

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Description of Merchandise on Preneed Contracts
 RULE NO.: 3F-8.006

PURPOSE AND EFFECT: The Board proposes to amend this rule to clarify when merchandise is available for delivery.

SUBJECT AREA TO BE ADDRESSED: Description of Merchandise on Preneed Contracts.

SPECIFIC AUTHORITY: 487.103(1) FS.

LAW IMPLEMENTED: 497.333(6)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diana M. Evans, Executive Director, Board of Funerals and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-8.006 Description of Merchandise on Preneed Contracts.

(1) through (5) No change.

(6) For the purposes of this rule, merchandise shall be considered available for delivery if the merchandise can be attained in the market place within twenty-four hours.

Specific Authority 497.103(1) FS. Law Implemented 497.333(6)(c) FS. History—New 4-10-97, Amended _____.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Citations
 RULE NO.: 3F-11.003

PURPOSE AND EFFECT: This rule is being amended to clarify the Department’s authority to impose fines for each occurrence of the same violations, pursuant to section 497.121, F.S.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 497.103, 497.121 FS.

LAW IMPLEMENTED: 497.121, 497.421 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diana M. Evans, Executive Director, Board of Funerals and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-11.003 Citations.

(1) Pursuant to Section 497.121, F.S., the Board sets forth in this rule those violations for which there is not substantial threat to the public health, safety, and welfare. The Department shall have the authority to issue citations for the violations set forth herein. The licensee Prior to the issuance of the citations, the Department must confirm that the violation has been corrected or is in the process of being corrected, upon acceptance of the citation. For each violation, there is a range of fines to be imposed depending upon whether the violation is the first ~~or~~ second, ~~or third~~ violation of the particular provision within the previous six (6) three (3) year period. (Multiple occurrences of a specific violation within an examination report will be cited as one violation.)

(2) The following violations with accompanying fines and conditions may be disposed of by citation:

(a) For each of the following violations, a range of fines is to be imposed depending upon whether the citation is the first ~~or~~ second, ~~or third~~ violation of the particular provision by the certificateholder, licensee or registrant. For each of the violations listed under this part, the fine to be imposed for the first violation shall be ~~\$200.00~~ \$50.00, and the fine to be imposed for the second violation shall be ~~\$400.00~~ \$100.00, and ~~the fine to be imposed for the third violation shall be \$400.00.~~

~~1. Failing to display license, as provided in Section 497.301, F.S.~~

~~2. Unintentionally failing to remit 1% to <5% of the amounts required to be deposited to any trust fund for an examination period, as provided in Section 497.233(1)(d), F.S.~~

~~3. Failing to provide to any person, upon request, a copy of the cemetery bylaws, as provided in Section 497.233(1)(s)(+), F.S.~~

~~4. Failing to register a branch name for a common business enterprise, in violation of Section 497.407(4), F.S.~~

~~5. Failing to have all financial records available at all reasonable times for examination by the Department, as provided in Section 497.309, F.S.~~

4. Failing to furnish, for retention, a printed or typewritten list of current retail prices for burial rights, burial merchandise, or burial servies, as provided in Section 497.233(1)(q), F.S.

~~5.6.~~ Establishing a condition for entry on or access to cemetery property, as provided in Section 497.317(3), F.S.

~~6.7.~~ Failing to mark the place on a grave where a monument is to be installed and requiring any person who installs a monument to obtain insurance or post a bond as described in Section 497.317, F.S.

~~7.~~ Failing to notify preneed purchasers that the merchandise purchased will be accepted in the cemetery of the purchaser's choice as required by Section 497.441, F.S.

~~8.~~ Consistently failing to make timely deposits to any trust fund, in violation of Section 497.245(2), F.S.

~~9.~~ Failing to state the type, size and design of merchandise and the description of the service to be delivered or performed as required by Section 497.333(6)(c), F.S. and Rule 3F-8.006, F.A.C.

~~10.~~ Failing to maintain procedures for handling complaints as provided by Section 497.445(6), F.S.

~~11.~~ Failing to comply with the filing and remittance of fee requirements as required by Section 497.407(12), F.S.

~~12.~~ Failing to comply with the filing and remittance of fee requirements as required by Section 497.413(2), F.S.

~~13.~~ Failing to provide a Good Faith Estimate of all fees and costs the consumer will incur to use any burial right, merchandise, or services purchased as provided in Section 497.333(4), F.S.

(b) For each of the following violations, a range of fines is to be imposed depending upon whether the citation is the first ~~or~~, second, ~~or third~~ violation of the particular provision by the certificateholder, licensee or registrant. For each of the violations listed under this part, the fine to be imposed for the first violation shall be ~~\$500.00~~ \$100.00, and the fine to be imposed for the second violation shall be ~~\$1,000.00~~ \$200.00, and the fine to be imposed for the third violation shall be \$800.00.

1. Discouraging the purchase of any burial merchandise or burial service which is advertised or offered for sale, with the purpose of encouraging the purchase of any additional or more expensive burial merchandise or service, as provided in Section 497.233(1)(~~p~~)(~~e~~), F.S.

~~2.~~ Failing to furnish, for retention, a printed or typewritten list of retail prices for burial rights, burial merchandise, or burial services, as provided in Section 497.233(1)(~~p~~), F.S.

~~2.3.~~ Assessing fees and costs which have not been disclosed to the customer as provided in Section 497.233(1)(~~t~~)(~~s~~), F.S.

~~3.~~ Attempting to sell grave space tied to the purchase of a monument from or through the seller or any other designated person or corporation, as provided in Section 497.325(1)(a), F.S.

4. Requiring the payment of a setting or service charge, by whatever name known, from third party installers for the placement of a monument, as provided in Section 497.325(1)(c)1., F.S.

5. Refusing to provide care or maintenance for any portion of a gravesite on which a monument has been placed, as provided in Section 497.325(1)(c)2., F.S.

6. Attempting to waive liability with respect to damage to a monument after installation, where the monument or installation service is not purchased from the person, cemetery company or other entity authorized to sell or to provide grave space, as provided in Section 497.325(1)(c)3., F.S.

7. Conditioning any program offering free burial rights by any requirement to purchase additional burial rights or burial merchandise, as provided in Section 497.325(2), F.S.

~~8.~~ Failing to disclose all fees and costs the customer may incur to use the burial rights or burial merchandise purchased as provided in Section 497.515(3), F.S.

~~9.~~ Failing to disclose information to the public, as provided in Section 497.333(1), (2), (4), (5), (7), or (8), F.S.

~~8.10.~~ Unintentionally failing to remit 1% to <5% ~~5%~~ to <10% of the amounts required to be deposited to any trust fund for an examination period, as provided in Section 497.233(1)(d), F.S.

~~11.~~ Failure to make disclosures on insurance funded preneed contracts as required by Rule 3F-8.005.

~~9.12.~~ Failing to maintain cemetery grounds in reasonable condition as required by Rule 3F-6.002.

~~13.~~ Failure to comply with the filing and remittance of fee requirements as required by Section 497.407(12), F.S.

~~14.~~ Failure to comply with the filing and remittance of fee requirements as required by Section 497.413(2), F.S.

~~10.15.~~ Failing to deliver monuments in a timely manner as required by Section 497.361(5), F.S.

~~16.~~ Failure to notify preneed purchasers that the merchandise purchased will be accepted in the cemetery of the purchaser's choice as required by Section 497.441, F.S.

~~11.17.~~ Assessing other charges in violation of Section 497.313, F.S.

~~12.~~ Selling a preneed contract or permitting a person to sell a preneed contract without being registered as a preneed sales agent or being exempted as provided by Section 497.439, F.S.

~~18.~~ Failing to have preneed contracts and related forms filed with and approved by the Board, as required by Section 497.409, F.S.

~~19.~~ Failure to state the type, size and design of merchandise and the description of the service to be delivered or performed as required by Section 497.425(9), F.S.

(c) For each of the following violations, a range of fines is to be imposed depending upon whether the citation is the first ~~or~~, second, ~~or third~~ violation of the particular provision by the certificateholder, licensee or registrant. For each of the violations listed under this part, the fine to be imposed for the first violation shall be ~~\$800.00~~ \$200.00, and the fine to be

imposed for the second violation shall be ~~\$1,600.00~~ \$400.00, and the fine to be imposed for the third violation shall be \$1600.00.

1. Failing to furnish, for retention, to each purchaser of burial rights, burial merchandise, or burial services a written agreement, the form of which has been approved by the Board, as provided in Section 497.233(1)(r)(q), F.S.

2. Unintentionally failing to remit ~~5% to <10%~~ 10% to <15% of the amounts required to be deposited to a trust fund for an examination period, as provided in Section 497.233(1)(d), F.S.

~~3. Failing to meet the time requirements for deposits to the care and maintenance trust fund, as provided in Section 497.245(2), F.S.~~

~~4. Attempting to sell grave space tied to the purchase of a monument from or through the seller or any other designated person or corporation, as provided in Section 497.325(1)(a), F.S.~~

~~5. Failing to disclose information to the public, as provided in Section 497.333(3) or (6), F.S.~~

~~3.6.~~ Requiring lot owners or current customers to make unnecessary visits to the cemetery company office for the purpose of solicitation, as provided in Section 497.515(1), F.S.

~~4.7.~~ Failing to maintain accurate burial records as required by Section 497.309, F.S.

~~5.8.~~ Failing to honor cancellations and to issue refunds, as provided by Sections 497.419, F.S., and 497.515(5), F.S.

~~9. Misrepresenting any burial merchandise or burial service when offered for sale to the public, as provided in Section 497.515(6), F.S.~~

~~6.10.~~ Knowingly disclosing to the department or an employee thereof any false report made pursuant to this chapter as stated in Section 497.519, F.S.

