PURPOSE: General business meeting.

A copy of the agenda may be obtained by writing: Historic Pensacola Preservation Board, P. O. Box 12866, Pensacola, Florida 32576-2866.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any person with handicaps wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

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The **Private Investigation, Recovery and Security Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 14, 2001, 9:00 a.m.

PLACE: Diamond Head Beach Resort, 2000 Estero Blvd., Ft. Myers Beach, Florida, (941)765-7654

DATE AND TIME: Thursday, September 20, 2001, 9:00 a.m.

PLACE: Embassy Suites Tampa – Airport/Westshore, 555 North Westshore Blvd., Tampa, Florida, (813)875-1555

PURPOSE: The quarterly meeting of the Council pursuant to the requirement of Section 493.6104(4), Florida Statutes. The Council will conduct a general business meeting.

A copy of the agenda may be obtained by writing: Department of State, Division of Licensing, Attention: April Howard, Post Office Box 6687, Tallahassee, Florida 32314-6687.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact the Director, Division of Licensing not later than 48 hours prior to the meeting at the address given on the notice, telephone (850)488-6982.

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#### DEPARTMENT OF LEGAL AFFAIRS

The Legislative Advocacy Committee of the **Florida Commission on the Status of Women** will hold a telephone conference:

DATE AND TIME: April 20, 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 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.

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The **Office of the Attorney General**, Florida Motor Vehicle Theft Prevention Authority announces a public meeting of the Grant Review Team to which all interested persons are invited.

DATES AND TIME: April 24-27, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Office of the Attorney General, Collins Building, Lemon Law Conference Room, Room G19, 107 West Gaines Street, Tallahassee, Florida

PURPOSE: Annual meeting of the Grant Review Team which will evaluate and determine grant applications eligible for MVTPA Grants for the funding period of October 1, 2001 to September 30, 2002.

Further information may be obtained by contacting: Karen O'Bryan, Florida Motor Vehicle Theft Prevention Authority, Office of the Attorney General, The Capitol, Room PL-01, Tallahassee, Florida 32399-1050 or by calling (850)414-3362. TDD users, please call through the Florida Relay Service, 1(800)955-8771.

If special accommodations are needed to attend this meeting because of disability, please contact Karen O'Bryan no later than seven days prior to the proceedings, (850)414-3362. If hearing impaired, contact Karen O'Bryan via Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Office of the Attorney General**, Florida Motor Vehicle Theft Prevention Authority announces a public meeting of the Board of Directors of the Florida Motor Vehicle Theft Prevention Authority to which all interested persons are invited.

DATE AND TIME: Wednesday, May 23, 2001, 10:00 a.m.

PLACE: Florida Department of Highway Safety and Motor Vehicles (DHSMV), Neil Kirkman Building, Room A-427, 2900 Apalachee Parkway, Tallahassee, Florida

PURPOSE: Quarterly meeting of the Board of Directors as required by Florida Statute. Consideration of matters as presented in the agenda for the meeting.

A copy of the agenda may be obtained by contacting: Karen O'Bryan, Florida Motor Vehicle Theft Prevention Authority, Office of the Attorney General, The Capitol, Room PL-01, Tallahassee, Florida 32399-1050 or by calling (850)414-3362. A request for the agenda may be faxed to the Authority office, (850)413-0633. TDD users, please call through the Florida Relay Service, 1(800)955-8771.

If special accommodations are needed to attend this meeting because of a disability, please contact Karen O'Bryan no later than seven days prior to the proceedings, (850)414-3362. If hearing impaired, contact Karen O'Bryan via Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### 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 16, 2001, 1:30 p.m.

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

PURPOSE: Public meeting for Florida Fire Code Advisory Council to discuss fire code issues pertaining to the proposed rule.



A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

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## DEPARTMENT OF EDUCATION

The Florida **Department of Education** (DOE) announces a meeting of the Partnership for School Safety and Security to which all persons are invited.

**DATES AND TIMES:** April 10, 2001, 10:00 a.m. – 4:30 p.m.; April 11, 2001, 8:30 a.m. – 12:00 Noon

**PLACE:** Florida Department of Education, Turlington Building, 325 West Gaines Street, Room 1706, Tallahassee, Florida 32399-0400

**PURPOSE:** Meeting of the Partnership for School Safety and Security Members, appointed by Governor Jeb Bush in October, 2000.

The Partnership for School Safety and Security welcomes participation from any interested members of the public.

Additional information may be obtained by writing: Department of Education, Office of Safe Schools, 325 West Gaines Street, Room 301, Tallahassee, Florida 32399 or by telephoning Neisa Logman, (850)410-1667.

Any persons requiring special accommodation at this meeting because of a disability or physical impairment should contact Neisa Logman, Office of Safe Schools, (850)410-1667, at least five calendar days prior to the meeting.

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The public is invited to a telephone conference call meeting of the Florida **Board of Regents**.

**DATE AND TIME:** April 13, 2001, 9:00 a.m.

**PLACE:** Conference Room, 15th Floor, Florida Education Center, 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.

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The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission Field Services Committee to which all persons are invited and to which all interested individuals are encouraged to attend.

**DATE AND TIME:** April 11, 2001, 9:00 a.m. – 12:00 Noon

**PLACE:** Division of Vocational Rehabilitation Services' Headquarters, Room 214, 2002 Old Saint Augustine Road, Building A, Tallahassee, Florida 32301, (850)488-0059

**PURPOSE:** To discuss the regular business of the Field Services Committee.

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.

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The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission Compliance and Oversight Committee to which all persons are invited and to which all interested individuals are encouraged to attend.

**DATE AND TIME:** April 11, 2001, 9:00 a.m. – 5:00 p.m.

**PLACE:** Division of Vocational Rehabilitation Services' Headquarters, Room 360, 2002 Old Saint Augustine Road, Building A, Tallahassee, Florida 32301, (850)488-0059

**PURPOSE:** To conduct the regular business of the Compliance and Oversight Committee.

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.

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The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission Government and Customer Relations Committee to which all persons are invited and to which all interested individuals are encouraged to attend.

**DATE AND TIME:** April 11, 2001, 1:00 p.m. – 3:00 p.m.

**PLACE:** Division of Vocational Rehabilitation Services' Headquarters, Room 214, 2002 Old Saint Augustine Road, Building A, Tallahassee, Florida 32301, (850)488-0059

**PURPOSE:** To discuss the regular business of the Government and Customer Relations Committee.

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.

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The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission Budget, Policy and Planning Committee to which all persons are invited and to which all interested individuals are encouraged to attend.

**DATE AND TIME:** April 11, 2001, 3:00 p.m. – 5:00 p.m.

**PLACE:** Division of Vocational Rehabilitation Services' Headquarters, Room 214, 2002 Old Saint Augustine Road, Building A, Tallahassee, Florida 32301, (850)488-0059

**PURPOSE:** To discuss Vocational Rehabilitation Services' budget, policy, planning, and/or contract management issues.

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 meeting of the Occupational Access and Opportunity Commission Executive Committee to which all persons are invited and to which all interested individuals are encouraged to attend.

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

PLACE: Division of Vocational Rehabilitation Services' Headquarters, Room 214, 2002 Old Saint Augustine Road, Building A, Tallahassee, Florida 32301, (850)488-0059

PURPOSE: To conduct the regular business of the Executive Committee.

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.

## DEPARTMENT OF COMMUNITY AFFAIRS

The **State Emergency Response Commission** for Hazardous Materials announces a meeting of all Local Emergency Planning Committee chairpersons and staff contacts to which all persons are invited.

DATE AND TIME: April 5, 2001, 1:30 p.m.

PLACE: Agency for Health Care Administration, 2002 Old St. Augustine Road, Conference Room 115, Building D, Tallahassee, Florida 32399

PURPOSE: To discuss the activities and goals of the Local Emergency Planning Committees in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or by telephoning (850)413-9970.

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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 Compliance Planning Section, (850)410-1271, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **State Emergency Response Commission for Hazardous Materials** announces a meeting to which all persons are invited.

DATE AND TIME: April 6, 2001, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2002 Old St. Augustine Road, Conference Room 115, Building D, Tallahassee, Florida 32399

PURPOSE: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or by telephoning (850)413-9970.

If a person decides to appeal any decision, with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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 Compliance Planning Section, (850)410-1271, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 12, 2001, 8:30 a.m. – 4:00 p.m.

PLACE: Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207, (904)396-5100

PURPOSE: The Violent Crime Council and any other interested individuals will meet to hear presentations and discuss issues relating to violent crime.

A copy of the agenda may be obtained by writing: Senior Management Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Justice Professionalism Services, Post Office Box 1489, Tallahassee, Florida 32302 or by telephoning (850)410-8620.

Accommodations are made for individuals with disabilities as defined by the Americans With Disabilities Act (ADA).

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#### DEPARTMENT OF TRANSPORTATION

The Florida **Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: April 12, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Department of Transportation, Executive Conference Room, 605 Suwannee Street, Tallahassee, Florida

PURPOSE: Meeting of the Florida Transportation Commission.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. #9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting Cathy Goodman, (850)414-4105.

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The Florida **Department of Transportation**, District 5 announces a public hearing to which all persons are invited.

DATE AND TIME: April 26, 2001, 7:00 p.m. (Open to Public at 6:30 p.m.)

PLACE: Brevard Community College, Melbourne Campus, Room 114, Building 7, 3865 North Wickham Road, Melbourne, Florida

PURPOSE: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of State Project Number 241241-1-21-01, Federal-Aid Number XU-8888(573), otherwise known as Apollo Boulevard Extension project. The limits of the project are from Sarno Road to Eau Gallie Boulevard.

A copy of the study material may be obtained by writing: Tianjia Tang, Ph.D., Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, FL 32720.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given above or call telephone number (386)943-5400. Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing.

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#### STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (SBA) of a meeting regarding the Intent to Procure for institutional investment product providers for the Public Employee Optional Retirement Program to which all persons are invited.

DATE AND TIME: Monday, April 9, 2001, 9:00 a.m. – conclusion

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: At this meeting, the Investment Services Implementation Group (ISIG) will discuss the recommendations by the investment consultant, Callan Associates, regarding candidates for oral interviews, and will discuss the oral interview process. The meeting will also include a discussion of the general business of PEORP. This meeting will be a conference call for those who will not be able to attend in person.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail at: lazar\_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (SBA) of meetings regarding the Intent to Procure for institutional investment product providers for the Public Employee Optional Retirement Program to which all persons are invited.

**DATES AND TIME:** Tuesday, April 24, 2001 through Friday, April 27, 2001, 7:30 a.m. – conclusion

**PLACE:** Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

**PURPOSE:** These meetings will be oral interviews for candidates for institutional product providers for the Public Employee Optional Retirement Program (PEORP) and will also include discussions of other PEORP implementation issues.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail at: lazar\_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

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#### DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Blue Ribbon Committee to which all persons are invited.

**DATE AND TIME:** Friday, April 13, 2001, 10:00 a.m.

**PLACE:** Indian River Citrus League Offices, 7925 20th Street (U.S. 60), Vero Beach, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Blue Ribbon Committee will meet to continue the strategic planning. The Committee will also discuss any other issues that may properly come before the Committee.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

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#### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 001097-TP – Request for arbitration concerning complaint of BellSouth Telecommunications, Inc., against Supra Telecommunications and Information Systems, Inc. for resolution of billing disputes.

**DATE AND TIME:** April 6, 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).

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The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

**DATE AND TIME:** \*April 16, 2001, 9:30 a.m.

**PLACE:** The Betty Easley Conference Center, Room 140, 4075 Esplanade Way, Tallahassee, Florida

**PURPOSE:** To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission through the Florida Relay Service by using the following numbers: 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

\*In the event of a scheduling conflict, this meeting may be moved to April 17, 2001, immediately following the Commission Conference, in Room 140.

\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\*

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The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990696-WS – Application for original certificates to operate a water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.

Docket No. 992040-WS – Application for certificates to operate a water and wastewater utility in Duval and St. Johns Counties by Intercoastal Utilities, Inc.

**DATE AND TIME:** April 16, 2001, 1:30 p.m.

**PLACE:** Betty Easley Conference Center, Commission Hearing Room 152, 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).

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The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 991378-TL – Initiation of show cause proceedings against BellSouth Telecommunications, Inc. for violation of service standards.

**DATE AND TIME:** April 16, 2001, 1:30 p.m.

**PLACE:** Betty Easley Conference Center, Commission Hearing Room 148, 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).

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The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

**DATE AND TIME:** April 17, 2001, 9:30 a.m.

**PLACE:** The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

**PURPOSE:** To consider those matters ready for decision.

**LEGAL AUTHORITY AND JURISDICTION:** Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, FAC.), by contacting the Division of Records and Reporting, (850)413-6770 or writing to the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, 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.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the conference. 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).

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The Florida **Public Service Commission** announces a Special Commission Conference in the following docket to which all interested persons are invited.

Docket No. 990649-TP – Investigation into pricing of unbundled network elements.

**DATE AND TIME:** April 18, 2001, 9:30 a.m.

**PLACE:** Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

**PURPOSE:** To vote on the establishment pricing of unbundled network elements for BellSouth Telecommunications, Inc.

**LEGAL AUTHORITY AND JURISDICTION:** Chapters 120, 350 and 367, F.S.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy, (\$1.00 per copy, Rule 25-22.002, FAC.) by writing: Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida. The agenda and recommendation are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he 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 is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the conference. 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 Customer Meeting to be held in the following docket, to which all persons are invited to attend.

Docket No. 000584-WS – Application of Laniger Enterprises of America, Inc. for a Staff-Assisted Rate Case in Martin County

DATE AND TIME: Monday, April 23, 2001, 6:00 p.m.

PLACE: Martin County Commission Meeting Room, 2401 S. E. Monterey Road, Stuart, Florida 34996

PURPOSE: To give customers and other interested persons an opportunity to offer comments on the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues.

A copy of the agenda for any meeting may be obtained by writing: Director of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

The **Florida Energy 2020 Study Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: April 19, 2001, 9:30 a.m.

PLACE: Leon County Civic Center, Room A1, 505 W. Pensacola Street, Tallahassee, Florida

PURPOSE: The Commission will be discussing restructuring Florida's electricity market information relevant to determining what Florida's electric energy needs will be over the next 20 years, and how best to supply those needs in an efficient, affordable and reliable manner that will ensure adequate electric reserves.

A copy of the agenda for this meeting may be obtained by writing: Executive Director, Florida Energy 2020 Study Commission, Office of the Governor, Room 225B, Knott Building, Tallahassee, Florida 32399-0001.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Executive Director, (850)413-7777, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired may contact the

Florida Energy 2020 Study Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor** announces teleconference meetings of the Florida Black Business Investment Board, its loan and transition committees to which all interested persons are invited.

DATE AND TIME: April 13, 2001, 8:00 a.m.

PLACE: (850)921-5230

DATE AND TIME: April 20, 2001, 8:00 a.m.

PLACE: (850)487-4850

DATE AND TIME: April 27, 2001, 8:00 a.m.

PLACE: (850)921-5230

DATE AND TIME: May 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, transition committee discussion 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 a 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 at (850)488-4441.

#### REGIONAL PLANNING COUNCILS

The **Withlacoochee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 19, 2001, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 11, 2001, 9:30 a.m.

PLACE: Citrus and Chemical Bank Building, Third Floor, Conference Room, 600 North Broadway Avenue, Bartow, Florida

PURPOSE: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

**REGIONAL TRANSPORTATION AUTHORITIES**

The **Hillsborough Area Regional Transit Authority** (HART) announces the following public meetings of the Governing Board of the Authority to which all persons are invited.

Public Hearing

DATE AND TIME: April 2, 2001, 9:00 a.m.

PLACE: Hillsborough Area Regional Transit Authority (HART), 601 E. Kennedy Boulevard, 18th Floor, Tampa, FL

PURPOSE: Regularly Scheduled Board Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to order
2. Approval of Minutes
3. Introductions, Recognition and Awards
4. Consumer Advisory Committee Report
5. Public Comment on Action Items
6. Consent Action Items
7. Other Action Items
8. Chairman's Report
9. Reports from HART Representatives
10. HART Committee Reports
11. Other Board Member's Report
12. Executive Director's Report
13. Employee Comment
14. General Public Comment
15. Discussion and Presentations

16. Monthly Information Reports

17. Other Information Items

18. Other Business

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, 201 E. Kennedy Boulevard, Suite 1600, Tampa, FL 33602, (813)223-6831.

Section 286.0105, Florida Statutes, states that if a person decided to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Joe DeHoyos, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

**DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces a Premiums and Benefits and Fraud and Noncompliance Committee meeting to which the public is invited.

DATE AND TIME: Thursday, April 12, 2001, 9:00 a.m. – 10:00 a.m. (An extension may be granted.)

PLACE: Fifth Floor, University Club, Florida State University, Tallahassee, Florida

PURPOSE: The purpose is to discuss issues of interest to the committee.

For further information about this telephone conference, contact Becky Thomas, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, (850)487-2613, two days prior to the date of the meeting.

In the event meeting time and/or place changes, notice of change will be posted on meeting notice bulletin board at 2574 Seagate Drive, Suite 100, Marathon Building, Tallahassee, Florida 32399-2152. You may call (850)487-2613.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least two business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact Becky Thomas using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces a board meeting to which the public is invited.

DATE AND TIME: Thursday, April 12, 2001, 10:00 a.m.

PLACE: Fifth Floor, University Club, Florida State University, Tallahassee, Florida

PURPOSE: To discuss issues of interest to the Board.

For a copy of the agenda or for further information about this meeting, contact: Carolyn Smith, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, (850)487-2613.

In the event meeting time and/or place changes, notice of change will be posted on meeting notice bulletin board at 2574 Seagate Drive, Suite 100, Marathon Building, Tallahassee, Florida 32399-2152. You may call (850)487-2613.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least two business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact Becky Thomas using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

#### **WATER MANAGEMENT DISTRICTS**

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

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

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

PURPOSE: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters. Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the University of Florida/Alachua Wastewater Tract, 44 acres +/-, Alachua County, Florida, with funds from the Preservation 2000 Trust Fund; also the proposed acquisition of the Leonard Hill Jr./Alligator Lake Addition, 42 acres +/-, Columbia County, Florida, with funds from the Preservation 2000 Trust Fund, also the proposed acquisition of the Barber and Jackson/Cross City Wastewater Tract, 377 Acres +/-, Dixie County, Florida, with funds from the Preservation 2000 Trust Fund.

DATE AND TIME: April 10, 2001, following Board Meeting

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

PURPOSE: Board Workshop.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

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

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (904)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited:

#### **PERSONNEL COMMITTEE MEETING**

DATE AND TIME: Tuesday, April 10, 2001, 8:30 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

PURPOSE: Discussion of Personnel Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

#### **INFORMATION TECHNOLOGY COMMITTEE MEETING**

DATE AND TIME: Tuesday, April 10, 2001, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

PURPOSE: Discussion of Information Technology Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

#### **GOVERNING BOARD MEETING**

DATE AND TIME: Tuesday, April 10, 2001, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

PURPOSE: Discussion and consideration of District business including regulatory and non-regulatory matters.

#### **FINANCE COMMITTEE MEETING**

DATE AND TIME: Wednesday, April 11, 2001, 8:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

PURPOSE: Discussion of Finance Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

#### **GOVERNING BOARD MEETING AND PUBLIC HEARING**

DATE AND TIME: Wednesday, April 11, 2001, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion and consideration of District business including regulatory and non-regulatory matters.

A copy of the agenda for these meetings may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Executive Office.

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



Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

The **St. Johns River Water Management District** announces a meeting to which all interested persons are invited.

DATE AND TIME: April 11, 2001, following the Governing Board Meeting which begins at 9:00 a.m.

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

PURPOSE: Third Public Hearing regarding Environmental Resource Permitting Streamlining proposed amendments to Chapters 40C-1, 40C-4, 40C-40, 40C-41, 40C-42 and 40C-400, FAC., and the Applicant's Handbooks: Management and Storage of Surface Waters and Regulation of Stormwater Management Systems.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATES AND TIME: April 3, 2001; April 10, 2001; April 17, 2001; April 24, 2001, 1:00 p.m.

PLACE: District Headquarters, B-1 Building, Egret Room, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: The Appraisal Review Committee will hold its regular meeting to discuss appraisal issues and, if necessary, select an appraiser from proposals received on upcoming appraisal assignments.

NOTE: Due to extensive demolition and construction at the main complex for the next 18 months, parking will be severely impacted. Additional parking for the public will be available at the National Guard Armory just east of the main complex or at Lake Lytel Park, located west of the main complex.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact Kenneth Daw, Chief Appraiser, (561)682-6737.

The **South Florida Water Management District** announces a public workshop/meeting which may be conducted by means of or in conjunction with communications technology, to which all interested parties are invited.

DATE AND TIME: April 11, 2001, 9:00 a.m.

PLACE: District Headquarters, B-1 Building Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE:

A. Regular Governing Board Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matters.

B. Conduct meeting of the Human Resources Committee.

C. Conduct meeting of the Audit Committee.

NOTE: Due to extensive demolition and construction at the main complex for the next 15 months, parking will be severely impacted. Additional parking for the public will be available at the National Guard Armory just east of the main complex or at Lake Lytel Park, located west of the main complex.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members. In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference in order to take action on items listed on the Thursday, April 12th meeting agenda, including regulatory and non-regulatory items.

DATE AND TIME: April 11, 2001, time to be determined

PLACE: To be determined

PURPOSE: Possible off-site dinner with Governing Board members after workshop/meeting. No discussion of Governing Board's business or activities shall occur between or among board members at this dinner site.

DATE AND TIME: April 12, 2001, 7:00 a.m.

PLACE: To be determined

PURPOSE: Breakfast workshop with Governing Board members and senior staff.

DATE AND TIME: April 12, 2001, 8:30 a.m.

PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, including public meetings. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

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 or may be acquired via the SFWMD Web Site at <http://www.sfwmd.gov/agenda.html>.

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 testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact Darryl Bell, Governing Board Operations Director, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

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**The South Florida Water Management District** announces a public meeting to which all interested parties are invited.

**DATES AND TIMES:** May 17, 2001, 12:30 p.m. – 5:00 p.m.; May 18, 2001, 7:30 a.m. – 5:00 p.m.

**PLACE:** Riverwoods Field Lab, 100 Riverwoods Circle, Lorida, Florida

**PURPOSE:** Peer Review and Scientific Advisory Panel Workshop for Kissimmee River Restoration "Evaluation Studies." Tentative agenda topics include:

May 17 – Discussion of hydrology, geomorphology and water quality studies.

May 18 – Discussion of vegetation, invertebrate, fish, herpetological, and avian studies.

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 may contact Lou Toth at (561)682-6615, ltoth@sfwmd.gov.

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**The South Florida Water Management District** announces a public workshop to which all interested persons are invited.

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

**PLACE:** South County Government and Administration Center (the old South County Courthouse), Room 219, 345 Congress Avenue, Delray Beach, Florida

**PURPOSE:** To solicit further public comments in the development of additional Environmental Resource Permit (ERP) criteria for the protection of wetlands and other surface waters and the water resources of the SFWMD specific to projects proposing construction in and adjacent to the Water Preserve Areas (WPAs) located in western Palm Beach and Broward Counties. The current version of these additional criteria is reflected in draft Rule 40E-41 available from the SFWMD.

For more details on this workshop or the proposed criteria, please contact: Penelope Bell, South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680, 1(800)432-2045 or (561)682-6320 or by email [pbell@sfwmd.gov](mailto:pbell@sfwmd.gov).

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.

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**The South Florida Water Management District** announces a public meeting to which all interested parties are invited.

**DATE AND TIME:** April 17, 2001, 10:00 a.m. – 4:00 p.m.

**PLACE:** South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

**PURPOSE:** To discuss and take public comment on proposed MFL rules (including Chapters 40E-8, 40E-2, 40E-20, 40E-21, 40E-22, and the Consumptive Basis of Review) proposed for Lake Okeechobee, the Everglades (which includes the freshwater regions of Everglades National Park, Water Conservation Areas and the Holeyland and Rotenberger Wildlife Management Areas), the Biscayne Aquifer in Southeastern Florida, the Lower West Coast Aquifers and the Caloosahatchee River, in accordance with Chapter 373, Florida Statutes.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact the agency by calling (561)697-2574.

For more information, contact Scott Burns, (561)682-6817 or Cecile Ross, (561)682-6343. For procedural issues contact: Julie Jennison, (561)682-6294.

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: May 2, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: South Florida Water Management District Headquarters, B-1 Building Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: The purpose of the public meeting is to provide an opportunity for enhanced public involvement in a new process to prioritize water bodies within SFWMD in need of restoration. It is the intention of the SFWMD to use the "Priority List for Water Bodies in Need of Restoration" ("List") to recommend projects for funding.

The SFWMD has maintained a "SWIM Priority Water Body List" in the past. In meeting with local governments and receiving input from stakeholders, it became clear additional criteria could be considered that took into account cost-sharing/partnership opportunities and the existence of management plans or programs that led to restoration outside of the water management district. These additional criteria were considered in combination with the original SWIM criteria to create a new "Priority List for Water Bodies in Need of Restoration." This public meeting is an invitation to the public and stakeholders to advocate for a particular water body that is included on the list, or to share information about a water body that may be relevant to the ranking process.

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 Deborah Drum, Coastal Ecosystems Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

## COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Conference Committee to which all persons are invited.

DATE AND TIME: Tuesday, April 10, 2001, 9:30 a.m. – completion

PLACE: 2740 Centerview Drive, Rhyne Building, Suite 1A, Tallahassee, Florida, (850)488-6036

PURPOSE: To discuss plans for 2001 TD conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Erin Schepers at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

## REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Public Hearings and Regular Board Meeting to which all persons are invited.

DATE AND TIME: Monday, April 16, 2001, 10:00 a.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

PURPOSE: A Tax Exempt Finance Reform Act "TEFRA" Public Hearing and Rule Adoption Public Hearing concerning the "Good Neighbor Policy" will be held followed immediately by the Regular Meeting of the Board of Directors. A copy of the regular meeting agenda may be obtained by writing Tampa Bay Water or can be accessed on the Web at [www.tampabaywater.org](http://www.tampabaywater.org).

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 purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

## SPACEPORT FLORIDA AUTHORITY

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.

**DEPARTMENT OF ELDER AFFAIRS**

The **State Long-Term Care Ombudsman Council** announces a public meeting for all districts in Florida to which all persons are invited.

- DATE AND TIME: April 26, 2001, 9:00 a.m.  
PLACE: North West Florida LTCOP, Pensacola, FL
- DATE AND TIME: April 18, 2001, 10:00 a.m.  
PLACE: Panhandle LTCOP, Blountstown, FL
- DATE AND TIME: April 19, 2001, 12:30 p.m.  
PLACE: North Central LTCOP, Gainesville, FL
- DATE AND TIME: April 12, 2001, 1:00 p.m.  
PLACE: Withlacoochee Area LTCOP, Ocala, FL
- DATE AND TIME: April 17, 2001, 12:00 Noon  
PLACE: First Coast LTCOP, St. Augustine, FL
- DATE AND TIME: April 19, 2001, 1:30 p.m.  
PLACE: Mid and South Pinellas LTCOP, Largo, FL
- DATE AND TIME: April 12, 2001, 1:30 p.m.  
PLACE: Pasco and North Pinellas LTCOP, New Port Richey, FL
- DATE AND TIME: April 17, 2001, 10:00 a.m.  
PLACE: West Central Florida LTCOP, Tampa, FL
- DATE AND TIME: April 5, 2001, 12:30 p.m.  
PLACE: East Central Florida LTCOP, Orlando, FL
- DATE AND TIME: April 3, 2001, 11:00 a.m.  
PLACE: Southwest Florida LTCOP, Ft. Myers, FL
- DATE AND TIME: April 23, 2001, 2:30 p.m.  
PLACE: Treasure-Gold Coast LTCOP, West Palm Beach, FL

- DATE AND TIME: April 10, 2001, 1:30 p.m.  
PLACE: Broward County LTCOP, Plantation, FL
- DATE AND TIME: April 17, 2001, 1:15 p.m.  
PLACE: South Dade and the Florida Keys LTCOP, S. Miami, FL
- DATE AND TIME: April 12, 2001, 10:30 p.m.  
PLACE: North Dade, N. Miami, FL
- GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues related to the Long-Term Care Ombudsman Program.  
You may contact the State Long-Term Care Ombudsman Office, (850)488-6190 for further information.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a meeting of the Panel on Excellence in Long-Term Care to which all interested parties are invited.

- DATE AND TIME: Monday, April 23, 2001, 10:00 a.m.  
PLACE: Health Central Park of Winter Garden, 411 North Dillard Street, Winter Garden, Florida 34787
- PURPOSE: A meeting of the Panel on Excellence in Long-Term Care. The purpose of this meeting is to conduct a public hearing on the proposed Gold Seal Award rule and review components of an application for the Gold Seal award. Other matters before the Panel will also be discussed.
- A copy of the agenda may be obtained by writing: Richard Kelly, Agency for Health Care Administration, Bldg. 1, Room 228, 2727 Mahan Drive, Tallahassee, FL 32308.
- Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Richard Kelly, (850)488-5861, at least five calendar days prior to the meeting.

**DEPARTMENT OF MANAGEMENT SERVICES**

The **Correctional Privatization Commission** announces a meeting to which all persons are invited.

- DATE AND TIME: Thursday, April 19, 2001, 10:00 a.m.  
PLACE: Johns Building, 725 S. Bronough Street, Room 259, Tallahassee, Florida 32399
- PURPOSE: Discussion of pertinent Commission business relating to the current and upcoming fiscal years.
- A copy of the agenda may be obtained by writing: Correctional Privatization Commission, Office of the Executive Director, 4050 Esplanade Way, Pepper Building, Suite 680, Tallahassee, Florida 32399-0950.
- Any person who decides to appeal a decision of the Correctional Privatization Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Section 286.0105, Florida Statutes.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Correctional Privatization Commission, Office of the Executive Director, (850)921-4034, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Correctional Privatization Commission, Office of the Executive Director, by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Monday, April 9, 2001, 2:00 p.m.