~~11. Selling a preneed contract or permitting a person to sell a preneed contract without being registered as a preneed sales agent or being exempted as provided by Section 497.439, F.S.~~

~~12. Engaging in any misrepresentation, false advertising, presentation of false information, unfair claim settlement practices, failing to maintain procedures for handling complaints, or discriminatory refusal to issue a contract, as provided in Section 497.445, F.S.~~

~~7.13.~~ Failing to honor the preneed contract cancellation request by the heirs of a contract purchaser as provided in Section 497.421, F.S.

~~8.14.~~ Failing to meet the construction timeframes, as provided in Section 497.257(1)-(8), F.S.

9. Failing to have preneed contracts and related forms filed with and approved by the Board, as required by Section 497.409, F.S.

~~15. Requesting disbursement of funds from the preneed or merchandise trust funds when the contract has not been fulfilled as described in Section 497.421, F.S.~~

Specific Authority 497.103, 497.121 FS. Law Implemented 497.121 FS. History—New 1-24-95, Amended 5-19-97, _____.

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Disclosure; Mortgagee Policyholders	4-186.001
Approved Forms	4-186.002
Title Insurance Rates	4-186.003
Usury of Claims of Usury Excluded from Title Insurance Coverages	4-186.006
Escrow Requirements	4-186.008
Independent Searcher/Abstractor Coverage	4-186.012
Insurer Reporting For Non-Licensed Agents	4-186.014

PURPOSE AND EFFECT: The purpose of this amendment is to comply with Section 627.7825, Florida Statutes, which codified much of the rule. Also parts of the rule needs to be repealed pursuant to Section 120.536(2)(b), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Amendments to comply with Section 627.7825, Florida statutes and some repeals pursuant to Section 120.536(2)(b), Florida Statutes.

SPECIFIC AUTHORITY: 624.308(1), 626.9611, 627.782, 627.7825 FS.

LAW IMPLEMENTED: 624.307(1), 624.608, 626.9541(1)(h)3.a., 626.8473, 627.777, 627.778(1)(a), 627.782, 627.7825, 627.783, 627.7831, 627.7841, 627.7845, 628.151 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., May 9, 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: Wally Senter, Financial Examiner/Analyst Supervisor, Insurer Services, Department of Insurance, phone (850)413-2554

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 Wally Senter, (850)413-2554.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Comprehensive Shellfish
 RULE CHAPTER NO.: 5L-1

Control Code 5L-1
 RULE TITLE: Shellfish Harvesting Area Standards
 RULE NO.: 5L-1.003

PURPOSE AND EFFECT: This amendment proposes to reclassify the Choctawhatchee Bay shellfish harvesting area, Okaloosa and Walton Counties. A sanitary survey has been conducted that evaluates current information on pollution sources and bacteriological water quality, and recommends reclassification of the Choctawhatchee Bay shellfish harvesting area.

SUBJECT AREA TO BE ADDRESSED: The proposed reclassification and management of the Choctawhatchee Bay shellfish harvesting area for shellfish harvesting is in accordance with 5L-1.003 to protect the health of shellfish consumers and to provide access to renewable and natural shellfish resources.

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

TIME AND DATE: 5:30 p.m. – 7:30 p.m., Monday, May 7, 2001

PLACE: South Walton Tourist Development Center, 25777 U.S. Highway 331, South, Santa Rosa Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John McDowell, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone (850)488-5471

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: District Financial Records
 RULE NO.: 6A-1.001

PURPOSE AND EFFECT: The purpose of this rule development is to update Financial and Program Cost Accounting for Florida Schools which is incorporated by reference in the rule. Changes in law, accounting principles, and district practices require the periodic revision of this publication which include the chart of accounts. The effect will be a rule with an incorporated publication that is consistent with law, accounting principles, and district practices.

SUBJECT AREA TO BE ADDRESSED: Financial and program cost accounting for school districts will be the subject area to be addressed.

SPECIFIC AUTHORITY: 229.053(1), 237.01 FS.

LAW IMPLEMENTED: 237.01, 237.34 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.

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jeanine Blomberg, Director, Division of Support Services, Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399, (850)488-6023

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Specific Exemptions	12A-1.001
Sales; Installation Charges	12A-1.016
Telephone, Telegraph and Other Telecommunication Services	12A-1.046
Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property	12A-1.051
Registration	12A-1.060
Sales in Interstate and Foreign Commerce; Sales to Nonresident Dealers; Sales to Diplomats	12A-1.064
Self-Accrual Authorization	12A-1.0911

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12A-1.001, 12A-1.016, 12A-1.051, 12A-1.060, 12A-1.064, 12A-1.0911, F.A.C., and the proposed repeal of Rule 12A-1.046, F.A.C., is to implement the provisions of Chapter 2000-260, L.O.F., effective October 1, 2001, which removes the imposition of sales tax on charges for telecommunication services and for television system program services.

The proposed amendments to Rule 12A-1.001, F.A.C. (Specific Exemptions), remove provisions regarding the exemption provided for services rendered by radio and television stations that are redundant of the exemption provided in s. 212.08(6), F.S., and remove provisions regarding the imposition of sales tax on charges for wired music service that will no longer be imposed effective October 1, 2001.

The proposed amendments to Rule 12A-1.016, F.A.C. (Sales; Installation Charges), provide that the charge for installation of equipment used to provide communication services, as defined in s. 202.11(3), F.S., that is installed on a customer's premises, is subject to sales tax.

The proposed amendments to Rule 12A-1.051, F.A.C. (Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property), provide that the installation of equipment used to provide communication services, as defined in s. 202.11(3), F.S., that is installed on a customer's premises, is not considered to be a real property contract.

The proposed amendments to Rule 12A-1.060, F.A.C. (Registration), provide that effective October 1, 2001, businesses that provide telecommunication services will no longer be required to register with the Department as a sales tax dealer.

The proposed amendments to Rule 12A-1.064, F.A.C. (Sales in Interstate and Foreign Commerce; Sales to Nonresident Dealers; Sales to Diplomats), provide that effective October 1, 2001, the purchase of telecommunication services no longer qualify for the apportionment of sales tax provided to air carriers.

The proposed amendments to Rule 12A-1.0911, F.A.C. (Self-Accrual Authorization), provide that effective October 1, 2001, provisions for the self-accrual of sales tax on telecommunication services will no longer be applicable.

SUBJECT AREA TO BE ADDRESSED: This workshop will provide an opportunity for the Department to receive public comments regarding the proposed amendments to Rules 12A-1.001, 12A-1.016, 12A-1.051, 12A-1.060, 12A-1.064, and 12A-1.0911, F.A.C., and the proposed repeal of Rule 12A-1.046, F.A.C. The subject of these rule changes the Department's proposed implementation of Chapter 2000-388, L.O.F., regarding the removal of the sales tax imposed on telecommunication services and television system program services.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 212.183, 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 212.02(4),(7),(10),(12),(14), (15),(16),(19),(20),(21), 212.03, 212.031, 212.04, 212.05, 212.0515, 212.054(2),(3), 212.0598, 212.06(1),(2),(9), (11),(14), 212.07(1),(8), 212.08(4),(5)(a),(e),(6),(7)(a),(b),(c), (d),(f),(g),(h),(i),(j),(k),(l),(m),(n),(o),(p),(q),(r),(s),(u),(v),(x), (bb),(cc),(dd),(8),(9), 212.085, 212.12(2),(5),(6),(8),(12),(13), 212.13(1), 212.14(5), 212.15(1), (4), 212.16, 212.17, 212.18, 212.183, 212.21(2),(3), 213.12(2), 213.37, 403.715 FS.

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

TIME AND DATE: 10:00 a.m., May 8, 2001

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

Copies of the agenda for the rule development workshop may be obtained from Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Janet L. Young, Tax Law Specialist, and Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4727

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.001 Specific Exemptions.

(1) through (11) No change.

~~(12) RADIO AND TELEVISION STATIONS.~~

~~(a) All charges for services rendered by radio and television stations, including line charges, talent fees, or license fees, are exempt. All charges to radio and television stations for license fees and charges for raw and processed films, video tapes, and transcriptions for use in producing radio or television broadcasts, are exempt.~~

~~(b) Radio and television equipment, including expendable items, parts, accessories, and supplies are taxable~~

~~(c) Effective July 1, 1990, the charge for wired music service is taxable. See Rule 12A-1.046, F.A.C.~~

(13) through (21) renumbered (12) through (20) No change.

PROPOSED EFFECTIVE DATE: October 1, 2001.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.525, 212.02(10),(12),(16),(20),(21), 212.03, 212.031, 212.04, 212.05, 212.0515, 212.06(2),(9), 212.08(4),(5)(a),(e),(7)(a),(b),(c),(d),(f),(g),(h),(i),(k), (l),(m),(n),(o),(p),(q),(r),(s),(u),(v),(x),(bb),(cc),(dd),(8), 212.085, 212.17, 212.18, 213.12(2), 213.37, 403.715 FS. History-Revised 1-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 12-11-74, 5-27-75, 10-21-75, 9-7-78, 9-28-78, 10-18-78, 9-16-79, 2-3-80, 6-3-80, 7-7-80, 10-29-81, 12-3-81, 12-31-81, 7-20-82, 11-15-82, 10-13-83, 4-12-84, Formerly 12A-1.01, Amended 7-9-86, 1-2-89, 12-1-89, 7-7-92, 9-14-93, 5-18-94, 12-13-94, 3-20-96, 4-2-00, 6-28-00, 10-1-01.

12A-1.016 Sales;- Installation Charges.