PLACE: Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149. The meet-me telephone number is (850)414-1709 or Suncom 994-1709

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This is a regular meeting of the commission. Items to be discussed will include general administrative issues.

A copy of the agenda may be obtained by contacting: Ms. Azizi Coleman, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, (850)488-7082, Ext. 1032.

**VERBATIM RECORD OF MEETING:** If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

**ADA Notice:** Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Wednesday, April 11, 2001, 2:00 p.m.

PLACE: Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149. The meet-me telephone number is (850)414-1709 or Suncom 994-1709

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This is a regular meeting of the commission. Items to be discussed will include general administrative issues.

A copy of the agenda may be obtained by contacting: Ms. Azizi Coleman, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, (850)488-7082, Ext. 1032.

**VERBATIM RECORD OF MEETING:** If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

**ADA Notice:** Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Monday, April 16, 2001, 2:00 p.m.

PLACE: Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149. The meet-me telephone number is (850)414-1709 or Suncom 994-1709

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This meeting is a regular meeting of the commission. Items to be discussed will include general administrative issues.

A copy of the agenda may be obtained by contacting: Ms. Azizi Coleman, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, (850)488-7082, Ext. 1032.

**VERBATIM RECORD OF MEETING:** If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

**ADA Notice:** Any person requiring special accommodation because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five calendar days prior to the meeting.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Wednesday, April 18, 2001, 2:00 p.m.

PLACE: Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149. The meet-me telephone number is (850)414-1709 or Suncom 994-1709

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This is a regular meeting of the commission. Items to be discussed will include general administrative issues.

A copy of the agenda may be obtained by contacting: Ms. Azizi Coleman, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, (850)488-7082, Ext. 1032.

**VERBATIM RECORD OF MEETING:** If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

**ADA Notice:** Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

**DATE AND TIME:** Thursday, April 19, 2001, 9:00 a.m.

**PLACE:** Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149. The meet-me telephone number is (850)414-1709 or Suncom 994-1709

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Azizi Coleman, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, (850)488-7082, Ext.1032.

**VERBATIM RECORD OF MEETING:** If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

**ADA Notice:** Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Florida **Board of Professional Engineers** announces a public telephone conference call of the Mandatory Continuing Education Committee to which all persons are invited.

**DATE AND TIME:** Monday, April 9, 2001, 10:00 a.m. – conclusion of meeting

**PLACE:** Conference Call Number 1(800)473-8695, Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301

**PURPOSE:** Development of proposed recommendations to the Board on mandatory continuing education requirements.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

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 purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of Product Approval Committee to which all persons are invited.

**DATE AND TIME:** Wednesday April 18, 2001, 10:00 a.m. – conclusion of meeting

**PLACE:** Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301

**PURPOSE:** Review the rulemaking process and the structural responsibility rules, in order to develop a recommendation to Florida Building Codes and Standards.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

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 purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Legislative and Rules Committee to which all persons are invited.

**DATE AND TIME:** Wednesday, April 18, 2001, 1:00 p.m. – conclusion of meeting

**PLACE:** Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301

**PURPOSE:** Discussion on proposed legislation and review of current and proposed rules.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

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

purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting to conduct the business of the Board, including committee business to which all persons are invited.

**DATES AND TIMES:** Tuesday, April 24, 2001, 8:30 a.m.; Wednesday, April 25, 2001, 8:30 a.m., if the business of the Boards is not concluded

**PLACE:** Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, FL 33612

**PURPOSE:** General Business of the Board.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal and 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 purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The **Board of Professional Surveyors and Mappers** announces a General Business Meeting of the Board to which all persons are invited.

**DATE AND TIME:** April 6, 2001, 9:00 a.m. or soon thereafter

**PLACE:** The meeting will be conducted by telephone conference call. The telephone number is (850)488-5776

**PURPOSE:** General meeting of the Board to conduct regular Board business.

A copy of the agenda may be obtained by writing: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida or by calling Sherry Landrum, Executive Director, (850)488-1470.

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based; and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting Sherry Landrum, Executive Director, (850)488-1470. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Division of Water Resource Management of the **Department of Environmental Protection** announces a meeting of the Nonmandatory Land Reclamation Committee. All interested parties are invited.

**DATE AND TIME:** April 9, 2001, 9:00 a.m.

**PLACE:** Southwest Florida Water Management District, Bartow Office, Board Room, 170 Century Blvd., Highway 60, Bartow, Florida 33830

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of this meeting is to discuss current status of eligible acres and the Nonmandatory Land Reclamation Trust Fund.

For further information or to obtain a copy of the agenda, contact: Barbara Owens, Bureau of Mine Reclamation, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, (850)488-8217.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist, Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least forty-eight (48) hours before the meeting.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

**DATE AND TIME:** Thursday, April 19, 2001, 7:00 p.m. (EDT)

**PLACE:** John Pennekamp Coral Reef State Park, Visitor Center, Mile Marker 102.5, Overseas Highway, Key Largo, Florida 33037

**PURPOSE:** To present a draft conceptual land use plan amendment to the approved management plan for John Pennekamp Coral Reef State Park. The plan amendment allows the development of a small trailhead to support the new Florida Keys Overseas Heritage Trail State Park.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station #525, Tallahassee, Florida 32399-3000 or by calling the Office of Park Planning, (850)488-2200.

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 Daniel Jones, Park

Manager, John Pennekamp Coral Reef State Park, (305)451-1202. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a DEP Advisory Group Meeting to which all persons are invited.

DATE AND TIME: Friday, April 20, 2001, 9:00 a.m. (EDT)

PLACE: John Pennekamp Coral Reef State Park, Visitor Center, Mile Marker 102.5, Overseas Highway, Key Largo, FL 33037

PURPOSE: To present and review a draft conceptual land use plan amendment to the approved management plan for John Pennekamp Coral Reef State Park with the Park Advisory Group. The plan amendment allows the development of a small trailhead to support the new Florida Keys Overseas Heritage Trail State Park.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station #525, Tallahassee, Florida 32399-3000 or by calling the Office of Park Planning, (850)488-2200.

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 Daniel Jones, Park Manager, John Pennekamp Coral Reef State Park, (305)451-1202. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

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The **Acquisition and Restoration Council (ARC)**, as defined in Section 259.035, Florida Statutes, announces the following public meeting/hearing to which all interested parties are invited.

DATE AND TIME: April 6, 2001, 9:30 a.m.

PLACE: M. S. Douglas Building, Conference Room A and B, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000

PURPOSE: For the purposes of conducting business of the Council, regarding ranking land acquisition proposals, for the Florida Forever program.

To obtain additional information, please contact: Office of Environmental Services, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 140, Tallahassee, Florida 32399-3000, (850)487-1750.

Persons requiring special accommodations due to a disability or physical impairment should contact, Ms. Linda Harvey, (850)488-0450, 1(800)955-8771 (TDD), at least seven days before the meeting.

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## DEPARTMENT OF JUVENILE JUSTICE

The **Department of Juvenile Justice** announces a meeting of the Juvenile Justice Standards and Training Commission to which any interested parties are invited.

DATE AND TIME: April 5, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Tampa La Quinta Inn USF, 3701 East Fowler Avenue, Tampa, Florida 33612, (813)910-7500

PURPOSE: Regular meeting to discuss issues related to staff training for Juvenile Justice programs, as well as future plans for the Juvenile Justice training system.

A copy of the agenda may be obtained after April 2, 2001, by contacting: Peggy Sanders, Florida Department of Juvenile Justice, Office of Staff Development and Training, 2737 Centerview Drive, Suite 1415, Tallahassee, Florida 32399-3100, (850)488-8825, Email address: [Peggy.Sanders@djj.state.fl.us](mailto:Peggy.Sanders@djj.state.fl.us)

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## DEPARTMENT OF HEALTH

The **Department of Health**, Community Environmental Health Advisory Board announces a meeting to which all persons are invited.

DATES AND TIMES: April 4, 2001, 8:00 a.m. – 5:00 p.m.; April 5, 2001, 8:30 a.m. – 4:00 p.m. (EST)

PLACE: Department of Health, 4042 Bald Cypress Way, Building 4042, Room 301, Tallahassee, FL 32399-1710

PURPOSE: To conduct general business of the board.

A copy of the agenda may be obtained by writing: Ric Mathis, Department of Health, Bureau of Facility Programs, 4052 Bald Cypress Way, BIN #A08, Tallahassee, FL 32399-1710 or by calling (850)245-4299.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 5 days before the workshop/hearing/meeting by contacting the board office, (850)245-4299. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD). Please note that if a person decides to appeal any decision made by the council with respect to any matter considered at the above-cited meeting, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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The **Board of Acupuncture** announces a meeting to be held by way of conference telephone hookup.

DATE AND TIMES: April 6, 2001, 9:00 a.m.; Closed Session, 9:15 a.m.

PLACE: 4042 Bald Cypress Way, Room 110R, Tallahassee, Florida 32399, (850)921-2470, Suncom 291-2470



**PURPOSE:** To hold an attorney-client session regarding cases in litigation.

**PERSONS ATTENDING PRIVATE SESSION:** Ms. Emily Black, A.P., Chairperson; Mr. Harvey Kaltsas, A.P., Vice-Chairperson; Ms. Delores D'Aprile, A.P.; Ms. Mary Riggan, A.P.; Mr. Hai-Sha Ni, A.P.; Barbara Edwards, Esquire; Theodore Henderson, Esquire; Joe Baker, Executive Director and a court reporter.

A copy of the agenda may be obtained by writing: Mr. Joe Baker, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)245-4161.

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 to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Penny L. Perkins, (850)245-4588, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Penny L. Perkins using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Acupuncture** will hold a Probable Cause Panel meeting to which all persons are invited.

**DATE AND TIME:** Friday, April 27, 2001, 8:30 a.m.

**PLACE:** Department of Health, 4042 Bald Cypress Way, 3rd Floor, Room 301A, Tallahassee, Florida 32399, (850)245-4161

**PURPOSE:** To review reconsideration cases.

A copy of any item on the agenda may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Acupuncture, 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 Joe Baker, (850)245-4161, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Mr. Baker using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Acupuncture** and Committees will hold the following Meeting to which all persons are invited.

**DATE AND TIME:** Friday, April 27, 2001, 9:00 a.m.

**PLACE:** Department of Health, 4042 Bald Cypress Way, Room 301A, Tallahassee, Florida 32399, (850)245-4161

**PURPOSE:** To conduct Board Business.

A copy of any item on the agenda may be obtained by writing: Mr. Joe Baker, Jr., Executive Director, Board of Acupuncture, 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 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 Penny Perkins, (850)245-4161, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Penny Perkins using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Board of Orthotists and Prosthetists** will hold a duly noticed conference call meeting to which all persons are invited to attend.

**DATE AND TIME:** Friday, April 13, 2001, 9:00 a.m.

**PLACE:** Department of Health, 4042 Bald Cypress Way, Tallahassee, at Meet Me Number (850)921-2530

**PURPOSE:** General board business.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIME: April 17-18, 2001, 9:00 a.m. (EDT)

PLACE: Embassy Suites Hotel, 1000 S. E. 17th St., Ft. Lauderdale, FL

PURPOSE: The Board will conduct disciplinary proceedings, general board business and rules review.

The probable cause panel will meet after the April 17, 2001, session.

This meeting is closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered.

A copy of the board agenda and any probable cause materials which are open to the public may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Sharon Knowles, (850)245-4292, Ext. 3600, 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). If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATE AND TIME: April 19, 2001, 8:00 a.m. (EDT)

PLACE: Embassy Suites Hotel, 1000 17th St., Ft. Lauderdale, FL

PURPOSE: The Rules Committee will conduct a workshop to consider possible revisions to the following rules: 64B16-28, 140, 64B16-27.103, 64B16-27.300, 64B16-26.602, 64B16-26.203, 64B16-27.410, 64B16-30.003, 64B16-30.0035, 64B16-28.800, 64B16-30.002 and rule consideration regarding the restocking of emergency drug kits.

A copy of the board agenda may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, 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 to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Sharon Knowles, (850)245-4292, Ext. 3600, 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 **Correctional Medical Authority** announces a Budget and Personnel Committee conference call to which all persons are invited to participate. This conference call is contingent upon release of Senate and House appropriations bills.

DATE AND TIME: April 12, 2001, 10:00 a.m. – 1:00 p.m.

PLACE: Telephone Number (850)488-0979, Suncom 278-0979, Suite 120, 2585 Merchants Row Boulevard, Tallahassee, Florida

PURPOSE: Continued discussion of correctional health care budget and personnel issues.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

Executive Committee

DATES AND TIME: April 9, 16, 23, 2001, 8:30 a.m.

PLACE: Department of Children and Family Services, 337 North 4th Street, Room 327D, Fort Pierce, FL 34950

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

FOSTER CARE SUB-COMMITTEE

DATES AND TIME: April 11, 25, 2001, 10:00 a.m.

PLACE: Benton Regional Service Center, 337 North 4th Street, Room 316, Fort Pierce, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

**MENTAL HEALTH SUB-COMMITTEE**

**DATE AND TIME:** April 16, 2001, 9:30 a.m.

**PLACE:** Benton Regional Service Center, 337 North 4th Street, Room 104, Fort Pierce, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Advocacy Committee**, District 15 announces a public meeting to which all persons are invited.

**DATE AND TIME:** April 17, 2001, 9:30 a.m.

**PLACE:** Benton Regional Service Center, Room 104, 337 North 4th Street, Fort Pierce, FL 34950

A copy of the agenda may be obtained by contacting: Ellen Higinbotham, FLAC Liaison, (561)467-3042.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

**ALLIANCE MEETING**

**DATE AND TIME:** April 27, 2001, 8:30 a.m.

**PLACE:** Workforce Development Board, 9350 South U.S. 1, Port St. Lucie, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Family Preservation and Support Coalition Child Abuse and Neglect Prevention 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 9, 2001, 3:30 p.m.

**PLACE:** Children's Advocacy Center, 344 South Beach Street, 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 Florida Relay System, 1(800)955-8771.

The **Department of Children and Family Services**, SunCoast Region announces the following public meeting to which all persons are invited.

Pasco Community Alliance

**DATE AND TIME:** April 11, 2001, 2:00 p.m.

**PLACE:** Counsel Square II, Conference Room 150, 7601 Little Road, New Port Richey, FL

**PURPOSE:** To discuss implementation of community alliances in the SunCoast Region.

Agendas can be obtained seven days in advance of each meeting at: Mary Grizzle State Office Building, Suite 414, 11351 Ulmerton Road, Largo, FL.

Persons needing accommodation to participate in these meetings should call at least 3 days in advance of the meeting, (727)588-7061 or TDD (727)588-6662, to arrange accommodations.

The **Department of Children and Family Services**, Alcohol, Drug Abuse and Mental Health Program Office, District 3 announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, April 18, 2001, 6:00 p.m.

**PLACE:** Meridian Behavioral Healthcare, Inc., Board Room, 4300 S. W. 13th Street, Gainesville, Florida

PURPOSE: The Department is seeking public input and information regarding the re-designation of a public receiving facility in District 3. Meridian Behavioral Healthcare Crisis Stabilization Unit provides acute care services under the provision of Chapter 394, Part I, known as the Baker Act. For further information regarding the hearing, contact: Carolyn TeStrake, (352)955-5045.