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

(b) Contractors and manufacturers who furnish and install the following items are considered to be retail dealers and are required to charge sales tax on the full price, including installation and any other charges:

1. through 12. No change.

~~13. Telegraphic equipment (See Rule 12A-1.046.);~~

~~14. Telephonic equipment (See Rule 12A-1.046.);~~

~~15. Television satellite dishes;~~

13.16. Window air conditioning units; and

~~14.17. Equipment used to provide communication services, as defined in s. 202.11(3), F.S., that is installed on a customer's premises Wired television (See Rule 12A-1.046).~~

~~PROPOSED EFFECTIVE DATE: October 1, 2001.~~

~~Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(15)(a), (16), 212.05 FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.16, Amended 12-13-88, 10-1-01.~~

~~12A-1.046 Telephone, Telegraph and Other Telecommunication Services.~~

~~(1)(a) Charges for all telecommunication services, as defined in s. 203.012, F.S., and for those services described in s. 203.012(2)(a), F.S., are taxable unless expressly exempt.~~

~~(b) The term telecommunication service as used in s. 203.012, F.S., includes, but is not limited to, services described or defined therein as local telephone service, toll telephone service, telegram or telegraph service, teletypewriter or computer exchange service, private communication service, cellular mobile telephone, specialized mobile radio, and paging services.~~

~~(c) The word "charges" in this rule does not include any excise or similar taxes levied by the Federal Government, any political subdivision of the state, or any municipality upon the purchase or sale of telecommunication service or on cable television service, which are collected by the seller from the purchaser. The gross receipts tax (under Chapter 203, F.S.) and any fees imposed by a political subdivision are part of the charges subject to sales tax.~~

~~(2) The following telecommunication charges are exempt from tax:~~

~~(a) Charges for local service provided through a pay telephone.~~

~~(b) Charges to residential households or owners of residential models in the state for local telephone service, long distance telephone calls, or telegraphic messages when the charges are made by utility companies which pay the gross receipts tax imposed under s. 203.01, F.S.~~

~~(3) Telecommunication services which originate or terminate in this state and are billed to a customer, telephone number, or device located within this state are subject to sales tax. The tax on interstate private communication service is apportioned as explained in subsection (9) of this rule.(4) The renting, leasing, letting, or granting a license for the use of any public or private street or right-of-way occupied or used by a utility for utility purposes is exempt from tax.~~

~~(5) Charges for cable or wired television service and its installation are taxable.~~

~~(6)(a) The sale or rental of machines, equipment, parts and accessories therefor used directly in furnishing communication services are taxable.~~

~~(b)1. Charges to customers or subscribers of telecommunication service, including charges to residential households, for the sale or rental of equipment used in providing such services are taxable.~~

~~2. Charges for the installation of equipment used in providing telecommunication services are taxable.~~

~~(7) A person who purchases, leases, installs, or rents, for his own use, a telecommunication system or telephone system which is a substitute for any telephone company switched service or a substitute for a dedicated facility used by the telephone company to provide a communication path, by acquisition and use of such equipment, exercises a taxable privilege and shall be required to remit a tax based upon the actual cost of operating such a system, as defined in s. 212.05(1)(h), F.S., notwithstanding the provision of s. 212.081(2)(b), F.S.~~

~~(8)(a) Effective July 1, 1986, the tax on telecommunications services imposed pursuant to s. 212.05(1)(e), F.S., shall not exceed \$50,000 per calendar year on charges to any person for interstate telecommunications services, as defined in s. 203.012(4) and (7)(b), F.S., provided that more than 50% of such telecommunication services used by such person are for communications originating outside Florida and terminating in Florida.~~

~~(b) This exemption shall only be granted to holders of a direct pay permit issued by this department pursuant to s. 212.05(1)(e), F.S., and the department will not authorize refunds for taxes paid prior to the purchaser receiving a direct pay permit.~~

~~(c) To obtain a direct pay permit, the purchaser must make written application to the Florida Department of Revenue, Central Registration, P. O. Box 2096, Tallahassee, Florida 32316-2096, and the Department may issue the direct pay permit which will authorize the purchaser to purchase such telecommunications services tax exempt and remit the tax directly to the Department on a monthly basis.~~

~~(d) For the year 1986, the term calendar year means the last 6 months of 1986.~~

~~(9) The tax imposed under s. 212.05(1)(e), F.S., is computed on interstate private communication services as follows:~~

~~(a) The total charge for each channel termination point within this state;~~

~~(b) The total charge for channel mileage between each channel termination point within this state; and~~

~~(c) The portion of the interstate interoffice channel mileage charge as determined by multiplying said charge times a fraction, the numerator of which is the air miles between the last channel termination point in this state and the vertical and horizontal coordinates, 7856 and 1756, respectively, and the denominator of which is the air miles between the last channel termination point in this state and the first channel termination point outside this state. The denominator of this fraction shall be adjusted, if necessary, by adding the numerator of said fraction to similarly determined air miles in the state in which the other channel termination point is located, so that the sum~~

of the apportionment factor for this state and the apportionment factor for the other state is not greater than one, to ensure that no more than 100 percent of the interstate interoffice channel mileage charge can be taxed by this state and another state.

(10) ~~The telecommunication services under s. 212.05(1)(e), F.S., may be purchased for resale in the same manner as provided in Rule 12A-1.038, F.A.C.~~

(11)(a) Every person deriving receipts from the sale of telecommunication services is subject to tax on any such sale, unless the sale is specifically exempt.

(b) Hotels, motels, and other persons or establishments not primarily engaged in the business of selling telecommunication services may use the following method to compute the amount of tax due.

1. Local Telephone Service.

a. Any person or establishment shall collect sales tax on all local telephone service charges separately billed to their customer.

b. If the establishment pays less sales tax to the telecommunication service provider than it collects from customers, the establishment must remit the sales tax collected, less the amount paid to the telecommunication service provider, directly to the state. If the amount of taxes paid to the telecommunication service provider is greater than the amount collected from the customers, no additional sales tax will be due to the state for the local service.

e. If the telecommunication service provider accepts a resale certificate in lieu of sales tax from the establishment for the local service charge, the establishment shall remit to the state the greater amount of the sales tax that would have been due to the telecommunication service provider or the amount of sales tax collected from the customers.

2. Long Distance Telephone Service.

a. Any person or establishment shall collect sales tax on each long distance toll call of any kind, billed to any customer. Sales tax shall also be collected on the minimum charge for the right to use long distance service.

b. If the long distance service provider accepts resale certificates in lieu of sales tax, then the establishment must remit all the taxes collected from its customers plus the taxes for all toll calls made by the establishment for its own use. The establishment will remit the sales and use tax to the state for every toll call.

e. If the long distance service provider charges sales tax to the establishment for only the calls made by the establishment and not resold to its customers, the establishment will remit only the taxes collected from customers.

d. If sales tax is paid to the long distance service provider for all calls, the establishment may take a credit for the sales tax paid to the long distance service provider for only those calls that are resold to customers. The establishment will remit

the sales tax on the difference between the amount paid to the long distance service provider for the calls that were resold and the amount charged to the customers.

e. If sales tax is paid to the long distance service provider for all calls and the establishment is unable to distinguish which calls are resold, the establishment must remit the total amount of sales tax collected from the customers. If the establishment cannot show which calls are resold, it may not take a credit for the sales tax paid to the long distance service provider regardless of the resale of some calls.

f. If the long distance service provider accepts resale certificates for all long distance calls and the establishment is unable to distinguish which calls are resold, then the establishment must remit the sales tax on the total amount billed by the long distance service provider, plus the total amount collected from the customers.

(12) ~~The local government infrastructure surtax, as provided in ss. 212.054 and 212.055, F.S., applies only to local telephone charges made to an establishment or by the establishment located in a surtax county. However, the surtax does not apply to long distance toll charges.~~

(13) ~~Charges for services rendered by radio and television stations, including line charges, talent fees, or license fees and charges for films, video tapes, and transcriptions used in producing radio and television broadcasts, are exempt.~~

~~Cross Reference Rule 12A-1.088, F.A.C.~~

PROPOSED EFFECTIVE DATE: October 1, 2001.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14), (15), 212.031(1), 212.05(1)(e), (f), (h), 212.054(2), (3), 212.08(7)(j), 212.12(12), 212.15(1), (4), 212.21(2) FS. History-Revised 10-7-68, 1-7-70, 6-16-72, 12-11-74, Amended 4-1-79, 7-20-82, Formerly 12A-1.46, Amended 1-8-90, 4-2-00, Repealed 10-1-01.

12A-1.051 Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property.

(1) through (17) No change.

(18) Specific activities not classified as real property contracts. The sale, installation, maintenance, or repair of the following items is not considered to be a real property contract.

(a) through (n) No change.

(o) Equipment used to provide communication services, as defined in s. 202.11(3), F.S., that is installed on a customer's premises Telecommunications system components;

(p) Television satellite dishes;

(q) through (r) renumbered (p) through (q) No change.

(19) No change.

PROPOSED EFFECTIVE DATE: October 1, 2001.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), (7), (16), (19), (21), 212.06(1), (14), 212.07(1), (8), 212.08(6), 212.14(5), 212.183 FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 2-3-80, 3-27-80, 6-3-80, 8-26-81, 11-15-82, 6-11-85, Formerly 12A-1.51, Amended 1-2-89, 8-10-92, 7-27-99, 3-30-00, 10-1-01.

12A-1.060 Registration.