The **Department of Children and Family Services**, Alcohol, Drug Abuse and Mental Health Program Office announces a public meeting to which all persons are invited.

DATE AND TIME: May 1, 2001, 9:00 a.m.

PLACE: Hurston Building, South Tower, Conference Room A, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the designation or re-designation of District 7, Baker Act receiving facilities.

AGENDA: Lakeside Alternatives, Inc.; Orlando Regional South Seminole Hospital

NOTE: Persons with disabilities requiring accommodations in order to participate in this event should contact the following person by telephone or in writing: Roxanne Marques, 400 West Robinson Street, Suite S430, Orlando, Florida 32801, (407)245-0420 or 1(800)955-8771 (TDD/TTY) or 1(800)955-8770 (Voice), by close the business 5:00 p.m., Friday, April 27, 2001.

For further information contact: Roxanne Marques, 400 West Robinson Street, Suite S430, Orlando, Florida 32801, (407)245-0420.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE OF CHANGE – 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 ending June 27, 2001, 2:00 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](http://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 to which all persons are invited.

DATE AND TIME: April 5, 2001, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 N. Bronough St., Seltzer Room, 6th Floor, Suite 5000, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed changes to the Florida Affordable Housing Guarantee Program Rule 67-39, FAC.

A copy of the rule can be obtained online at [www.floridahousing.org](http://www.floridahousing.org) or by contacting Sherry Pender or David Woodward, (850)488-4197.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this public workshop is asked to advise the Corporation, (850)488-4197, at least 48 hours before the workshop.

The **Florida Housing Finance Corporation**, Predevelopment Loan Program announces a Review Committee meeting to which all interested parties are invited.

DATE AND TIME: Monday, April 9, 2001, 2:00 p.m. (Prior to the meeting, interested parties are advised to confirm the meeting date and time by calling Florida Housing, (850)488-4197 or checking Florida Housing's web site at [www.floridahousing.org](http://www.floridahousing.org).)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 5th Floor, Formal Conference Room, Tallahassee, Florida 32301-1329

PURPOSE: To conduct discussions and reviews and make decisions in reference to the confirmation, rejection, approval or request for revision of PLP 2000 Applications and/or Development Plans.

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 Debbie L. Moran, (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).

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** announces a meeting of the Manatee Technical Advisory Council and invites the public to attend.

**DATES AND TIMES:** Wednesday, April 4, 2001, 9:00 a.m. – 3:00 p.m.

**PLACE:** Betty Easley Center, 4075 Esplanade Way, Room 180, Tallahassee, FL 32399

**PURPOSE:** Manatee Technical Advisory Council Meeting.

A copy of the agenda may be obtained by writing: Angela Burt, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399 or by calling (850)922-4330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least seven (7) days before the meeting by contacting Angela Burt, (850)922-4330. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD) or (850)488-9542, within the Tallahassee area.

**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

**DATE AND TIME:** April 11, 2001, 8:00 a.m.

**PLACE:** Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

**PURPOSE:** General Business Meeting.

**FLORIDA BLACK BUSINESS SUPPORT CORPORATION**

The **Florida Black Business Support Corporation** announces teleconference meetings of its board of directors, loan and transition committees to which all interested persons are invited.

**DATE AND TIME:** April 13, 2001, 8:00 a.m.

**PLACE:** (850)921-5230

**DATE AND TIME:** April 20, 2001, 8:00 a.m.

**PLACE:** (850)487-4850

**DATE AND TIME:** April 27, 2001, 8:00 a.m.

**PLACE:** (850)921-5230

**DATE AND TIME:** May 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, transition committee discussion 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.

**AREA AGENCY ON AGING OF PASCO-PINELLAS**

The **Area Agency on Aging of Pasco-Pinellas, Inc. (AAAPP)** announces public meetings for the year 2001 to which all persons are invited.

**DATES AND TIME:** Monday, April 16, 2001; Monday, May 21, 2001; Monday, June 18, 2001; Monday, July 16, 2001; Monday, August 20, 2001; Monday, September 17, 2001; Monday, October 15, 2001; Monday, November 19, 2001, 9:30 a.m. (Please call to confirm date, time and location)

**PLACE:** Area Agency on Aging of Pasco-Pinellas, Inc., 9455 Koger Blvd., St. Petersburg, Florida

**PURPOSE:** Area Agency on Aging of Pasco-Pinellas, Inc., Board Meetings.

Please note that if a person decides to appeal any decision made by AAAPP Board with respect to any matter considered at the above cited meeting or hearing, 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 based.

**FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION**

The **First Florida Governmental Financing Commission** announces the following public meetings to which all interested parties are invited.

DATE AND TIME: Monday, April 16, 2001, 11:00 a.m.  
PLACE: Commission Chambers, Broward County Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, Florida  
DATE AND TIME: Friday, May 4, 2001, 11:00 a.m.  
PLACE: Commission Chambers, City Hall, City of Sarasota, 1565 First Street, Sarasota, Florida  
A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, Post Office Box 14923, Tallahassee, FL 32317-4923 or calling (850)878-1874.

**FLORIDA INDEPENDENT LIVING COUNCIL**

The **Florida Independent Living Council** announces the following meetings to which all interested persons are invited.

MEETING: Public Forum for the 2001-2003 State Plan for Independent Living  
DATE AND TIME: Thursday, April 19, 2001, 3:00 p.m. – 5:00 p.m. (EST)  
PLACE: Islamorada Public Library, 81500 Overseas Highway, Islamorada, FL 33036, contact the CIL of the Florida Keys with any questions (305)852-0177 (Voice/TDD), (305)852-0121 Fax  
MEETING: Public Forum for the 2001-2003 State Plan for Independent Living  
DATE AND TIME: Tuesday, April 24, 2001, 12:00 Noon – 2:00 p.m. (EST)  
PLACE: All People’s Life Center, 6015 East Sligh Avenue, Tampa, FL 33617, contact Self Reliance, Inc. with any questions (813)975-6560 (Voice/TDD), (813)975-6559 Fax  
MEETING: Public Forum for the 2001-2003 State Plan for Independent Living  
DATE AND TIME: Wednesday, April 25, 2001, 10:00 a.m. – 12:00 Noon (EST)  
PLACE: 3277 S. Suncoast Blvd., Homosassa Springs, FL 34448, contact CIL of North Central FL with any questions: (352)378-7474 (Voice), (352)375-8448 (TDD), (352)378-5582 Fax  
MEETING: Public Forum for the 2001-2003 State Plan for Independent Living  
DATE AND TIME: Thursday, April 26, 2001, 2:00 p.m. – 5:00 p.m. (EST)

PLACE: Independent Living Resource Center of N. E. Florida, 2709 Art Museum Drive, Suite 1, Jacksonville, FL 32207, contact the Center with any questions (904)399-8484 (Voice/TDD), (904)396-0859 Fax

PURPOSE: To conduct the regular business of the council.  
A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624.

Any person who needs an accommodation to participate in this meeting because of a disability should submit a request for such accommodation in writing at least one week before the meeting date.

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 advice 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)

**SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION**

The **Sunshine State Governmental Financing Commission** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Friday, April 20, 2001, 10:00 a.m.  
PLACE: City Hall, City of Orlando, Conference Room “R”, Second Floor, 400 South Orange Avenue, Orlando, Florida  
PURPOSE: Board of Directors Meeting.  
Note: A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

**DEPARTMENT OF BANKING AND FINANCE**

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Securities and Finance, has received a petition filed on March 20, 2001, pursuant to Section 120.565, Florida Statutes, from Sunil Patel for a declaratory statement regarding the application of Section 494.0071, Florida Statutes. Specifically, the petitioner has requested a declaratory statement concerning whether Section 494.0071, Florida

Statutes, requires that the lock-in fee paid by the borrower be refunded to the borrower, if the loan does not close before the expiration date of the lock-in agreement through no substantial fault of the borrower, and if the borrower withdraws the application, after the expiration date of the lock-in agreement.

The Petition for Declaratory Statement is being processed and is available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Banking and Finance, Office of the General Counsel, 101 East Gaines Street, Fletcher Building, Room 526, Tallahassee, Florida 32399-0350. Requests for copies or inspection should be made to James H. Harris, Chief Counsel, at the above address.

Those persons whose substantial interests may be determined by these proceedings, including settlements, grants and denials, are advised that they may intervene concerning this matter in accordance with the provisions of Rule 28-106.205, Florida Administrative Code. Petitions for leave to intervene should be in conformance with Rule 28-106.201 or 28-106.301, Florida Administrative Code, and shall also include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. Original petitions and two copies shall be filed with the Clerk, Office of the Comptroller, Department of Banking and Finance, Comptroller's Legal Office, Suite 526, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida 32399-0350. The following statutory chapters and rule chapters directly govern proceedings before the Department: Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code. In deference to the rights of substantially affected persons, the Department will not settle or otherwise reach a final resolution of these matters for a period of twenty-one (21) days from the date of this publication.

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#### DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN that the Department of Insurance has received a Petition for a Declaratory Statement from Core Capital Corporation, Petitioner. Petitioner requested the Department's opinion as to the applicability of Section 626.9541(1)(h), Florida Statutes, as it applies to the Petitioner. A copy of the Petition may be obtained by contacting: John L. Brennan, III, Senior Attorney, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4142.

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NOTICE IS HEREBY GIVEN that the Department of Insurance has received a petition for a declaratory statement from Ryan Garrett, Esq., Collins & Truett, P. A., on behalf of his client, petitioner, Albert M. Menduni, M.D. The petition

seeks the agency's opinion as to the applicability of Section 624.307(4), (1999), Florida Statutes, as it applies to the petitioner.

A copy of the petition may be obtained by contacting: Wm. Fred Whitson, Senior Attorney, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4276.

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#### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs issued a Final Order, March 15, 2001, in response to the request received from Wal-Mart Stores, Inc., on February 7, 2001. The request was assigned the number DCA01-DEC-020. 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.

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#### DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections received a Petition to Initiate Rulemaking on March 14, 2001 from James Harkleroad. Petitioner is seeking amendment of Rule 33-602.201, Appendix One, Florida Administrative Code, to require the Department to add the following items to the approved property list: clip-on sunglass lenses, denture toothpaste, a package of sewing needles, sewing thread, a plastic thimble, a pen and pencil case, and a shaving bag.

Petitioner also seeks to increase the number of permitted items in the following categories: pencil refills, raincoats, batteries, breath mints, cotton swabs, cream rinse and conditioner, shampoo, cosmetics, drinking cups, cuticle remover, dental floss, denture adhesive, deodorant, emery boards, envelopes, feminine hygiene products, hairnets, health aids, insect repellent, lighters, lip balm, makeup bags, moisturizer, mouthwash, sheets of paper, roller caps, shaving cream, shoe laces, shoe wax, bars of soap, plastic spoons, sunscreen, talcum powder, toothbrush, toothpaste, laundry soap, shower caps, shower slides and athletic shoes.

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.

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NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Michael Newell. The Petitioner requested that the Department of Corrections amend Rule 33-210.102, Florida Administrative Code, to define the terms "off-duty" and "other areas specifically for this purpose" and to permit

general population inmates to have unrestricted access to law libraries without the need for the inmates to first submit an Inmate Request seeking permission to use the facility.

The Department denied Inmate Newell's Petition to Initiate Rulemaking on the grounds that there was no need to define off-duty which was self-explanatory. The Department also determined that definition of "other areas specifically for this purpose" was unnecessary as it would not have the effect of according inmates unrestricted access to law libraries and an existing rule permits inmates to prepare legal documents in the law library.

Finally, the Department declined to adopt a provision allowing inmates unrestricted access to law libraries. 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.

**DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN, that the Florida Commission on Human Relations received a Petition for Declaratory Statement in the cases of Rudolph Seurattan v. The Sanctuary Golf Club, FCHR No. 2003817, and Shauna Gulnac v. The Sanctuary Golf Club, Inc., FCHR No. 2003797.

The Petitioner requests an interpretation as to:

1. Whether EEOC's Dismissal and Notice of Rights Form which is provided to individuals in discrimination claims constitutes a proper determination of no reasonable cause under Section 760.11(3), Florida Statutes and FCHR's Rule 60Y-5.004, Florida Administrative Code?
2. Whether notice of such a determination is required to be sent out by the Clerk of the FCHR as required by Section 760.11(3), Florida Statutes and FCHR's Rule 60Y-5.004?

A copy of the Petition for Declaratory Statement may be obtained by writing: Agency Clerk, Florida Commission on Human Relations, 325 John Knox Road, Building F, Suite 240, Tallahassee, FL 32303.

Please refer all comments to: Cecil Howard, Deputy General Counsel, FCHR, 325 John Knox Road, Building F, Suite 240, Tallahassee, FL 32303.

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Medicine has received a Petition for Declaratory Statement regarding Sections 460.4165(12) and 460.4166, Florida Statutes. The Petition was filed on March 14, 2001, by Stuart Goldberg, D.C. Petitioner requests a declaratory statement from the Board with regard to the legality of his on-site supervision of unlicensed (including uncertified and non-registered) assistants who perform various therapies on patients.

The Board will address this matter at its regularly scheduled board meeting, which will be held on June 1, 2001, at the Holiday Inn Select, 5750 T. G. Lee Boulevard, Orlando, Florida 32822.

A copy of the Petition for Declaratory Statement may be obtained by writing: Joe Baker, Jr., Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, Florida 32399-1703.

**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:**

Jesse Toca vs. Department of Management Services, Commission on Human Relations; Case No.: 01-1016RU

Jesse Toca vs. Hillsborough Area Rapid Transit Authority (Hartline); Case No.: 01-1017RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**



**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**DEPARTMENT OF EDUCATION**

**REQUEST FOR BID**

The University of Florida, Purchasing Division will receive sealed bids for the following: 01L-129, W/O 519857, Stuzin Hall Roof Replacement, estimated budget: \$260,000 – 280,000, to be opened April 26, 2001, 1:30 p.m. (Local Time), in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Remove existing membrane roofing and flashing, and providing new membrane roofing and flashing, sheet metal items and miscellaneous lighting protection work at Stuzin Hall. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, (352)392-1331. A Mandatory Pre-bid Meeting will be held April 12, 2001, 1:30 p.m., in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL.

All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing, (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

**NOTICE TO PROFESSIONAL CONSULTANTS**

The University of Florida, for and on behalf of the Board of Regents, a public corporation of the State of Florida, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No.: BR-104, Project and Location: Exotic/Aquatic Plant Quarantine Facility at the Indian River Research and Education Center near Ft. Pierce, FL. The project consists of the design of a containment facility consisting of laboratories, greenhouses and associated spaces to study and test biological control agents. The selected firm will provide design, construction documents and construction administration services for the referenced project. The project will be delivered by conventional “Hard Bid” method with an estimated construction budget of \$3,200,000.00. Blanket

professional liability insurance will be required for this project in the amount of \$250,000.00, and will be provided as a part of Basic Services.