(1)(a)1. Except as provided in paragraphs (f), (g), or (h), every person must file an Application to Collect and/or Report Tax in Florida (form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.) with the Department of Revenue for a dealer's certificate of registration before engaging in any one of the following businesses:

- a. sale of admissions or making of any charge for admission to any place of amusement, sport, or recreation or where there is any exhibition or entertainment;
 - b. sale, lease, let, rental, or granting a license to use tangible personal property;
 - c. lease, let, rental, or granting licenses for transient accommodations, as defined in Rule 12A-1.061, F.A.C.;
 - d. lease, let, rental, or granting a license in real property;
 - e. lease or rental of parking or storage space for motor vehicles in parking lots or garages;
 - f. lease or rental of docking or storage space in boat docks or marinas;
 - g. lease or rental of tie-down or storage space for aircraft;
- ~~or~~
~~h. sale of telecommunication services; or~~
~~h.i. sale of taxable services.~~
2. through 5. No change.
 (b) through (h) No change.
 (2) through (5) No change.

PROPOSED EFFECTIVE DATE: October 1, 2001.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1), (2), 212.04(4), 212.06(2), 212.12(2), (5), (6), 212.16(1), (2), 212.18(3),(5) FS., s. 14, Ch. 99-208, L.O.F. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 3-21-77, 5-10-77, 10-18-78, Formerly 12A-1.60, Amended 6-10-87, 1-2-89, 11-12-90, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 4-2-00, 10-1-01.

12A-1.064 Sales in Interstate and Foreign Commerce; Sales to Nonresident Dealers; Sales to Diplomats.

- (1) through (2) No change.
- (3) Aircraft.
- (a)1. Any air carrier utilizing mileage apportionment for corporate income tax purposes in this state pursuant to Chapter 220, F.S., may elect, upon the conditions prescribed in subparagraph (a)3., to be subject to the tax imposed by this part on tangible personal property, services, and in certain instances, the lease or rental of, or license in, real property according to the provisions of this subsection.
- 2. through 6. No change.
- 7. The following purchases of tangible personal property and services qualify for the apportionment provided in this paragraph.
 - a. through h. No change.
 - ~~i. Telecommunication services.~~
 - j. through k. renumbered i. through j. No change.
- 8. through (13) No change.

PROPOSED EFFECTIVE DATE: October 1, 2001.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10)(g), 212.05(1), 212.0598, 212.06(2), (5), 212.08(4)(a), (8), (9), 212.12(8), 212.13(1), 212.16, 212.21(3) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 12-11-74, 5-23-77, 9-26-77, 10-18-78, 3-30-79, 4-10-79, 3-27-80, 7-20-82, 10-13-83, 8-28-84, Formerly 12A-1.64, Amended 1-2-89, 10-16-89, 7-30-91, 3-20-96, 11-30-97, 7-1-99, 10-1-01.

12A-1.0911 Self-Accrual Authorization.

- (1) A dealer registered under Chapter 212, F.S., may, under particular circumstances, request in writing to the Department and obtain written consent from the Department to assume the obligation of self-accruing and remitting directly to the state, the use tax due on leases and purchases. Self-accrual authority may be used under the following circumstances:
 - (a) Where required under ~~s. 212.05(1)(e)3., F.S., for telecommunication services;~~ s. 212.0598, F.S., for apportionment by eligible air carriers, and s. 212.08(8) and (9), F.S., for vessels, railroads, and motor vehicles engaged in interstate and foreign commerce;
 - (b) through (g) No change.
 - (2) through (3) No change.
 - (4) The self-accrual authority does not cover and must not be used:
 - (a) through (d) No change.
 - ~~(e) For purchases of telecommunication services except where required under s. 212.05(1)(e)4., F.S., for telecommunication services or s. 212.0598, F.S., for apportionment by eligible air carriers.~~
 - (5) No change.

PROPOSED EFFECTIVE DATE: October 1, 2001.

Specific Authority 212.17(6), 212.18(2),(3), 212.183, 213.06(1) FS. Law Implemented 212.05(1)(e)3., 4., 212.0598, 212.06(11), 212.08(8), (9), 212.12(13), 212.18(3), 212.183 FS. History—New 4-7-92, Amended 5-19-93, 9-14-93, 11-16-93, 9-30-99, 10-1-01.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Imposition and Payment of Tax	12A-15.003
Specific Exemptions	12A-15.004
Records	12A-15.007
Transition Rule	12A-15.014

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-15.003, F.A.C. (Imposition and Payment of Tax); Rule 12A-15.004, F.A.C. (Specific Exemptions); Rule 12A-15.007, F.A.C. (Records); and Rule 12A-15.014, F.A.C. (Transition Rule), is to: (1) implement the provisions of Chapter 2000-260, L.O.F., effective October 1, 2001, which removes the imposition of discretionary sales surtax on charges for telecommunication services and for television system program services; and (2) provide that, effective October 1, 2001, the imposition of discretionary sales

surtax applies to sales of electricity or natural or manufactured gas and does not apply to charges for telecommunication services or wired or cable television.

SUBJECT AREA TO BE ADDRESSED: This workshop will provide an opportunity for the Department to receive public comments regarding the proposed amendments to Rules 12A-15.003, 12A-15.004, 12A-15.007, 12A-15.014, F.A.C. The subject of these rule changes is the Department's proposed implementation of Chapter 2000-388, L.O.F., regarding the removal of the discretionary sales surtax imposed on telecommunication services and television system program services.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.
LAW IMPLEMENTED: 212.02(15),(19), 212.05(1), 212.0506, 212.054, 212.055, 212.06(1),(4),(7),(8),(10), 212.07(8), 212.13(2), 212.18(3) FS.

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

TIME AND DATE: 10:00 a.m., May 8, 2001
PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

Copies of the agenda for the rule development workshop may be obtained from Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Janet L. Young, Tax Law Specialist, and Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4727

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-15.003 Imposition and Payment of Tax.

(1) No change.

(2) For purposes of the surtax, a transaction, except for a transaction involving any motor vehicle or mobile home of a class or type which is required to be registered in this state or in any other state, shall be deemed to have occurred in a county imposing the surtax when:

(a) through (e) No change.

(f)1. The consumer of electricity or natural or manufactured gas utility, or ~~wired or cable television services~~ is located in a county imposing the surtax, ~~or the telecommunication services are provided to a location within a county imposing the surtax.~~

2. Each dealer that provides electricity or natural or manufactured gas utility services, ~~wired or cable television, or telecommunication services~~ in a county that imposes the surtax, shall register for sales tax purposes in the county in which the consumer of the electricity or natural or manufactured gas utility, ~~wired television, or telecommunication services~~ is located.

(g) through (l) No change.

(3) through (5) No change.

(6) Any person who has purchased at retail, used, consumed, distributed or stored for use or consumption in this state tangible personal property, admissions, a taxable service, electricity or natural or manufactured gas utility services, ~~telecommunication services, television system program services~~, or leased tangible personal property or who has leased real property, and cannot prove that the state sales and use tax or county surtax levied by chapter 212, F.S., has been paid to the vendor or lessor shall be directly liable to the state for any tax, interest, or penalty due on any such taxable transaction.

(a) through (b) No change.

PROPOSED EFFECTIVE DATE: October 1, 2001.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1), 212.0506, 212.054, 212.055, 212.06(1), (4), (7), (8), (10), 212.07(8), 212.18(3) FS. History--New 12-11-89, Amended 1-30-91, 5-12-92, 8-10-92, 11-16-93, 3-20-96, 10-1-01.

12A-15.004 Specific Exemptions.

(1) through (2) No change.

~~(3) The surtax does not apply to long distance telephone service. However, sales of telecommunication services which are subject to the surtax are fully taxable since the \$5,000 limitation only applies to items of tangible personal property.~~

PROPOSED EFFECTIVE DATE: October 1, 2001.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(15), (19), 212.05(1), 212.054(2) FS. History--New 12-11-89, Amended 5-12-92, 3-17-93, 11-16-93, 10-1-01.

12A-15.007 Records.

Persons making sales and use of tangible personal property; charging admissions; furnishing electricity or natural or manufactured gas utility, communication, or cable or wired television services; leasing or renting any real property; or leasing or renting any transient rental accommodations subject to the surtax shall maintain adequate and sufficient books and records to indicate what sales and uses are subject to the surtax. The failure to maintain such records shall make the total sales amount subject to the surtax.

PROPOSED EFFECTIVE DATE: October 1, 2001.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.054, 212.055, 212.13(2) FS. History--New 12-11-89, Amended 10-1-01.

12A-15.014 Transition Rule.

(1) through (3) No change.

(4) Electric Utilities; Natural or Manufactured Gas; Fuel Oil.

(a)1. Electric utilities and sellers of gas and fuel oil normally bill their customers after the period of service. The 7% tax rate plus the surtax rate will apply to billing cycles, which includes services billed for cycles ending on or after the effective date of any such surtax.

a. Example: If the effective date of the surtax is January 1, 1995, and the monthly service cycle is December 1, 1994, through December 31, 1994, and the service cycle billing is mailed to customer on January 5, 1995, the surtax does not apply.

b. Example: If the effective date of the surtax is January 1, 1995, and the monthly service cycle is December 10, 1994, through January 10, 1995, and the service cycle billing is mailed to customer on January 15, 1995, the surtax applies.

~~(b) Telephone Companies normally bill their customers for past long distance services and future regular subscriber services. Where a bill is dated prior to the effective date of any such surtax, the 6% rate applies. For bills dated on or after the effective date of the surtax, the 6% rate plus the surtax rate applies. NOTE: The surtax does not apply to long distance telephone service.~~

~~(b)(e)1.a. Where in all other cases under paragraphs (a) and (b), above, where service periods or cycles are not noted on the bill to the customer, the invoice or billing date would determine the applicable tax rate.~~

~~2. In most cases, billing cycle means the period of service. In the case of electric, gas, and fuel oil, billing cycles are from the most current meter reading to the previous meter reading.~~

~~(5) Wired or Cable Television Services. Wired or cable television companies normally bill their customers in advance for services that are to be rendered. Where a bill is dated prior to the effective date of any such surtax, the 6% tax rate would apply even though the services are to be rendered on or after the effective date of the surtax. For bills or remittance notices dated on or after the effective date of the surtax, the 6% tax rate plus the surtax rate applies.~~

(6) through (7) renumbered (5) through (6) No change.

PROPOSED EFFECTIVE DATE: October 1, 2001.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1), 212.054, 212.055, 212.06(10) FS. History—New 12-11-89, Amended 11-16-93, 3-20-96, 10-1-01.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES:	RULE NOS.:
Imposition of the Gross Receipts Tax Administration	12B-6.001
Registration	12B-6.002
Rate of Tax	12B-6.0021
	12B-6.003

Sales for Resale; Resale Certificates	12B-6.004
Payment of Tax; Reports; Public Use Forms	12B-6.005
Collection and Distribution	12B-6.006
Assessment and Collection	12B-6.007
Interest	12B-6.008

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12B-6, F.A.C., is to remove from the Administrative Code obsolete language and language that restates the statutory provisions, as mandated by s. 120.74, F.S., and to change the title of the rule chapter to “Gross Receipts Tax.”

The proposed repeal of Rules 12B-6.002 (Administration), 12B-6.003 (Rate of Tax), and 12B-6.007 (Assessment and Collection), F.A.C., will eliminate unnecessary rules that restate statutory provisions regarding the administration of the gross receipts tax, the statutory gross receipts tax rate, and the imposition of penalties due for failure to timely pay the gross receipts tax. The proposed repeal of Rule 12B-6.006 (Collection and Distribution), F.A.C., will eliminate an unnecessary recitation of the constitutional provision requiring that all gross receipts tax collections be deposited into the Public Education Capital Outlay and Debt Service Trust Fund.

The proposed amendments to Rule 12B-6.001, F.A.C., change the title to “Imposition of The Gross Receipts Tax,” and provide current guidelines for when gross receipts from the sale of telecommunication services and the sale of electricity are excluded from the tax imposed on gross receipts from utility services. The proposed amendments eliminate the obsolete guidelines and the unnecessary recitation of the statute regarding when receipts from utility services are excluded from the tax imposed on gross receipts.

The proposed amendments to Rule 12B-6.0021, F.A.C., Registration, will provide the public with notice regarding the forms used by the Department to register taxpayers for purposes of the gross receipts tax.

The proposed amendments to Rule 12B-6.004, F.A.C., change the title to “Sales for Resale; Resale Certificates,” provide guidelines for when utility services may be purchased tax exempt for the purposes of resale, and provided a suggested format of a Resale Certificate to be issued by the purchaser to the utility provider when purchasing utility services for resale.

The proposed amendments to Rule 12B-6.005, F.A.C., change the title to “Payment of Tax; Reports; Public Use Forms”; provide guidelines regarding the payment of the gross receipts tax and the filing of reports with the Department; and incorporate by reference the public use forms used by the Department in the administration of the gross receipts tax that are required to be certified under the provisions of s. 120.54, F.S.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development workshop is the proposed removal of unnecessary and obsolete provisions regarding the gross receipts tax from Rule Chapter 12B-6, F.A.C., Gross Receipts Tax.

SPECIFIC AUTHORITY: 203.01, 203.02, 213.06(1) FS.

LAW IMPLEMENTED: 203.01, 203.011, 203.012, 203.013, 203.03, 203.06, 203.07, 203.60, 203.61, 203.62, 203.63, 213.05, 213.235 FS., Art. XII, Section 9, Subsection (2), Constitution of Florida (1968).

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janet L. Young, Tax Law Specialist, and Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4727

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

GROSS RECEIPTS TAX, ~~GENERALLY~~

12B-6.001 Imposition of the Gross Receipts Tax.

~~(1)(a) Gross Receipts, Generally.~~ A tax is imposed on every person receiving payment for any utility service at the rate of 2.5 percent on the total amount of gross receipts derived from business done within this state or between points within this state. Gross receipts means total payments received either in money, goods, services or other valuable consideration by every person ~~(including, but not limited to, municipal corporations, public service corporations and private electric utilities)~~ for “utility services.” For purposes of this rule chapter, the term “utility service” means the service of providing electricity for light, heat, or power or; for providing natural or manufactured gas for light, heat, or power; or for telecommunication services as defined or described in Chapter

~~203, F.S., as amended, including, but not limited to, local telephone service, toll telephone service, telegram and telegraph service, teletypewriter or computer exchange service, private communication service, cellular mobile radio, pagers, beepers, any mobile or portable one-way or two-way communication, two-way television, and any person who operates his own telecommunication system for his own use.~~

~~(2)(b)~~ Gross receipts for purposes of this rule shall not include:

(a) Charges to the utility customer for the connection, disconnection, suspension of service, or the restoration of utility services.

(b)1. Receipts of any person derived from the sale of natural gas to a public or private utility, including municipal corporations and rural electric cooperative associations, either for resale or for use as fuel in the generation of electricity or for resale as provided in Rule 12B-6.004, F.A.C. The purchaser will be liable for tax due on natural gas that is not resold or used as fuel in the generation of electricity.;

~~(c)2. Receipts from the~~ The sale of electricity to a public or private utility, including a municipal corporation or rural electric cooperative association, for resale within the state as provided in Rule 12B-6.004, F.A.C., or as part of an electrical interchange agreement or contract between such utilities for the purpose of transferring more economically generated power or the sale of telecommunication services for resale of telecommunication services wholly or partially within this state; provided the person deriving gross receipts from such sale demonstrates that a resale in fact occurred and complies with the provisions of s. 203.01(3)(e), F.S. The purchaser will be liable for tax due on electricity that is not resold within this State.

(d)1. Receipts from the sale of electricity to a public or private utility, including a municipal corporation or rural electric cooperative association, as part of an electrical interchange agreement or contract between such utilities for the purpose of transferring more economically generated power. The utility is required to maintain a copy of the agreement or contract in its books and records until the tax imposed under Chapter 203, F.S., may no longer be determined and assessed under s. 95.091, F.S., but the utility is not required to obtain a resale certificate. The internal use, including interdepartmental transfers, of the purchased power is not subject to tax.

2. The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which no receipts or repayments are received by the seller are not subject to the tax.

~~(e)~~ Gross receipts for telecommunication services do not include:

1. Charges for customer premises equipment, including equipment leased or rented by the customer from any source;

~~2. Charges made to the public for commercial or cable television, unless it is used for two-way communication. When two-way communication services are separately billed, only the charges made for the two-way communication service will be subject to the gross receipts tax;~~

~~3.a. Charges made by hotels and motels which are required under the provisions of s. 212.03, F.S., to collect transient rentals tax from tenants and lessees, for local telephone service or toll telephone service when such charges occur incidental to the right of occupancy;~~

~~b. Charges to customers by hotels and motels for the use or access to telecommunication service are not considered incidental to the right of occupancy when such charges are separately stated, itemized, or described on the bill, invoice, or other tangible evidence of the sale of the service.~~

~~4. Connection and disconnection charges, move or change charges, suspension of service charges, and service order, number change, and restoration charges;~~

~~5. Any tax collected from customers which has been separately stated as Florida gross receipts tax on the total amount of any bill, invoice, or other tangible evidence of the provision of taxable telecommunication services; or~~

~~6. Charges for the sale or lease of equipment by providers of cellular mobile telephone or telecommunication service, specialized mobile radio service, and pager and paging services provided that the amount for sale or lease of the equipment is separately stated, itemized or described on the bill, invoice, or other tangible evidence of the sale or lease of the equipment.~~

~~7. Charges for the maintenance or repair of customer premises equipment, whether owned or leased by the customer, provided that the amount of such charges are separately stated, itemized or described on the bill, invoice, or other tangible evidence of the maintenance or repair service.~~

~~(2) Liability for Tax. The tax is levied upon the person selling or providing the taxable item or service as enumerated in subsection (1) and may not be passed on to the consumer as a direct consumer's tax provided, however, in the case of telecommunications service the tax may be wholly or partially separately stated at the option of the vendor. When separately stated, every person, including but not limited to all governmental units, charitable, and religious organizations, is liable for payment of the tax to the vendor. The gross receipts tax is a tax on the privilege of doing business and is an item of cost to the seller or vendor. The vendor remains fully and completely liable for the tax even though the tax is separately stated.~~

(3) Any fees imposed by a political subdivision of the State on the provider of electricity or natural or manufactured gas, such as a franchise fee, is included in the charge upon which tax is computed when the fee is passed on to the customer and separately stated on a customer's bill, invoice, statement, or other evidence of sale.

Specific Authority 203.01(3)(c), 213.06(1) FS. Law Implemented 203.01, 203.012 FS. History—New 11-13-78, Amended 6-5-85, Formerly 12B-6.01, Amended 10-4-89, 1-8-90, _____.

12B-6.002 Administration.

~~The administration of Chapter 203, Florida Statutes, is vested in the Florida Department of Revenue, herein referred to as the Department, which shall prescribe suitable rules and regulations for the enforcement of the provisions thereof.~~

~~The Department may enter the premises of any taxpayer during normal working hours and examine or cause to be examined by any agent or representative designated by it for that purpose, any records, books, papers, and accounts bearing upon the amount of taxes payable, and to secure other information directly or indirectly relevant to the enforcement of Chapter 203, Florida Statutes.~~

Specific Authority 203.02, 213.06(1) FS. Law Implemented 213.05 FS. History—New 11-13-78, Formerly 12B-6.02, Repealed _____.