**INSTRUCTIONS**

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed “Professional Qualifications Supplement,” dated February, 1999. Applications on any other form will not be considered.
2. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of the above requested data bound in the order listed above. Applications, which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained by contacting:

Marsha Brewton, Office Manager  
 Facilities Planning and Construction Division  
 232 Stadium, P. O. Box 115050  
 Gainesville, FL 32611-5050  
 Telephone (352)392-1256  
 Fax (352)392-6378  
 Internet: www.facilities.ufl.edu

Submittals must be received in the Facilities Planning and Construction Division office by 3:00 p.m. (Local Time), Thursday, April, 26, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

**NOTICE TO CONSTRUCTION MANAGERS**

Florida State University announces that construction management services will be required for the project listed below:

Project No.: BR-235  
 Project and Location: Science Building Support System Improvements  
 Florida State University

Tallahassee, Florida

The project will accomplish fume hood replacements in four science buildings. They are, in prioritized order, Hoffman, Conradi, Carraway and the Oceanography and Statistics Building. We do not envision one for one replacement, rather, hood locations and type may vary from room to room. Included in the project will be any and all modifications to the existing fume hood installations to accommodate the new hoods. Changes to the exhaust systems will be an integral part of the project. Abatement of asbestos containing materials will be addressed as encountered during replacement of the hoods and auxiliary equipment. Among the project objectives are reduction of exhaust air quantities, improvement of operator safety and provision for handicapped access to the hoods. All work will be accomplished in occupied spaces requiring expertise in this type of working environment.

The estimated construction cost is \$1,951,511. The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80

pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained on line at [www.fpc.fsu.edu](http://www.fpc.fsu.edu) or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, (850)644-8351 facsimile.

For further information on the project, contact: John Schanbacher, Project Manager, at the address and phone listed above.

Six bound copies of the required proposal data shall be submitted. Submittals must be received in the FSU Facilities Planning and Construction Office by 2:00 p.m. (Local Time), Tuesday, May 1, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

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#### NOTICE TO PROFESSIONAL CONSULTANTS

Florida State University, State of Florida announces that professional services for minor projects are required in the disciplines of civil/structural and mechanical/electrical engineering. The University is interested in contracting with up to two firms to provide electrical/mechanical engineering services and two firms to provide civil/structural engineering. The University reserves the right to reject all proposals and halt the selection process in either area independent of the other.

Minor projects are specific projects for construction, renovation, alterations or additions that have a basic construction budget estimated to be \$1,000,000 or less; or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1, 2001 – June 30, 2002

beginning with the start date of the contract. At the option of the University and the consultant, the contract may be renewed for a second year.

Firms desiring to provide professional services shall apply by letter specifying the campus service agreement for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement," dated either 2/99 or 9/99. Applications on any other form, or on versions dated prior to 2/99, 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 in the State of Florida to practice the required profession at the time of application. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. A separate application is required for each area if the firm intends to apply for both civil/structural and mechanical/electrical. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for campus service 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 Qualification Supplements, descriptive project information, and selection criteria may be obtained on line at [www.fpc.fsu.edu](http://www.fpc.fsu.edu) or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, (850)644-8351 facsimile.

For further information on campus service projects, contact: Lisa Durham, Sr. Project Manager, at the address and phone listed above.

Submittals must be received at the above location, by 2:00 p.m. (Local Time), Friday, April 27, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### NOTICE TO PROFESSIONAL CONSULTANTS/ CONSTRUCTION MANAGERS

Florida A & M University, on behalf of the State of Florida, Board of Regents announces that professional services for Continuing Contract projects are required in the following discipline(s): Architect (1), Mechanical/Electrical Engineer (1), Environmental Consultant (1), Construction Manager (1).

Continuing Contract projects are specific projects for renovations, alterations and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for Continuing Contract projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1 – June 30.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. The most recent version of the Board of Regents "Professional Qualifications Supplement" or "Construction Manager Qualifications Supplement" 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 properly chartered by the Florida Department of State to operate in Florida.

Submit six (6) comb, ring or spiral (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 will not be considered. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional or Construction Manager Qualification Supplements and selection criteria may be obtained by contacting: Teresa Williams, Secretary, Facilities Planning and Construction Office, E-Mail: [alice.williamst@fam.edu](mailto:alice.williamst@fam.edu), Phone (805)599-3197, or by Faxing a request, (850)561-2289.

Submittals must be received in the office of Facilities Planning and Construction, Florida A & M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307, Attn.: Henry Swift, Associate Director, by 2:00 p.m. (Local Time), April 27, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### NOTICE TO CONSTRUCTION MANAGERS

The University of South Florida announces that construction management services will be required for the project listed below:

Project No.: BR-518

Project and Location: Renovations and Remodeling for the Center for Infant and Child Development, University of South Florida, Tampa Campus, Tampa, Florida

**PROJECT DESCRIPTION:** The Center for Infant and Child Development (CICD) is a multi-disciplinary research, training, and clinical care facility devoted to understanding how brain development affects the behavior of children. The CICD will be located on the University of South Florida, Tampa Campus, in existing Building MDT. The design will need to take into consideration the functional relationships, as described by the Facilities Program, as well as future programs that are established within the existing 70,000 square foot single story building.

The award for construction manager services is subject to completion of the budget amendment process. Project development, including construction manager services is contingent upon availability of funds. The estimated construction cost is \$1,500,000.00.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating and the development of a Guaranteed Maximum Price (GMP) at the 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; conceptual cost estimating and cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business

enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Vanessa Poole, Facilities Planning and Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, (813)974-0891, (813)974-2625 or Fax (813)974-3542.

Interested firms are invited to attend a Pre-submittal Meeting at the University of South Florida, Tampa Campus, to be held at 9:00 a.m. (Local Time), April 16, 2001, FPC-109, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the shortlisted applicants and the State University System. Requests for any project information must be in writing to the above address.

Six (6) bound copies of the above required proposal data shall be submitted to: Rick Lyttle, AIA, Project Manager, Facilities Planning and Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550.

Submittals must be received at the above campus address (FPC 110) by 2:00 p.m. (Local Time), on April 30, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

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#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida, on behalf of the State of Florida, Board of Regents announces that professional services for minor projects are required in the following discipline(s):

Engineer (1): Civil – All Campuses

Minor projects are specific projects for renovations, alterations and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for this fiscal year, July 1, 2001 – June 30, 2002.

Award of contract is for an initial period of one year with an Owner's option to renew for one additional year. The consultant receiving the award may not have an exclusive contract to perform services for these projects. The university may have additional campus service professionals under contract during the same time period.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement," dated September, 1999. Applications on any other form will not be considered. Submittals of more than 40 pages (which includes the letter of interest) will be disqualified. Notwithstanding the prohibition against design consultants, the listing of any consultant for the purpose of including certified MBE firms on the project team is acceptable.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board, if applicable. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit 6 (six) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

Interested firms are invited to attend a meeting to be held at 10:00 a.m., Tuesday, April 17, 2001, at the University of South Florida, Facilities Planning and Construction, Conference Room, FPC 109, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted.

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 Qualification Supplements, descriptive project information and selection criteria may be obtained by contacting: Vanessa Poole, Facilities Planning and Construction, University of South Florida, FPC-110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, Phone (813)974-0891, (813)973-2625 or Fax (813)974-3542.

Submittals must be received in the University of South Florida, Facilities Planning and Construction Office, FPC-110, by 2:00 p.m. (Local Time), Wednesday, May 2, 2001 and shall be addressed to Deryl Wagner, Project Manager, Facilities Planning and Construction, University of South Florida, FPC-110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee reserves the right to waive any irregularities and may reject all proposals and stop the selection process at any time.

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#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida, on behalf of the State of Florida, Board of Regents announces that professional services for minor projects are required in the following discipline(s):

Cost Estimator (1): Tampa, St. Petersburg, Sarasota and Lakeland Campuses

Minor projects are specific projects for renovations, alterations and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for this fiscal year, July 1, 2001 – June 30, 2002.

Award of contract is for an initial period of one year with an Owner's option to renew for one additional year. The consultant receiving the award may not have an exclusive contract to perform services for these projects. The university may have additional campus service professionals under contract during the same time period.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement," dated September, 1999. Applications on any other form will not be considered. Submittals of more than 40 pages (which includes the letter of interest) will be disqualified. Notwithstanding the prohibition against design consultants, the listing of any consultant for the purpose of including certified MBE firms on the project team is acceptable.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board, if applicable. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit 6 (six) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

Interested firms are invited to attend a meeting to be held at 9:00 a.m., Tuesday, April 17, 2001, at the University of South Florida, Facilities Planning and Construction, Conference Room, FPC 109, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted.

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 Qualification Supplements, descriptive project information and selection criteria may be obtained by contacting: Vanessa Poole, Facilities Planning and Construction, University of South Florida, FPC-110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, Phone (813)974-0891, (813)973-2625 or Fax (813)974-3542.

Submittals must be received in the University of South Florida, Facilities Planning and Construction Office, FPC-110, by 2:00 p.m. (Local Time), Tuesday, May 1, 2001 and shall be addressed to Steven Warren, Project Manager, Facilities Planning and Construction, University of South Florida, FPC-110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550. Facsimile (FAX) submittals are not acceptable

and will not be considered. The Selection Committee reserves the right to waive any irregularities and may reject all proposals and stop the selection process at any time.

#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida, on behalf of the State of Florida, Board of Regents announces that professional services for minor projects are required in the following discipline(s):

Engineer (2): Test and Balance – All Campuses

Minor projects are specific projects for renovations, alterations and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for this fiscal year, July 1, 2001 – June 30, 2002.

Award of contract is for an initial period of one year with an Owner's option to renew for one additional year. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The university may have additional campus service professionals under contract during the same time period.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement," dated September, 1999. Applications on any other form will not be considered. Submittals of more than 40 pages (which includes the letter of interest) will be disqualified. Notwithstanding the prohibition against design consultants, the listing of any consultant for the purpose of including certified MBE firms on the project team is acceptable.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board, if applicable. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit 6 (six) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

Interested firms are invited to attend a meeting to be held at 9:00 a.m., Wednesday, April 18, 2001, at the University of South Florida, Facilities Planning and Construction, Conference Room, FPC 109, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted.

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 Qualification Supplements, descriptive project information and selection criteria may be obtained by contacting: Vanessa Poole, Facilities Planning and Construction, University of South Florida, FPC-110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, Phone (813)974-0891, (813)973-2625 or Fax (813)974-3542.

Submittals must be received in the University of South Florida, Facilities Planning and Construction Office, FPC-110, by 2:00 p.m. (Local Time), Thursday, May 3, 2001 and shall be addressed to Toufic Moumne, Project Manager, Facilities Planning and Construction, University of South Florida, FPC-110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee reserves the right to waive any irregularities and may reject all proposals and stop the selection process at any time.

#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida, on behalf of the State of Florida, Board of Regents announces that professional services for minor projects are required in the following discipline(s):

Landscape Architect (1) – All Campuses

Minor projects are specific projects for renovations, alterations and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for this fiscal year, July 1, 2001 – June 30, 2002.

Award of contract is for an initial period of one year with an Owner's option to renew for one additional year. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The university may have additional campus service professionals under contract during the same time period.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement," dated September, 1999. Applications on any other form will not be considered. Submittals of more than 40 pages (which includes the letter of interest) will be

disqualified. Notwithstanding the prohibition against design consultants, the listing of any consultant for the purpose of including certified MBE firms on the project team is acceptable.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board, if applicable. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit 6 (six) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

Interested firms are invited to attend a meeting to be held at 10:00 a.m., Wednesday, April 18, 2001, at the University of South Florida, Facilities Planning and Construction, Conference Room, FPC 109, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted.

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 Qualification Supplements, descriptive project information and selection criteria may be obtained by contacting: Vanessa Poole, Facilities Planning and Construction, University of South Florida, FPC-110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, Phone (813)974-0891, (813)973-2625 or Fax (813)974-3542.

Submittals must be received in the University of South Florida, Facilities Planning and Construction Office, FPC-110, by 2:00 p.m. (Local Time), Friday, May 4, 2001 and shall be addressed to Shirley Hanis, Project Manager, Facilities Planning and Construction, University of South Florida, FPC-110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee reserves the right to waive any irregularities and may reject all proposals and stop the selection process at any time.

#### NOTICE TO CONSTRUCTION MANAGERS

The University of West Florida, on behalf of the State of Florida, announces that construction management services will be required for the project listed below:

Project No.: BR-708, Project and Location: Fieldhouse Expansion/Renovation, at The University of West Florida, Pensacola, Florida

The project consists of the following Phases:

Phase I – New construction of Offices, Gyms and Teaching Labs for Health, Leisure and Recreation, Gross Square Footage is Appr. 55,500. Construction Cost \$6,900,000.

Phase II – New construction of Gym, Racquetball Courts, Aerobic Spaces, Locker Rooms and other spaces associated with recreational/athletic facilities. Gross Square Footage is Appr. 51,000. Construction Cost \$5,500,000.

Phase III – Renovation/Remodeling of the existing Fieldhouse Building 54 for Intercollegiate Athletics. Gross Square Footage of renovation is Appr. 55,400. Construction Cost \$3,700,000.

This phasing of this project is subject to legislative appropriation. Fiscal year funding for phases is unknown at this time.

Experience and Ability for selection will, in addition to the required forms, include the following:

1. Experience in construction of educational recreation facilities preferred.
2. Successful completion of multi-phased with multi-year funded projects.
3. Demonstrated experience in construction management in the Northwest Florida Region.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating and the development of a Guaranteed Maximum Price (GMP) at 75% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of 21% Minority Business Enterprise (MBEs) participation. Failure to negotiate an acceptable fixed fee for phase one of the contract or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection

Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting:

Phillip D. Turner  
 Director Facilities Planning and Management  
 The University of West Florida  
 11000 University Parkway  
 Pensacola, FL 32514  
 Phone (850)474-2938  
 Fax (850)474-3166

Six (6) bound copies of the required proposal data shall be submitted to:

Phillip D. Turner  
 Director Facilities Planning and Management  
 The University of West Florida  
 11000 University Parkway  
 Pensacola, FL 32514

Submittals must be received by 4:00 p.m. (Local Time), May 3, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.



**NOTICE TO PROFESSIONAL CONSULTANTS**

The State of Florida, Board of Regents and The University of West Florida announce that professional services for are required in the following discipline Roofing Consulting at The University of West Florida in Pensacola, Florida.

The Roofing Consultant will recommend roofing systems, prepare or review roofing specifications and perform full-time inspections on roofing construction projects. Campus Service Contracts for Roofing Consulting provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1 – June 30.

Firms applying for this work must have the following certifications and experience in Roofing:

1. Registered Roofing Consultant as approved by the Roofing Consultant's Institute.
2. Demonstrated experience in inspecting a variety of roofing systems
3. Location to the Pensacola Campus and ability to provide daily service is a prime consideration.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement" Revised September 1999.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An Applicant must be properly registered at time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered with the Florida Department of State to operate in Florida.

Submit 6 copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application information will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.017, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information and selection criteria may be obtained by contacting:

Phillip Turner, Director  
 Facilities Planning and Management  
 Office of Facilities Planning  
 University of West Florida  
 11000 University Parkway  
 Pensacola, Florida 32514  
 (850)474-2938

Submittals must be received in the Office of Facilities Planning, Building 90, The University of West Florida, by 4:00 p.m., May 10, 2001.