12B-6.0021 Registration.

~~(4) Prior to engaging in the business of providing or selling utility the things or services as defined included in Chapter 203, F.S., as amended, every person is required to register shall become registered with the Department of Revenue this department by completing form Form DR-1GR, Registration Application for Gross Receipts Tax for Utility Services (incorporated by reference in Rule 12B-6.005, F.A.C.), or form DR-1, Application to Collect and/or Report Tax in Florida (incorporated by reference in Rule 12A-1.097, F.A.C.). Those businesses providing or selling those things or services prior to the effective date of this rule shall register with this department on or before May 31, 1985 by completing Form DR 1GR.~~

~~(2) Form DR-1GR, Application for Certificate of Registration Gross Receipts Tax, effective April 1, 1985, is hereby adopted by reference. This form is available without cost, upon written request directed to the Department of Revenue, Supply Room, Room 44, Carlton Building, Tallahassee, Florida 32301-8002.~~

Specific Authority 203.01, 213.06(1) FS. Law Implemented 203.01 FS. History—New 6-5-85, Formerly 12B-6.021, Amended _____.

12B-6.003 Rate of Tax Gross Receipts.

~~The rate of tax shall be 1.5%.~~

Specific Authority 213.06(1) FS. Law Implemented 203.01 FS. History—New 11-13-78, Formerly 12B-6.03, Amended 10-4-89, Repealed _____.

12B-6.004 Sales for Resale: Resale Certificates Exemptions.

(1) Liquefied Petroleum Gas. Tax is not required on a product which was liquid when sold, but was transformed into gas and used for fuel for cooking when released from container. (Lee v. Wood, 126 Fla. 104; 170 So. 433 (1936).)

(2) Exempt Sales.

(1)(a) Every person who receives payment for utility services purchased for the purposes of resale is required to obtain a valid resale certificate, as provided in subsection (2) of this rule, from the purchaser. Any person who fails to obtain a valid resale certificate from the purchaser will be liable for the tax. Resale certificates are required to be maintained by the utility provider in its books and records until tax imposed under Chapter 203, F.S., may no longer be determined and assessed under s. 95.091, F.S. All receipts derived from the sale of any of the things or services specified in Chapter 203, F.S. shall be taxable unless specifically exempt. The exempt status of the gross receipt must be established by the vendor and the tax shall be paid by such vendor unless a valid resale certificate has been received from the vendee. However, a vendee's failure to register or to provide a valid resale certificate shall not negate the vendee's liability for the tax, in which event either the vendor or vendee shall be liable for the tax.

(b) Any taxable thing or service specified in Chapter 203, F.S., that is purchased for resale where a valid resale certificate has been supplied to the vendor and not resold within this state shall be deemed taxable to the vendee based on the purchased price of the thing or service not resold except:

1. Natural gas sold to a public or private utility either for resale or for use as fuel in the generation of electricity shall be exempt. The vendee shall be liable for the tax on any portion not resold or used as a fuel in the generation of electricity.

2. Electricity sold as part of an electrical interchange agreement or contract either to a municipal corporation, public service corporation or private electric utility or between municipal corporations, public service corporations or private electric utilities shall be exempt and a resale certificate shall not be required, provided the vendor retains a copy of the agreement or contract on file. The vendee shall be liable for the tax on any portion of the electricity purchased which is not resold. All loss of electricity resulting from the generation, transmission, or distribution thereof, including line losses, generation losses, and any other losses for which no receipts or repayments are received by a vendee shall be exempt from the gross receipts tax.

3. Telecommunication services which are taxable to the vendee as prescribed in paragraph (c) hereof.

(c) Effective January 1, 1985, access charges between telecommunication carriers shall be deemed to be for resale when the vendee acquires from the vendor access or right of access to the vendor's network and the vendee resells the same

as an ingredient in its final sale to the ultimate consumer. The vendee shall furnish the vendor a resale certificate thereby exempting the vendor from the tax on the amount received as access charges. Intrastate toll activity is taxable to the vendee on the total toll revenues and the vendee shall furnish a resale certificate to the vendor providing access services. Interstate tolls shall be taxable as provided in Section 203.013, F.S.

(d) The department shall accept a valid resale certificate when submitted during the protest period but shall not accept same when submitted in any proceedings instituted under the provisions of Chapter 120, F.S., or any circuit court action instituted under Chapter 72, F.S.

(2)(e) The Department will department shall accept as valid any certificate that is dated and executed and signed by an officer or authorized representative of the purchaser vendee that contains: the name and address of the vendee, the gross receipts tax registration number and its effective date, and the vendee's statement that its purchases are for resale, and that the vendee shall pay any taxes due on the things or services not resold as provided.

(a) The name and address of the purchaser;

(b) The purchaser's gross receipts tax registration number and its effective date;

(c) A statement that the utility service is purchased for the purposes of resale, as provided in Chapter 203, F.S.;

(d) A statement that the purchaser acknowledges his or her liability for any tax due on utility services that are not resold; and

(e) The date issued.

(3) The Department will accept a valid resale certificate, as provided in subsection (2), when submitted during the protest period but will not accept such certificate when submitted in any proceedings instituted under the provisions of Chapter 120, F.S., or any circuit court action instituted under Chapter 72, F.S.

(4)(f) Suggested Resale and Exemption Certificate Format Form:

This is to certify that the utility services, as defined in Chapter 203, F.S., things or services purchased after _____ (date) from _____ (name of seller or provider) is or was purchased for resale pursuant to the exemption under Chapter 203, F.S. I understand that if the utility service is used for any purpose other than _____ It is further certified that the undersigned vendee shall pay the tax on the things or services that are not resold pursuant to the exemption under Chapter 203, F.S., tax is due directly to the Department based upon the purchase price of the utility things or services, unless otherwise provided.

Name of Purchaser _____

Address of Purchaser _____

Purchaser's Certificate of Registration Number _____

Effective Date of Certificate of Registration _____

Under penalties of perjury, I hereby declare that I have read the foregoing examined this certificate and the facts stated herein are true and correct to the best of my knowledge and belief it is true, correct and complete.

By _____ (authorized signature)

Date _____

~~(3) Credit for Utility on Excise Taxes. Other utility, excise, or similar taxes levied by the federal government, any political subdivision of the State of Florida, or municipality, upon the sale of utility services, when such tax is collected by the seller from the purchaser, shall be excluded from the seller's gross receipts when computing the tax thereon.~~

(5)(4) When a taxpayer elects to pay the tax on total billings for a taxable period, rather than actual cash receipts, any adjustments to customers' bills and net uncollectibles may be adjusted on a subsequent return required to filed under the provisions of Rule 12B-6.005, F.A.C.

Specific Authority 203.01, 213.06(1) FS. Law Implemented 203.01, 203.011, 203.012, 203.013 FS. History--New 11-13-78, Amended 6-5-85, Formerly 12B-6.04, Amended _____.

12B-6.005 Payment of Tax; Reports; Public Use Forms.

~~(1) Payment of Tax. All taxes imposed by Chapter 203, Florida Statutes, shall be paid at the same time the reports are filed.~~

(1)(2) Reports.

~~(a) Generally. All taxes imposed under Chapter 203, F.S., shall for each month be due the Department of Revenue on the last day of the month following date of sale or transaction and shall be delinquent thereafter. Except as provided in Rule Chapter 12-24, F.A.C., and paragraph (c) below, all taxes imposed under Chapter 203, F.S., are due to the Department of Revenue in any given month must either reach the office of the Department of Revenue or be postmarked on or before the last day of the month following date of sale or transaction to avoid penalty and interest for late filing. The payment and return must either reach the office of the Department of Revenue or be postmarked on or before the last day of the month for sales or transactions occurring in the preceding calendar month for a dealer to avoid penalty and interest for late filing. When If the last day of the month falls on Saturday, Sunday, or a federal or state legal holiday, payments accompanied by returns will shall be accepted as considered timely filed if postmarked or delivered to the Department of Revenue on the next succeeding day which is not a Saturday, Sunday, or a legal holiday. A tax return is required to shall be filed on or before the last day of each month whether or not any taxes are due. The report is required to shall be signed under oath by an officer or a representative duly authorized to act by the taxpayer. The fact~~

~~that an officer has signed a return shall be prima facie evidence that the individual was authorized to sign such document on behalf of the taxpayer.~~

(b) For this purpose, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and Section 7503 of the 1986 Internal Revenue Code, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a Statewide legal holiday at a location outside the District of Columbia but within an internal revenue district. Telecommunications. Taxes and returns shall be filed in the same manner as in paragraph (a) above, except any person who has his own telephone or telecommunication system for his own use shall report and pay the tax annually with the Department on or before January 31 for the tax year which ended December 31 of the preceding year. The provisions of Rule 12 24, F.A.C., apply to such taxpayers.

(c) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to s. 203.01(1)(g), F.S., the tax is due on or before the last day of the month following the authorized reporting period and becomes delinquent on the first day of the next succeeding month.

(d) A taxpayer may elect to pay the gross receipts tax on total billings for each month, rather than actual cash receipts for utility services received in that month. Any adjustments to customers' bills and net uncollectibles may be adjusted on a subsequent monthly return.

(2)(3) The following public-use forms and instructions are employed by the Department department in its dealings with the public related to the administration of Chapter 203, F.S. These forms are hereby incorporated by reference in this rule. Copies of these forms are available by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331. Copies may be obtained by application to the Department of Revenue, Carlton Building, Tallahassee, Florida 32399 0100.

Form Number	Title	Effective Date
DR-133	Gross Receipts Tax; Quarterly Report	
(a) DR-1GR	Registration Application For Gross Receipts Tax for Utility Services (r. 09/96) Registration	
(b) DR-133	Gross Receipts Tax Return (r. 10/00)	
(c) DR-133N	Instructions for Filing Gross Receipts Tax Return (r. 10/00)	

~~Specific Authority 213.06(1) FS., Section 22, Chapter 89-356, Laws of Florida. Law Implemented 203.01 FS., Section 25, Chapter 89-356, Laws of Florida. History-New 11-13-78, Amended 7-1-80, 8-26-81, Formerly 12B-6.05, Amended, 10-4-89, 12-19-89.~~

~~12B-6.006 Collection and Distribution.~~

~~All taxes collected pursuant to s. 203.01, F.S., shall be deposited into the Public Education Capital Outlay and Debt Service Trust Fund.~~

~~Specific Authority 213.06(1) FS. Law Implemented 203.01 FS, Art. XII, Section 9, Subsection (2), Constitution of Florida (1968). History-New 11-13-78, Formerly 12B-6.06, Amended 10-4-89, Repealed.~~

~~12B-6.007 Assessment and Collection.~~

~~The Department shall proceed to collect any delinquent taxes under Chapter 203, Florida Statutes, together with all penalties and interest due, the same as other delinquent taxes are collected.~~

~~Specific Authority 213.06(1) FS. Law Implemented 203.01 FS. History-New 11-13-78, Formerly 12B-6.07, Repealed.~~

~~12B-6.008 Penalties, Interest.~~

~~(1)(a) Penalties. When any person fails to make a return or report as required and pay the tax due timely, a delinquent penalty shall be added to the unpaid tax in the amount of 5 percent of any unpaid tax if the failure to pay is for less than 31 days. There shall be added an additional 5 percent delinquent penalty for each additional 30 days, or fraction thereof, until the tax is paid, but the total penalty for each month shall not exceed 25 percent. However, the penalty shall not be less than \$5 for each return even though no tax is due.~~

~~(b) Any person who is required to file and pay any tax and who falsely or fraudulently reports or unlawfully attempts to evade any tax imposed under Chapter 203, F.S., shall be liable for a penalty equal to 50 percent of any tax due in addition to any other penalties provided and is guilty of a misdemeanor of the second degree punishable as provided under s. 775.082 or s. 775.083, F.S.~~

~~(2) No change.~~

~~(3) The Executive Director or the Executive Director's designee may compromise or settle the penalties or interest pursuant to s. 213.21, F.S.~~

~~Specific Authority 213.06(1) FS. Law Implemented 203.01, 203.03, 203.06, 203.07 213.235 FS. History-New 11-13-78, Amended 6-5-85, Formerly 12B-6.08, Amended 10-4-89, 4-2-00.~~

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Highway Beautification and Landscape Management
 RULE CHAPTER NO.: 14-40

RULE TITLE: Highway Landscape Projects
 RULE NO.: 14-40.003

PURPOSE AND EFFECT: Part I General Provisions (Rule 14-40.003) is being amended. Part II Florida Highway Beautification Council and Part III Vegetation Management at Outdoor Advertising Signs (Rule 14-40.030) are being amended by separate notices.

SUBJECT AREA TO BE ADDRESSED: This is an amendment to Part I General Provisions (Rule 14-40.003). Parts II and III are being amended by separate notices.

SPECIFIC AUTHORITY: 334.044(2), 337.2505 FS.

LAW IMPLEMENTED: 334.044(25), 335.167, 337.2505, 337.405, 339.2405, 479.106 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:

14-40.003 Highway Landscape Projects.

(1) Department Authorization Required. No landscaping vegetation may be altered, removed, or installed on the Department's right of way by any person without written authorization by the Department pursuant to this Rule Chapter. The term "landscape" or "landscaping" as used in this Rule Chapter is defined to include any vegetation, irrigation systems, and any site amenities, such as mulches, street furniture, and decorative paving, fences, and lighting. All requirements for restoring the Department's right of way and highway landscape projects, where such restoration is made necessary by the construction or maintenance of utilities, are specified in the *Utility Accommodation Manual*, incorporated by reference under Rule 14-46.001. Requests This Part of the Rule Chapter does not apply to requests to remove, cut, or trim, or remove vegetation that screens outdoor advertising signs (billboards) for which outdoor advertising sign permits have been issued pursuant to Chapter 479, Florida Statutes. Permits for cutting, trimming, or removal of vegetation for such purposes must be made in accordance with obtained under Part III of this Rule Chapter.

(2) Approval Criteria.

(a) Approval is based on review of a complete set of landscape plans. The District Landscape Manager can be consulted during preparation of landscape plans. The following plan preparation guidelines must be used:

1. Project data must be included on sheet 1 of the plans, and must include a location map with beginning and end of project mile posts, index of plans included in the set, state road number, local government and contact information, and name and address of the person and firm who prepared the plans.

2. Plans must be drawn to scale, exhibiting an accurate and legible representation of existing conditions (above and below ground), and all proposed work. Plans must be dimensioned. If there is a baseline survey or centerline of construction, station points must be used. If there is no baseline survey or centerline, dimensioning must be from a fixed point. All dimensions must be noted in English system measurements (inches, feet, yards, miles, etc.). Plans must be drawn at no less than 100 scale (1 inch = 100 feet) on 24 inch by 36 inch or smaller sheets (folded, not rolled). Computer generated plans must use 11 inch by 17 inch sheets. Plans must contain a graphic scale and north arrow with standard orientation on each plan sheet, and reference the state road number, section number, milepost, and local street names. Plans must also include curbs, edge of pavement, edge of travel lanes, guardrails, right of way fence and/or right of way lines, sidewalks, intersections, median breaks, driveways, bike lanes, transit facilities, surveying monuments, signs, viewing area of permitted billboards, lighting, traffic signals, other traffic control devices, drainage features, limits of clear sight, set backs and clear zone limits, existing off site features and conditions which affect or are affected by the project, easements, above and below ground utilities, and all existing vegetation. When the 11 inch by 17 inch format is used, details and text must be large enough to be legible on all plan sheets.

3. Only blackline, blue-line, or xerographic reproductions will be accepted for the review process.

4. All proposed landscaping must be identified on the plans. For all plants, give the following information in tabular form:

Common Name
Botanical Name, including variety or cultivar
Quantity
Size when installed (height, caliper, spread, container size, clear trunk, multi-trunk, or any other descriptive aspect of the desired plants)
Maximum maintained or typical mature height, spread, and trunk diameter of normal mature plant specimens measured 6 inches above the ground.
Specifications (written and/or graphic)

5. A comprehensive maintenance plan for all proposed landscaping must accompany the plans. This may be on a separate set of plans or documents. Special maintenance requirements for the plant establishment period must be noted. The intent of design elements must be included in a description of the project, accompanied by a written or graphic guide as to the maintenance which will be provided to the plants and other areas within the project limits. When the landscape project is to be maintained by the Department, a maintenance cost estimate based on scheduled maintenance activities must be an attachment to the plans. Maintenance details and specifications must include the following:

Mowing schedule and height of grass, along with physical depiction of the limits of the mowing that will be performed as part of the landscape project.
Fertilizing schedules, formulas, rates, and methods of application.
Weeding/edging schedule and method: chemical, mechanical, or manual.
Herbicide schedules, formulas, rates, methods of application, special instructions, and precautions.
Pruning schedule and methods. In order to have safe, healthy, and aesthetic plants, and to maintain limits of clear sight, special attention must be given to changes in the schedule due to the maturity and size as trees and shrubs grow.
Mulch materials, thickness, and replacement frequency.
Irrigation schedule, supply source, and method of application.
Special care required for any hardscape materials, lighting, signage, benches, or other site amenities.
Litter pick-up and removal schedule (prior to mowing cycle or as needed).
A work zone traffic control plan (if necessary) for installation and maintenance of the project.
An estimate of manpower and equipment required to achieve an acceptable level of maintenance.

6. As-built plans, or a summary of changes, are required for all landscape projects.

7. Plans must be prepared by a landscape architect. Signing and sealing of plans submitted to the Department for review must be in accordance with Part II of Chapter 481, Florida Statutes, Landscape Architecture.

(b) No planting or installation of vegetation or other landscape material for landscape projects, or issuance of permits for such planting or installation, including construction and beautification projects, is allowed on Department right of way which screens or which, when mature, will screen an

outdoor advertising sign permitted under Chapter 479, Florida Statutes. This prohibition applies to all landscape, construction, and beautification projects on Department right of way regardless of the source of funds for the project, except a landscape project approved by the Department prior to the date of the original, state sign permit for the sign. For purposes of this Rule, a landscape, construction, or beautification project is approved when it is specifically identified in the Department's five year work program, or is a permitted landscape project, or is part of an executed agreement between the Department and a local government, or has been approved in writing by the Department for installation at a later date by a local government.

1. For purposes of this Rule, the term "screen" means the planting or installation of any vegetation or other landscape material within the viewing area which will reach a height greater than the height of the bottom of the lowest sign facing, as viewed from a height of 3.5 feet above the roadway surface at the edge of the travel lane closest to the outdoor advertising sign.