**SPACEPORT FLORIDA AUTHORITY****REQUEST FOR PROPOSAL****Telecommunications Equipment and Support**

**Purpose:** The Spaceport Florida Authority (the Authority) is planning to replace its existing telephone system and related equipment. To support this effort, the Authority is soliciting proposals to provide new equipment and technical support in the area of telecommunications.

**Services Required:** The Offeror will be required to:

- a. Provide the Authority all necessary instruments and equipment to provide reliable telephone communication to the authority as outline in Appendix A.
- b. Provide ongoing support and warranty services for the aforementioned equipment for a period of no less than one (1) calendar year.
- c. Provide installation and configuration for the aforementioned equipment.
- d. Provide system administrator training to at least two (2) staff members and conduct no fewer than two (2) end user training classes to staff on site.
- e. Provide for the removal of the existing phone system and equipment as described in Appendix B and arrange monetary or trade value compensation for said equipment.

**Type of Contract:** This solicitation may result in a task order contract for the purchase of telecommunications equipment, the installation of the equipment and ongoing support and warranty services. The Authority reserves the right to limit the monetary value of the aforementioned task orders. Further, The Authority is under no obligation to issue task orders based on this contract.

**Period of Performance:** May 14, 2001 through May 13, 2003

**Compensation:** Total price of this contract is not expected to exceed \$40,000.00, however no minimum price has been established.

Evaluation Criteria: The evaluation panel will consist of five (5) Authority employees who will review each proposal received and assign a point value to each facet of the proposal. Any contract awarded will be based upon the following criteria by use of a point system consisting of a possible 100 points for each item. Each of the following criteria will be weighted as indicated in parentheses.

1. Specifications of the equipment offered (30%)
2. Qualifications and experience (25%)
3. Cost (25%)
4. Credit or monetary compensation offered to The Authority for existing equipment (20%)

Proposal Instructions: The Offeror's proposal should be limited to 10, 8 1/2 by 11-inch type written pages including any figures or diagrams. The proposal must contain:

- a. A brief outline of the company's organization and history and, a detailed description of the firm's technical qualifications.
- b. A current financial statement.
- c. Descriptions of the firm's role in similar projects.
- d. References from prior clients received within the last 5 years.
- e. A quotation containing exact costing of proposed equipment and labor.
- f. A statement of the proposed method of compensating the Authority for the removal of its current telecommunications system.

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.

Proposals should be clearly marked PROPOSAL FOR TELECOMMUNICATIONS SERVICES and submitted to:

Spaceport Florida Authority  
Attn.: Greg Popp, Director of Business Operations  
100 Spaceport Way  
Cape Canaveral, Florida 32920

Proposals must be received by 12:00 Noon (Eastern Time Zone), April 20, 2001.

#### Appendix A

Equipment Specifications: The proposed equipment must comply with the following criteria:

##### GENERAL

- a. All applicable equipment will be both U.L. and FCC approved.
- b. Equipment will be new.
- c. All end user instruments will have a digital display.
- d. At least one unit will be a multifunction reception instrument.
- e. The main switch will be administrable via LAN, dedicated PC or dial in access.

- f. The main switch will be provided with all accessory cards necessary to accomplish reliable service and interface with both analog and PRI type phone lines.
- g. The entire system will be protected by an uninterruptible power supply, which will (at minimum) allow four (4) hours of operation in the event of a power outage.
- h. The equipment will have upgrade and expansion capability.
- i. Complete documentation for equipment and system tests will be maintained and turned over to the Authority upon completion of installation.
- j. The equipment will be provided with an integral voice messaging system, which will provide no less than 100 individual mailboxes.
- k. The new system shall be equipped in such a manner as to allow auto-attendant capability.
  - l. The auto-attendant feature will allow for such items as music or messages for parties on hold as well as a directory of internal extensions.
  - m. All voice messaging and auto attendant features shall be configurable in-house and allow for storage of at least 10 alternate messages to be used for special events and holidays.

##### HARDWARE

- a. The main switch shall be of a design, which allows for incremental upgrades in the number of users and lines. The aforementioned upgrades should be accomplished by the use of a modular design, allowing for components to be "stacked"
- b. All provided equipment shall be compatible with currently installed wiring and wall jacks.
- c. Each end user instrument shall have at least 16 programmable buttons
- d. Each end user instrument shall have an LCD display of at least three lines of resolution.
- e. At least two end user instruments shall be conference room style and be equipped with multidirectional microphones and extension speakers.
- f. All hardware shall be provided with user manuals and guides

##### SOFTWARE

- a. All software will be provided in CD-ROM format and be accompanied by all manuals and guides.

#### Appendix B

Current equipment:

End user instruments: NEC Dterm series E (24 with display, 5 without display, 2 extended function instruments)

Switch: NEAX 2400

Voice messaging system: NEAX mail

Main switchboard console: NEC (90 button)

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**INVITATION TO NEGOTIATE**

The Agency for Health Care Administration, Medicaid Program Development is issuing an invitation to negotiate with Federally Designated Utilization and Quality Control Peer Review Organizations under contract with the Health Care Financing Administration, to operate a quality assurance review program in relation to Florida's Home and Community-Based Waiver Program for Consumers with Development Disabilities. The potential contractor will be responsible for conducting person-centered reviews, provider performance reviews, consumer and provider education and training, and collecting and analyzing data. This contract will be for up to 47 months, commencing on or about August 1, 2001. Invitation to Negotiate, Florida ITN-AHCA-0106, Statewide Quality Assurance Program for the Developmental Services Home and Community-Based Waiver, will be issued on April 3, 2001. Copies may be obtained by writing the contract manager at the address noted below:

Robert E. Maryanski, Program Administrator  
Office of Medicaid Program Development  
Agency for Health Care Administration  
2728 Mahan Drive, Building 3, Room 2205-C  
Tallahassee, Florida 32308-5403  
E-mail: maryansb@fdhc.st.fl.us  
(850)487-2617, Fax (850)414-1721

Proposals must be received by, and will be opened on, May 7, 2001. The agency reserves the right to reject any or all bids.

**Request for Proposals**

**Medicaid Third Party Recovery Services**

The Division of Medicaid of the Agency for Health Care Administration invites qualified parties wishing to provide Medicaid third party recovery services to submit proposals for consideration. Written, sealed proposals will be accepted until 5:00 p.m. (Eastern Time), May 4, 2001, to the attention of Connie Ruggles, Senior Management Analyst, Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, MS #8, Tallahassee, FL 32308.

For questions or additional information, contact: Connie Ruggles, (850)922-8447 or at rugglesc@fdhc.state.fl.us.

To obtain a copy of the request for proposals, which outlines required services, selection criteria and offeror's responsibilities, contact Connie Ruggles.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**REQUEST FOR STATEMENT OF QUALIFICATIONS**

RFSOQBDRS 04-00/01

Sealed responses will be received by the Department of Environmental Protection (DEP), Bureau of Design and Recreation Services, Alfred B. Maclay State Gardens, 3540 Thomasville Road, Tallahassee, Florida 32308, until the time, day and date shown below:

\*\*\*\*\*  
3:00 p.m., Monday, April 30, 2001

Request for Statement Of Qualifications (RFSOQ) for the selection of Design-Build partnership, certified in the State of Florida, to provide planning, design, permitting, construction administration and construction services for cabin infrastructure at the following:

1. Camp Helen State Park located in Point Washington, FL
2. Lake Louisa State Park located in Clermont, FL
3. Ft. Pierce Inlet State Park located in Ft. Pierce, FL
4. Oleta River State Park located in N. Miami, FL
5. Big Lagoon State Park located in Pensacola, FL
6. Blue Spring State Park located in Orange City, FL
7. Lake Kissimmee State Park located in Lake Wales, FL
8. Sebastian Inlet State Park located in Melbourne Beach, FL

Respondents may participate in any or all of the projects. All responses to the RFSOQ are welcome. The RFSOQ is an effort to make an open and fair competition with questions that identify our needs.

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Any person with a qualified disability shall not be denied equal access and effective communication regarding any solicitation documents or the attendance at any related meeting or solicitation response opening. If accommodations are needed because of a disability, please contact the Contracts Section, (850)488-5372.

Solicitation packages may be obtained at the above address by calling telephone number (850)488-5372. Please specify the solicitation package by the DEP Solicitation Number provided above. Minority businesses are encouraged to participate.

The Department reserves the right to reject any or all proposals received.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**ADVERTISEMENT FOR BIDS**

LEGAL NOTICE IS HEREBY GIVEN THAT SEALED BIDS ARE REQUESTED FROM QUALIFIED BIDDERS, BY THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILIES, NORTHEAST FLORIDA STATE HOSPITAL, HEREINAFTER REFERRED TO AS THE OWNER, TO PROVIDE ALL MATERIALS, LABOR,

EQUIPMENT AND INSURANCE TO REMOVE EXISTING SHINGLES AND REPLACE WITH NEW SHINGLES ON SIX (6) BUILDINGS.

OPENING DATE AND TIME: April 17, 2001, 2:00 p.m. (Local Time)

PLACE: Purchasing Agent's Office, Building 19, Northeast Florida State Hospital, 7487 South State Road 121, Macclenny, Florida.

ENGINEER: For technical information, concerning roofing project contact: W. J. Wheeler, Engineer III, Building 19, Northeast Florida State Hospital, 7487 South State Road 121, Macclenny, Florida 32063, (904)259-6211, Ext. 1166

SPECIAL NOTATION: A mandatory pre-bid site visit is required. Bidders not complying with this request will not be considered in the bid process. All bidders must sign-in at the Purchasing Department, Building 19, before visiting the site.

PROPOSAL: Bids must be submitted in full, in accordance with the requirements of the specifications, bidding conditions and special conditions, which may be examined and obtained from:

AGENT: Jim Masmar, Purchasing Agent III, Building 19, Northeast Florida State Hospital, 7487 South State Road 121, Macclenny, Florida 32063, (904)259-6211, Ext. 1119, Fax (904)259-8497.

The Northeast Florida State Hospital reserves the right to refuse any and all bids when in the best interest of the State of Florida.

CONTRACT AWARD: The bid tabulation and notice of award will be posted April 18, 2001, 2:00 p.m. (Local Time) in the location where the bids were opened. In the event that the bid tabulation and notice of award cannot be posted in this manner, then all bidders will be notified by certified u.s. mail, return receipt requested. if no protest is filed, the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, FAC., by the owner.

**TAYLOR COUNTY BOARD OF COUNTY COMMISSIONERS**

**REQUEST FOR PROPOSAL**

The Taylor County Board of County Commissioners is accepting proposals for RFP #00-01 to select a qualified firm interested in coordinating transportation services for the transportation disadvantaged in Taylor County, Florida. The selected contractor will be the designated Community Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes, and more full described in Rule 41-2, Florida Administrative Code.

THE PURPOSE OF THE RFP is to obtain the services of an experienced transportation firm to provide coordinated services in Taylor County as outlined in s. 427.015(2), F.S. Any contract issued as a result of this solicitation will be for a three (3) year period commencing approximately July 1, 2001.

THE SCOPE. The Taylor County Board of County Commissioners intends to select a single transportation coordinator to provide or coordinate trips for eligible transportation disadvantaged passengers as defined in s. 411.202, F.S.

A Request for RFP Documents should be directed to: Ms. Barbara Kay Bratcher, Social Services Director, Taylor County Board of County Commissioners, Taylor County Administrative Complex, 201 East Green Street, Perry, Florida 32347, (850)838-3500, Extension 8. Solicitation documents will be available on or about March 30, 2001.

THERE WILL BE NO PRE-PROPOSAL CONFERENCE.

All proposals must be received in a sealed envelope no later than 5:00 p.m. (Eastern Time), May 4, 2001, at the Office of the Clerk of the Court, Taylor County Courthouse, 108 North Jefferson Street, Perry, Florida 32347. All envelopes must bear the PROPOSER'S NAME, RFP NUMBER AND TITLE AND THE RFP DUE DATE.

Proposals shall be submitted with one (1) complete original document and three (3) exact copies.

The Taylor County Board of County Commissioners solicits and encourages Disadvantaged Business Enterprise (DBE) participation. DBE's will be afforded full consideration of their responses and will not be subject to discrimination.

The Taylor County Board of County Commissioners reserves the right to postpone, to accept or reject any and all proposals in whole or in part. All Proposers must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All proposals must remain in effect for one hundred eighty (180) days from the RFP submission due date.

**PALM BEACH COUNTY WORKFORCE DEVELOPMENT BOARD**

**REQUEST FOR PROPOSALS FOR LOCAL LABOR MARKET SURVEY**

The Palm Beach County Workforce Development Board, Inc. (WDB) is issuing a Requests for Proposals (RFP) to provide the WDB with a regional comprehensive employer driven labor market survey with an interactive internet application covering Palm Beach County. The survey will collect supply, demand, wage, benefit and other information on occupations. 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 30, 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. and 5:00 p.m., March 19, 2001 through April 30, 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](http://www.pbcworks.com). The RFP is available on the website in two formats: ASCII Text and Word 97 for Windows. WDB may change scheduled 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](http://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, Room 304A, on April 10, 2001, 9:00 a.m.

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#### **PASCO-HERNANDO JOBS AND EDUCATION PARTNERSHIP REGIONAL BOARD**

The Pasco-Hernando Jobs and Education Partnership Regional Board, Inc. is soliciting proposals from qualified organizations with the expertise and capacity to operate and deliver creative and innovative programs to serve both hard to employ Welfare-to-Work (WTW) eligible individuals and non-custodial parents under federal WTW legislation in Pasco and Hernando counties. The expected term of the contract award will be one year, from July 1, 2001 through June 30, 2002, with two 1-year extensions possible.

To receive a copy of the request for proposal, please email Mr. David Hamilton, [david@pasco-hernando.com](mailto:david@pasco-hernando.com) or fax a request to him, (352)797-5785. For instant access the RFP may be viewed and downloaded online at [www.pasco-hernando.com](http://www.pasco-hernando.com)

NOTE: All potential respondents are Required to attend the bidders' conference, since this will be the best opportunity for having technical and other concerns addressed. A copy of the contract boilerplate and proposal review/rating sheet will be distributed at the bidders' conference. The bidders' conference will be held Monday, April 2, 2001, 9:15 a.m. at Career Central, West Pasco, Main Conference Room, Career Central West Pasco, 4440 Grand Blvd., New Port Richey, Florida 34654.

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#### **GAINESVILLE REGIONAL AIRPORT**

##### **REQUEST FOR PROPOSALS PROPOSAL NO. 01-004**

The Gainesville Regional Airport, Florida, is soliciting proposals to operate the food, beverage, news and gift concession at the Airport's Passenger Terminal.

Requirements and instructions for submission of sealed proposals may be obtained from: Gainesville Regional Airport, Airport Administration-Accounting Office, 3880 N. E. 39th Avenue, Suite A, Gainesville, Florida 32609, (352)373-0271 or (352)373-0249.

A pre-proposal conference will be held on April 18, 2001, 1:30 p.m. Proposals are due on May 11, 2001, 3:00 p.m.

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#### **CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM**

##### **REQUEST FOR PROPOSALS**

RFP#: NEP-01-A

Proposals will be received for these services by the Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917, until 5:00 p.m. (Local Time), Monday, May 7, 2001. The Charlotte Harbor National Estuary Program reserves the right to reject any or all proposals.

SCOPE OF SERVICES: The Charlotte Harbor National Estuary Program requests written proposals from companies to bid on printing of the book. The Story of the Greater Charlotte Harbor Watershed.

INVITATION TO PROPOSE: The Program hereby solicits offers for professional services to meet the needs of the Program.

The Program anticipates awarding only one contract. The Program reserves the right to reject any and all proposals. Awards will be made to respondents whose proposals are deemed by the Program to be most beneficial, all factors considered.

Requests for RFP Information Packets and Sample Books: Requests for RFP Information Packets and Sample Books will be filled if the request is received by Friday, April 27, 2001. Materials will be sent by regular mail to the requestor within two business days. Materials will be sent by Federal Express or Certified mail, if requested, at the expense of the requestor. It is not necessary to submit qualifications, cost estimates or any other information at the time of requesting information and instructions.

Written answers to vendor's questions received by Friday, April 27, 2001 will be sent either by fax or email on Monday, April 30, 2001 to all vendors who, by Friday, April 27, 2001, have requested the RFP Information Packet.

HOW TO APPLY: Request for Proposals (RFP) may be obtained by contacting:

Maran Hilgendorf  
Charlotte Harbor National Estuary Program  
4980 Bayline Drive, 4th Floor  
North Fort Myers, FL 33917-3909  
Phone (941)995-1777  
[mhilgendorf@swfrpc.org](mailto:mhilgendorf@swfrpc.org)

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**Section XII  
Miscellaneous**

**DEPARTMENT OF BANKING AND FINANCE**

**NOTICE OF FILINGS**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., April 20, 2001):

**APPLICATIONS WITHDRAWN**

Application for Authority to Organize a Trust Company  
Applicant and Proposed Location: First Trust Company, Naples, Florida

Correspondent: Charles C. Casalnova, Hermitage, PA  
Withdrawn: March 19, 2001

Applications for a Trust Service Office  
Servicing Financial Institution: First Trust Company, Naples, Florida

Host Financial Institutions: First National Bank of Florida, Clearwater, Florida; West Coast Guaranty Bank, National Association, Venice, Florida.

Correspondent: Charles C. Casalnova, Hermitage, PA  
Withdrawn: March 19, 2001

**APPLICATIONS TO ACQUIRE CONTROL**

Financial Institution to be Acquired: Citizens Community Bank of Florida, Marco Island, Florida

Proposed Purchaser: F.N.B. Corporation, Hermitage, PA  
Received: March 19, 2001

Financial Institution Change of Control: Heritage Bank of Florida, Lutz, Florida

Proposed Control Group: Richard Adams, Lutz, Florida; John Adcock, Tampa, Florida; H. Clyde Hobby, New Port Richey, Florida; Nelson Martinez, Jr., Tampa, Florida; J. Roy Brooks, Lutz, Florida; Jeffrey Kemp, Tampa, Florida; and Bryan Greenberg, Oldsmar, Florida.

Received: March 15, 2001

**APPLICATION TO MERGE**

Constituent Institutions: Flag Credit Union, Tallahassee, Florida and Forestry and Conservation Credit Union, Tallahassee, Florida.

Resulting Institution: Flag Credit Union

Received: March 19, 2001

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: Priority One Credit Union, Post Office Box 9264, Fort Lauderdale, Florida 33310-9264

Expansion Includes: Residents and employees who work or live in the geographic designation for the City of Margate, Florida.

Received: March 16, 2001

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Notice of Publication for a New Point**

**Franchise Motor Vehicle Dealer in a County of More than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes Daimler Chrysler Motors Corporation, intends to allow the establishment of T. T. of Commercial, Inc., as a dealership for the sale of Chrysler and jeep motor vehicles, at a location on the south side of Commercial Blvd., Sunrise (Broward County), Florida on or after May 14, 2001. The location is 530 feet east of the southeast corner of the intersection of Nob Hill Road and Commercial Blvd., as is more particularly described in the legal description which is attached hereto as Exhibit I.

Exhibit "I" Legal Description of the Realty; [Tract B of Sunrise Prospect Plaza, according to the Plat thereof, recorded in Plat Book 154, Page 25, of the Public Records of Broward County, Florida, said lands situate, lying and being in Broward County, Florida.]

The name and address of the dealer operator(s) and principal investor(s) of T. T. of Commercial, Inc. are: dealer operator: Cory Fairbanks, 515 East Las Olas Blvd., Suite 900, Ft. Lauderdale, FL 33301; principal investor(s): Terry Taylor, 515 East Las Olas Blvd., Suite 900, Ft. Lauderdale, FL 33301.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer

License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: C. L. Young, Assistant Zone Manager, Daimler Chrysler Motors Corporation, 8000 South Orange Blossom Trail, Orlando, FL 32809.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, Saab Cars USA, Inc., intends to allow the establishment of Mitchell Motors, Inc. d/b/a Saab of Pensacola, as a dealership for the sale of Saab automobiles, at 5651 Pensacola Blvd., Pensacola (Escambia County), Florida 32505, on or after February 26, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Mitchell Motors, Inc. d/b/a Saab of Pensacola, are: dealer operator and principal investor: Ronald H. Mitchell, 548 Windrose Circle, Pensacola, FL 32505.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ms Brenda Martin, Market Representation Coordinator, Saab Cars USA, Inc., 4405-A International Blvd., Norcross, GA 30093.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, Ridley Motorcycle Company, intends to allow the establishment of Hawgs and Heifers, as a dealership for the sale of Ridley motorcycles, at 2801 Alt 19, Dunedin (Pinellas County), Florida, on or after April 15, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Hawgs & Heifers are: dealer operator: Jan Nrlund, 2801 Alt 19, Dunedin, FL 34698, principal investor(s): Jan Nrlund, 1006 San Pedro, Dunedin, FL 34698.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jay Ridley, Vice President, Ridley Motorcycle Company, 35 N. W. 42nd Street, Oklahoma City, OK 73118.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**CERTIFICATE OF NEED**

**DECISIONS ON EXPEDITED APPLICATIONS**

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for expedited review:

County: Taylor Service District: 2

CON #: 9415 Decision: A Date: 03/13/2001

Facility/Project: Doctors' Memorial Hospital

Applicant: Doctors' Memorial Hospital, Inc.

Project Description: Construct a 48-bed replacement facility within one mile of the existing hospital.

Project Costs: \$21,640,824

AHCA Purchase Order Number S5900H0396.

NOTICE OF BATCHED APPLICATION RECEIPT AND  
NOTICE OF TENTATIVE PUBLIC HEARINGS

The Agency For Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched hospital review cycle with an application due date of March 14, 2001.

County: Escambia                      Service District: 1  
 CON#: 9418              Application Receipt Date: March 14, 2001  
 Facility/Project: Sacred Heart Hospital  
 Applicant: Sacred Heart Hospital of Pensacola  
 Project Description: Add up to four Level III NICU beds  
 County: Citrus                      Service District: 3  
 CON#: 9420              Application Receipt Date: March 14, 2001  
 Facility/Project: Citrus Memorial Hospital  
 Applicant: Citrus Memorial Health Foundation, Inc.  
 Project Description: Establish an adult open heart surgery program  
 County: Hernando                      Service District: 3  
 CON#: 9421              Application Receipt Date: March 14, 2001  
 Facility/Project: Brooksville Regional Hospital  
 Applicant: Hernando HMA, Inc.  
 Project Description: Establish an adult open heart surgery program  
 County: Hernando                      Service District: 3  
 CON#: 9419              Application Receipt Date: March 14, 2001  
 Facility/Project: Oak Hill Hospital  
 Applicant: HCA Health Services of Florida, Inc.  
 Project Description: Establish an adult open heart surgery program  
 County: Marion                      Service District: 3  
 CON#: 9422              Application Receipt Date: March 14, 2001  
 Facility/Project: Marion-Citrus Mental Health Centers  
 Applicant: Marion-Citrus Mental Health Centers, Inc.  
 Project Description: Establish up to 41 inpatient adult psychiatric beds  
 County: Duval                      Service District: 4  
 CON#: 9426              Application Receipt Date: March 14, 2001  
 Facility/Project: Community Hospice of Northeast Florida, Inc.  
 Applicant: Community Hospice of Northeast Florida, Inc.  
 Project Description: Establish up to a 24-bed freestanding inpatient hospice facility  
 County: St. Johns                      Service District: 4  
 CON#: 9427              Application Receipt Date: March 14, 2001  
 Facility/Project: Continental Medical of Palm Beach, Inc.  
 Applicant: Continental Medical of Palm Beach, Inc.  
 Project Description: Establish up to a 40-bed comprehensive medical rehabilitation hospital  
 County: St. Johns                      Service District: 4  
 CON#: 9428              Application Receipt Date: March 14, 2001  
 Facility/Project: Genesis Rehabilitation Hospital, Inc.

Applicant: Genesis Rehabilitation Hospital, Inc.  
 Project Description: Construct a new up to 60-bed comprehensive medical rehabilitation hospital  
 County: Volusia                      Service District: 4  
 CON#: 9425              Application Receipt Date: March 14, 2001  
 Facility/Project: Halifax Hospital Medical Center  
 Applicant: Halifax Hospital Medical Center  
 Project Description: Add 147 acute care beds at 303 N. Clyde Morris Blvd. through the delicensure of 147 acute care beds at 400 N. Clyde Morris Blvd.  
 County: Volusia                      Service District: 4  
 CON#: 9424              Application Receipt Date: March 14, 2001  
 Facility/Project: Memorial Hospital-Peninsula  
 Applicant: Memorial Health Systems, Inc.  
 Project Description: Establish up to 25 inpatient adult psychiatric beds through the conversion of up to 25 acute care beds  
 County: Volusia                      Service District: 4  
 CON#: 9423              Application Receipt Date: March 14, 2001  
 Facility/Project: Halifax Hospital Medical Center  
 Applicant: Halifax Hospital Medical Center  
 Project Description: Add 42 adult psychiatric beds at 303 N. Clyde Morris Blvd. through delicensure of 42 adult psychiatric beds at 400 N. Clyde Morris Blvd.  
 County: Pasco                      Service District: 5  
 CON#: 9430              Application Receipt Date: March 14, 2001  
 Facility/Project: East Pasco Medical Center  
 Applicant: East Pasco Medical Center, Inc.  
 Project Description: Add up to 36 acute care beds  
 County: Pasco                      Service District: 5  
 CON#: 9429              Application Receipt Date: March 14, 2001  
 Facility/Project: East Pasco Medical Center  
 Applicant: East Pasco Medical Center, Inc.  
 Project Description: Establish an adult open heart surgery program  
 County: Hillsborough                      Service District: 6  
 CON#: 9433              Application Receipt Date: March 14, 2001  
 Facility/Project: St. Joseph's Hospital  
 Applicant: St. Joseph's Hospital, Inc.  
 Project Description: Add up to eight Level III NICU beds  
 County: Hillsborough                      Service District: 6  
 CON#: 9431              Application Receipt Date: March 14, 2001  
 Facility/Project: Continental Medical of Palm Beach, Inc.  
 Applicant: Continental Medical of Palm Beach, Inc.  
 Project Description: Establish up to a 60-bed comprehensive medical rehabilitation hospital  
 County: Hillsborough                      Service District: 6  
 CON#: 9436              Application Receipt Date: March 14, 2001  
 Facility/Project: Brandon Regional Hospital  
 Applicant: Galencare, Inc.



Project Description: Establish an adult open heart surgery program  
 County: Hillsborough Service District: 6  
 CON#: 9432 Application Receipt Date: March 14, 2001  
 Facility/Project: Genesis Rehabilitation Hospital, Inc.  
 Applicant: Genesis Rehabilitation Hospital, Inc.  
 Project Description: Construct up to a 60-bed comprehensive medical rehabilitation hospital  
 County: Polk Service District: 6  
 CON#: 9439 Application Receipt Date: March 14, 2001  
 Facility/Project: Hospice of Lake and Sumter, Inc.  
 Applicant: Hospice of Lake and Sumter, Inc.  
 Project Description: Establish a hospice program  
 County: Polk Service District: 6  
 CON#: 9437 Application Receipt Date: March 14, 2001  
 Facility/Project: Good Shepherd Hospice of Mid-Florida, Inc.  
 Applicant: Good Shepherd Hospice of Mid-Florida, Inc.  
 Project Description: Establish up to 12 hospice inpatient beds in an existing residential facility  
 County: Polk Service District: 6  
 CON#: 9434 Application Receipt Date: March 14, 2001  
 Facility/Project: Heart of Florida Regional Medical Center  
 Applicant: Haines City HMA  
 Project Description: Add up to 30 acute care beds  
 County: Polk Service District: 6  
 CON#: 9438 Application Receipt Date: March 14, 2001  
 Facility/Project: Vitas of North Florida, Inc.  
 Applicant: Vitas of North Florida, Inc.  
 Project Description: Establish a hospice program  
 County: Polk Service District: 6  
 CON#: 9435 Application Receipt Date: March 14, 2001  
 Facility/Project: Winter Haven Hospital  
 Applicant: Winter Haven Hospital, Inc.  
 Project Description: Establish an adult open heart surgery program  
 County: Brevard Service District: 7  
 CON#: 9445 Application Receipt Date: March 14, 2001  
 Facility/Project: Hospice of Health First, Inc.  
 Applicant: Hospice of Health First, Inc.  
 Project Description: Establish up to an 8-bed freestanding inpatient hospice  
 County: Brevard Service District: 7  
 CON#: 9444 Application Receipt Date: March 14, 2001  
 Facility/Project: Wuesthoff Brevard Hospice and Pallative Care  
 Applicant: Wuesthoff Health Services, Inc.  
 Project Description: Establish up to 12 inpatient hospice beds

County: Orange Service District: 7  
 CON#: 9442 Application Receipt Date: March 14, 2001  
 Facility/Project: Orlando Regional Medical Center  
 Applicant: Orlando Regional Healthcare System, Inc.  
 Project Description: Add up to 94 acute care beds  
 County: Orange Service District: 7  
 CON#: 9446 Application Receipt Date: March 14, 2001  
 Facility/Project: Florida Hospital  
 Applicant: Adventist Health System/Sunbelt, Inc.  
 Project Description: Establish a pediatric open heart surgery program  
 County: Orange Service District: 7  
 CON#: 9441 Application Receipt Date: March 14, 2001  
 Facility/Project: Orlando Regional Medical Center  
 Applicant: Orlando Regional Healthcare System, Inc.  
 Project Description: Add five Level II NICU beds  
 County: Orange Service District: 7  
 CON#: 9447 Application Receipt Date: March 14, 2001  
 Facility/Project: Florida Hospital  
 Applicant: Adventist Health System/Sunbelt, Inc.  
 Project Description: Establish a pediatric cardiac catheterization program  
 County: Orange Service District: 7  
 CON#: 9443 Application Receipt Date: March 12, 2001  
 Facility/Project: Health Central  
 Applicant: West Orange Healthcare District  
 Project Description: Add up to 30 acute care beds  
 County: Seminole Service District: 7  
 CON#: 9440 Application Receipt Date: March 14, 2001  
 Facility/Project: Winter Park Pavilion  
 Applicant: Adventist Health System/Sunbelt, Inc.  
 Project Description: Add 20 adult psychiatric beds at Winter Park Pavilion through the delicensure and transfer of 20 adult psychiatric beds at the Altamonte campus  
 County: Lee Service District: 8  
 CON#: 9448 Application Receipt Date: March 14, 2001  
 Facility/Project: Lee Mental Health Center, Inc.  
 Applicant: Lee Mental Health Center, Inc.  
 Project Description: Establish up to a 60-bed adult psychiatric hospital  
 County: Sarasota Service District: 8  
 CON#: 9449 Application Receipt Date: March 14, 2001  
 Facility/Project: HealthSouth Rehabilitation Hospital of Sarasota  
 Applicant: HealthSouth of Sarasota Limited Partnership  
 Project Description: Add up to 15 comprehensive medical rehabilitation beds

County: Sarasota Service District: 8  
 CON#: 9450 Application Receipt Date: March 14, 2001  
 Facility/Project: Genesis Rehabilitation Hospital, Inc.  
 Applicant: Genesis Rehabilitation Hospital, Inc.  
 Project Description: Construct a new up to 60-bed comprehensive medical rehabilitation hospital  
 County: Indian River Service District: 9  
 CON#: 9457 Application Receipt Date: March 14, 2001  
 Facility/Project: VNA Hospice of Indian River County, Inc.  
 Applicant: VNA Hospice of Indian River County, Inc.  
 Project Description: Establish up to 12 inpatient hospice beds  
 County: Indian River Service District: 9  
 CON#: 9454 Application Receipt Date: March 14, 2001  
 Facility/Project: Indian River Memorial Hospital  
 Applicant: Indian River Memorial Hospital, Inc.  
 Project Description: Establish an adult open heart surgery program  
 County: Martin Service District: 9  
 CON#: 9455 Application Receipt Date: March 14, 2001  
 Facility/Project: Martin Memorial Medical Center  
 Applicant: Martin Memorial Medical Center, Inc.  
 Project Description: Establish an adult open heart surgery program  
 County: Palm Beach Service District: 9  
 CON#: 9451 Application Receipt Date: March 14, 2001  
 Facility/Project: Bethesda Memorial Hospital  
 Applicant: Bethesda Healthcare System, Inc.  
 Project Description: Establish an adult open heart surgery program  
 County: Palm Beach Service District: 9  
 CON#: 9453 Application Receipt Date: March 14, 2001  
 Facility/Project: Good Samaritan Hospital  
 Applicant: Good Samaritan Hospital, Inc.  
 Project Description: Establish an adult open heart surgery program  
 County: Palm Beach Service District: 9  
 CON#: 9452 Application Receipt Date: March 14, 2001  
 Facility/Project: Boca Raton Community Hospital  
 Applicant: Boca Raton Community Hospital, Inc.  
 Project Description: Establish an adult open heart surgery program  
 County: Palm Beach Service District: 9  
 CON#: 9456 Application Receipt Date: March 14, 2001  
 Facility/Project: Wellington Regional Medical Center  
 Applicant: Wellington Regional Medical Center, Inc.  
 Project Description: Add up to 23 acute care beds  
 County: Broward Service District: 10

CON#: 9459 Application Receipt Date: March 14, 2001  
 Facility/Project: South Broward Hospital District  
 Applicant: South Broward Hospital District  
 Project Description: Establish a new 100-bed acute care hospital  
 County: Broward Service District: 10  
 CON#: 9458 Application Receipt Date: March 14, 2001  
 Facility/Project: Memorial Hospital West  
 Applicant: South Broward Hospital District  
 Project Description: Establish an adult open heart surgery program  
 County: Dade Service District: 11  
 CON#: 9461 Application Receipt Date: March 14, 2001  
 Facility/Project: South Miami Hospital  
 Applicant: South Miami Hospital, Inc.  
 Project Description: Establish up to an eight-bed Level III NICU through the conversion of up to eight Level II NICU beds  
 County: Dade Service District: 11  
 CON#: 9462 Application Receipt Date: March 14, 2001  
 Facility/Project: Mercy Medical Development, Inc.  
 Applicant: Mercy Medical Development, Inc.  
 Project Description: Establish up to a new 29-bed long-term care hospital through the conversion of up to 29 acute care beds  
 County: Dade Service District: 11  
 CON#: 9460 Application Receipt Date: March 14, 2001  
 Facility/Project: Baptist Hospital of Miami  
 Applicant: Baptist Hospital of Miami, Inc.  
 Project Description: Add up to a 10-bed Level II NICU  
 Also, IF REQUESTED, tentative public hearings have been scheduled as follows:  
 PROPOSALS: District 1  
 DATE AND TIME: Monday, April 30, 2001, 1:00 p.m. (Central Time)  
 PLACE: West Florida Regional Planning Council Conference Room, 3435 North 12th Avenue, Pensacola, Florida 32573  
 PROPOSALS: District 3  
 DATE AND TIME: Thursday, May 3, 2001, 2:00 p.m.  
 PLACE: North Central Florida Health Council, Inc., 11 West University Ave., Suite 7, Gainesville, Florida 32601  
 PROPOSALS: District 4  
 DATE AND TIME: Thursday, May 3, 2001, 10:00 a.m.  
 PLACE: Health Planning Council of N. E. Florida, Inc., (Daytona Beach Office), 605 North Seagrave Street, Suite E, Daytona Beach, Florida 32114  
 PROPOSALS: Districts 5 and 6  
 DATE AND TIME: Wednesday, April 25, 2001, 9:00 a.m.  
 PLACE: Baker Building Conference Room, 888 Executive Center Drive, North, St. Petersburg, Florida 33702

PROPOSALS: District 7  
 DATE AND TIME: Thursday, April 26, 2001, 9:00 a.m.  
 PLACE: Local Health Council of East Central Florida, Inc., 1155 South Semoran Blvd., #1111, Winter Park, Florida 32792

PROPOSALS: District 8  
 DATE AND TIME: Friday, April 27, 2001, 10:00 a.m.  
 PLACE: Health Planning Council of S. W. Florida, Inc., 9250 College Parkway, Suite 3, Fort Myers, Florida 33919

PROPOSALS: District 9  
 DATE AND TIME: Thursday, May 3, 2001, 9:00 a.m.  
 PLACE: Treasure Coast Health Council, Conference Room, 4152 West Blue Herron Blvd., Suite 229, Riviera Beach, Florida 33404

PROPOSALS: District 10  
 DATE AND TIME: Thursday, April 26, 2001, 10:00 a.m.  
 PLACE: Broward Regional Health Planning Council, 915 Middle River Drive, Conference Room 113, Fort Lauderdale, Florida 33304

PROPOSALS: District 11  
 DATE AND TIME: Thursday, April 26, 2001, 9:00 a.m.  
 PLACE: Health Council of South Florida, Inc., 8095 N. W. 12th Street, Suite 300, Miami, Florida 33126

Public hearing requests must be in writing and be received at the Agency for Health Care Administration/CON Office, 2727 Mahan Drive, Building 1, Room 351, Tallahassee, Florida 32308 by 5:00 p.m., April 13, 2001. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file. Pursuant to 59C-1.010(6), FAC., written comments must be received by 5:00 p.m., April 18, 2001.  
 AHCA Purchase Order Number S5900I00310.

**CERTIFICATE OF NEED**

**RECEIPT OF EXPEDITED APPLICATIONS**

The Agency For Health Care Administration received the following Certificate of Need applications for expedited review:

County: Orange Service District: 7  
 Facility/Project: Lakeside Alternatives, Inc.  
 Applicant: Lakeside Alternatives  
 Project Description: Convert up to 32 existing licensed acute care beds to up to 32 adult psychiatric beds

County: Orange Service District: 7  
 Facility/Project: Orlando Regional Healthcare System, Inc.  
 Applicant: Sand Lake Hospital  
 Project Description: Convert up to 32 existing adult psychiatric beds to up to 32 acute care beds

County: Brevard Service District: 7  
 Facility/Project: Holmes Regional Medical Center, Inc.  
 Applicant: Holmes Regional Medical Center  
 Project Description: Convert 30 skilled nursing bed to 30 acute care beds  
 AHCA Purchase Order Number S5900I0310.

**NOTICE OF LITIGATION**

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on March 15, 2001, concerning certificate of need decisions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine substantial interest of person. Those persons whose substantial interest may be determined by these proceedings including settlements, grants and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 28-5.111 and 28-5.207, FAC. In deference to rights of substantially affected person, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

- CON# INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)
- NA Approval, waiver of Rule 59A-3.080(4)(f), FAC. from Cleveland Clinic Florida to allow the construction and operation of an ambulatory surgery center on the hospital's premises, Broward County, Cleveland Clinic Florida, (PRH) North Broward Hospital District
- NA Fixed Need Pool, adult open-heart surgery, District 9, Indian River Memorial Hospital, Inc. d/b/a Indian River Memorial Hospital, (PRH) same as applicant
- NA Fixed Need Pool, adult open-heart surgery, District 9, Martin Memorial Medical Center, Inc., (PRH) same as applicant
- 9400 Denial, addition of 28 acute care beds through the conversion of 28 skilled nursing unit beds, Broward County, University Hospital, Ltd. d/b/a University Hospital, (PRH) same as applicant
- 9408 Denial, convert 60 licensed sheltered nursing beds to 60 community nursing beds, Seminole County, Seminole Properties d/b/a Freedom Square Nursing Center, (PRH) same as applicant

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**NOTICE OF PUBLIC HEARING**

A petition for a change in the rates of pilotage charged by the licensed state pilots and the certificated deputy pilots at Port Everglades have been filed with the Pilotage Rate Review Board, pursuant to Section 310.151, F.S., and Chapter 61E13, Florida Administration Code.

The last rate change (increase) granted Port Everglades was June 15, 1998. The board intends to consider the following requested rate change (increase) for the Port Everglades:

**PILOTAGE CHARGE ITEMS:**

First Year: A 'Base Rate' will be established to which: (1) all piloted vessels will be charged starting on the effective date ordered by the Rate Review Board; (2) the Second Year percentage change shall apply; and (3) a 'cumulative rate factor', for the Third Year percentage change and all subsequent changes will be applied. The following changes are requested for Port Everglades:

- A. An overall 8% increase in rates:
  - 1. From: \$11.49 / draft foot\* To: \$12.41\*
  - 2. From: \$0.0308 / grt To: \$0.0333

\*(The existing minimum draft of 12' shall continue to apply in the first Year.)

(All other provisions and ancillary changes will remain unchanged.)

- B. In order to promote additional business to the Port, to encourage vessel calls during periods of off-peak berth and pilot utilization, and to encourage calls by larger vessels; the following niche categories are requested where vessels may apply for and receive special tonnage rates:

- 1. On all vessels over 80,000 grt:
  - (a) The base tonnage rate of: \$0.0333 for the first 80,000 grt and
  - (b) \$0.0320 for the next 50,000 grt [80,001 – 130,00] and
  - (c) \$0.0308 for the grt in excess of 130,000 grt
- 2. On all newly announced weekly scheduled service, for vessels in excess of 50,000 grt, a tonnage charge of \$0.0320 / grt for those calls taking place between May 31 and September 30 of each year.
- 3. On all newly announced weekly scheduled service, for vessels in excess of 50,000 grt a tonnage charge of \$0.0320 / grt for those calls taking place from Monday – Thursday.

- C. For weekly scheduled 'feeder-sized' vessels of less than 18,000 grt, a tonnage charge of \$.0320 / grt.

Items (A), (B), and (C) constitute the 'Base Rate' to which all future changes shall apply.

Second Year: An increase of 4% over the total invoiced charges of the 'Base Rate', creating a 'Cumulative Factor' of: 1.04]

[The first Year 'Base Rate' + 4.0% = a Cumulative Factor of 1.04]

The minimum draft charge will change from 12' to 13'

Third Year: An increase of 3% over the total invoiced charges of the Second Year rate, creating a 'Cumulative Factor' of: 1.0712

[The 1.04 Cumulative Factor of the Second Year x 1.03 = a Cumulative Factor of 1.0712]

The minimum draft charge will change from 13' to 14'.

A public hearing pursuant to Rule 61E13-2.006, FAC. will be held as follows:

DATE AND TIME: April 25, 2001, 1:00 a.m.

PLACE: Pilot Station, Port Everglades' Pilot Association, 1833 S. E. 17 Street, Ft. Lauderdale, Florida

PURPOSE: 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, 1100 S. E. 17th Street, Ft. Lauderdale, Florida

PURPOSE: Rate Hearing for Port Everglades.

A copy of the application and the report of investigation thereon may be obtained by writing: Pilotage Rate Review Board, 1940 North Monroe Street, Tallahassee, FL 32399-0773.

All interested parties may file and answer, and additional or alternative application or any other applicable pleading or response, including all documentation in support thereof within 30 days of this publication.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**NOTICE**

**AVAILABILITY OF GRANT FUNDS FOR COUNTIES**

Applications for grant funding under the Florida Boating Improvement Program for fiscal year 2001-2002 will be accepted beginning Monday, April 2, 2001. The deadline for receiving applications is 3:00 p.m., Monday, May 28, 2001. Applications received after the deadline will be ineligible for consideration. Projects selected for funding must be completed by September 30, 2002.

A copy of the application and procedure guide may be requested by contacting: Grant Specialist, Division of Freshwater Fisheries, Florida Fish and Wildlife Conservation Commission, (850)487-3755, through electronic mail at: fbip@gfc.state.fl.us or by writing Florida Boating Improvement Grant Program, Division of Freshwater Fisheries, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600.

**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN March 12, 2001  
 and March 16, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF INSURANCE**

4-137.001	3/16/01	4/5/01	27/2	
4-137.002	3/15/01	4/4/01	26/50	27/6
4-149.201	3/13/01	4/2/01	27/2	
4-149.202	3/13/01	4/2/01	27/2	
4-149.203	3/13/01	4/2/01	27/2	
4-149.204	3/13/01	4/2/01	27/2	
4-149.205	3/13/01	4/2/01	27/2	
4-149.206	3/13/01	4/2/01	27/2	
4-149.207	3/13/01	4/2/01	27/2	

**DEPARTMENT OF EDUCATION**

**University of South Florida**

6C4-3.021	3/14/01	4/3/01	Newspaper	
6C4-14.002	3/14/01	4/3/01	Newspaper	

**DEPARTMENT OF CORRECTIONS**

33-507.201	3/12/01	4/1/01	26/52	27/5
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Office of Licensure and Certification**

59A-10.032	3/15/01	4/4/01	26/44	
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**Certificate of Need**

59C-1.005	3/13/01	4/2/01	26/35	26/51
59C-1.008	3/13/01	4/2/01	26/51	
59C-1.010	3/13/01	4/2/01	26/51	
59C-1.023	3/13/01	4/2/01	26/51	
59C-1.031	3/13/01	4/2/01	26/51	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

61G1-12.001	3/12/01	4/1/01	26/38	27/6
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**Electrical Contractors' Licensing Board**

61G6-9.015	3/14/01	4/3/01	26/51	27/13
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(proposed as 61G6-9.0105)

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-302.700	3/15/01	4/4/01	25/34	27/7
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**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

64B1-4.001	3/14/01	4/3/01	26/47	27/7
64B1-7.0015	3/14/01	4/3/01	26/50	27/7