2. For purposes of this Rule, the term "viewing area" means the area encompassing the right of way measured along the outside edge of the outermost travel lane beginning at the point perpendicular to the part of the sign closest to the roadway and extending along the roadway ahead of the sign for a distance sufficient to allow for eight (8) seconds of uninterrupted sign viewing time by a motorist traveling at the posted speed limit on the roadway to which the sign is permitted. These distances, rounded up to the nearest 25 feet, are:

<u>Posted speed limit (mph)</u>	<u>Viewing Area (in feet)</u>
<u>70</u>	<u>825</u>
<u>65</u>	<u>775</u>
<u>60</u>	<u>725</u>
<u>55</u>	<u>650</u>
<u>50</u>	<u>600</u>
<u>45</u>	<u>550</u>
<u>40</u>	<u>475</u>
<u>35</u>	<u>425</u>
<u>30</u>	<u>375</u>
<u>25</u>	<u>300</u>

3. The viewing area shall be determined based upon the posted speed limit at the time the vegetation for the landscape, construction, or beautification project is installed. A subsequent change in the posted speed limit shall not require removal of previously planted vegetation.

(c)(a) A governmental entity may request obtain approval to remove, alter, or install landscaping landscape materials on the Department's right of way through submission of a highway landscape plan construction and maintenance memorandum of agreement. After review by the Department, and the making of any necessary revisions by the governmental

entity, the Department will prepare a written agreement requiring the local government to properly construct and maintain the landscape project. The landscape plan will become Exhibit A to the agreement. If separate, the maintenance plan as described Subsection (2)(a)7. will become Exhibit B of the agreement. Existing landscape projects may have other types of agreements for landscape construction, landscape maintenance, and other maintenance. When the agreement is executed, and a Notice to Proceed is issued by the Department, the local government may proceed with the project.

(d)(b) Private entities and Non-governmental entities organizations may seek obtain approval to alter, remove, or install landscaping vegetation on the Department's right of way through submission of a landscape plan, and a resolution from the appropriate local government that commits the local that government to execution of executing an agreement to properly construct and maintain the landscape project as described in Section (c) above highway landscape construction and maintenance memorandum of agreement.

(e)(e) An abutting private property owner is not required to comply with may disregard Subsection (2)(d)(b) of this Rule and may apply for a permit to alter or install landscape materials on the Department's non-limited access right of way directly abutting the owner's property through submission approval of a Permit for Landscaping on State Road Right of Way, Form # 850-060-03, Rev. 05/00 03/98, which is incorporated herein by reference and, Form 850-060-03 is available at any Department District Maintenance Office. Applicants who are abutting private property owners must submit for approval a landscape plan, maintenance plan, and maintenance of traffic plan. Approval will only be granted when it is determined that all plans meet the requirements of this section. A permit for the cutting, trimming, or removal of any vegetation will only be approved in association with mitigation required by this subsection. No permit will be issued to an abutting private property owner to provide visibility of such property through the cutting, trimming, or removal of trees, shrubs, or herbaceous plants. A permittee shall mitigate in accordance with the following requirements for the impact to vegetation from cutting, trimming, removal, or accidental damage of vegetation on the Department's right of way.

1. Mitigation is required where cutting or trimming of, or damage to vegetation permanently detracts from the appearance or health of trees (including palm trees), shrubs, or herbaceous plants, or where cutting and trimming of trees or shrubs is not done in accordance with the standards set forth in the American National Standards Institute (ANSI A300) publication, incorporated herein. This requirement does not apply to the cutting or trimming of, or damage to invasive exotic plants (plants listed by the Florida Department of Environmental Protection Rule Chapter 62C-52, Florida

Prohibited Aquatic Plants, and plants listed by the Florida Department of Agriculture and Consumer Services, Rule Chapter 5B-57, Introduction or Release of Plant Pests, Noxious Weeds, Arthropods, and Biological Control Agents, or other plant species determined by the Department to be a nuisance to natural habitats or agriculture, or to have an adverse affect on the maintenance or safety of the Department's right of way).

2. Where mitigation is necessary, the applicant will provide a mitigation plan, a maintenance plan (including irrigation and establishment for a period of one year from the date of planting), and a schedule for completion for any vegetation planted. These plans are subject to the requirements of this Rule Chapter, the Florida Highway Landscape Guide, and the Highway Landscape, Beautification, and Plan Review Procedure (650-050-001 e). Mitigation must be completed within six months after vegetation is cut, trimmed, or removed.

3. Mitigation of trees is not required when trimming maintains the tree's natural habit of growth, and is performed in accordance with professionally accepted arboricultural standards. The American National Standards Institute (ANSI) Tree Shrub and Other Woody Plant Maintenance Standard Practices, 1995, Publication #A300, and Tree Pruning Guidelines authored and published by the International Society of Arboriculture, 1995, are hereby incorporated by reference. Copies of these publications are available from the International Society of Arboriculture, Post Office Box GG, Savoy, Illinois 61874-9902, Phone 217-355-9411, FAX 217-355-9516. Invasive exotic plants may be removed without mitigation. Where the District Landscape Manager has determined that vegetation is diseased or structurally damaged beyond a point where restoration is practicable, the vegetation may be removed without mitigation.

4. On-site mitigation (mitigation provided on or adjacent to the impacted site) for removal or damage of trees shall be at 2:1 ratio measured in inches diameter of the trunk at breast height (DBH). DBH is to be measured 4 1/2 feet high. Multi-trunk trees are measured using the cumulative diameter of the three main trunks at breast height. To mitigate for trees with a DBH greater than 2", two or more trees (of one inch caliper or greater) with a combined equivalent diameter to the removed or damaged trees, may be used. Mitigation for removal of shrubs and herbaceous plants shall be at a 1:1 ratio calculating the total plant height per impacted species. Required mitigation is calculated by estimating the number of shrubs of a species impacted, and multiplying by their average height. Mitigation for removal of shrubs and herbaceous plants under 6" in height shall be calculated by measuring the area impacted, and replanting an equivalent area with the same or other approved species. Mitigation shall be completed pursuant to the requirements of the approved plan.

5. Remote mitigation (mitigation provided away from the impacted site but along the same state highway and within the same county) for removal of trees shall be at a 3:1 ratio

measured in inches DBH. Mitigation for trees with a DBH greater than 2" may be provided as described in paragraph (c)4. Remote mitigation for removal of shrubs and herbaceous plants shall be at a 2:1 ratio. Required mitigation is calculated by estimating the number of shrubs of a species impacted, and multiplying by their average height. Mitigation for removal of shrubs and herbaceous plants under 6" in height shall be calculated by measuring the area impacted for replanting an equivalent area with the same or other approved species. A location for remote mitigation must be approved by the District Maintenance Engineer or designee. No vegetation will be cut, trimmed, or removed until after remote mitigation has occurred.

6. The permittee is required, at his/her expense, to remove and replace any mitigation materials that have not survived in a healthy condition for the first full year after planting. The replacement materials shall be of like size and variety as the replaced material, or may be other material proposed by the permittee and determined by the District Maintenance Engineer or designee to be more likely to survive. The permittee is also required, at his/her expense, to remove and replace any replacement materials that have not survived in a healthy condition for the first full year after planting.

7. The permittee may choose, in lieu of mitigation, to contribute funds to a District mitigation program for the beautification, aesthetic, and environmental improvement of the Department's right of way. The remote mitigation ratios shall apply and include wholesale cost of materials, installation, and one year establishment and maintenance. The permittee must contact the District Maintenance Engineer or designee to contribute to such a program(s) as part, or in lieu of other mitigation requirements. No vegetation will be cut, trimmed, or removed until after contribution.

(d) Approval to alter or install landscaping materials on the Department's right of way will only be granted when it is determined that the proposed landscape improvement meets the requirements of Part I of this Rule Chapter, the Florida Highway Landscape Guide, and Rule 14-40.030(1)(c)3., 5., 6., and 8. The highway landscape construction and maintenance memorandum of agreement or permit will include conditions for maintenance of the landscaping pursuant to Rule 14-40.003(5)(c).

(3) Application Process. A request for Permit for Landscaping on State Road Right of Way or a highway landscape construction and maintenance memorandum of agreement shall be accompanied by landscape plan(s), landscape maintenance plan(s), and maintenance of traffic plan(s), prepared in accordance with the Florida Highway Landscape Guide, (650-050-001 e) and the landscape plan preparation provisions of the Highway Landscape, Beautification, and Plan Review Procedure (650-050-001 e),

which are incorporated herein by reference. Applicants should meet and work with the District Maintenance Engineer or designee during preparation of application and landscape plan.

~~(3)~~(4) Government Approvals.

(a) All proposed landscape projects shall be consistent with the policies and objectives of the adopted ~~approved~~ local government comprehensive plan, (~~L~~GCP) including the future land use element and any ~~approved~~ community design element.

(b) If the proposed landscape improvement is to be located on an Interstate Highway facility, then Federal Highway Administration (FHWA) review is also required. A permit issued pursuant to this Part does not relieve the permittee of local or other jurisdictional requirements.

~~(4)~~(5) Installation and Maintenance.

~~(a) Prior to issuance of a Notice to Proceed for installation or the commitment of funds by the Department, landscape plans must be approved in writing and all necessary permits (including environmental) and agreements must be executed. The use of cypress mulch in landscape projects is strictly prohibited.~~

~~(b) No vegetation that will interfere with the visibility of an outdoor advertising sign face shall be planted within a permitted vegetation management zone. Where there is no permitted vegetation management zone, no vegetation that will interfere with the visibility of the outdoor advertising sign face shall be planted within the first 500' of the view zone, measured from point A (See Figure 2 and Figure 3 contained in 14-40.030). Where there is a written agreement between affected parties, vegetation that partially interferes with the visibility of a sign face may be planted within the vegetation management zone.~~

~~(a)(e) All landscape installation or maintenance activities performed by others on the Department's right of way must be performed in conformity with Department safety criteria as detailed in the *Manual on Uniform Traffic Control Devices* (incorporated by reference under Rule 14-15.010, F.A.C.), *Standard Specifications for Road and Bridge Construction*, (incorporated by reference under Rule 14-85.004, F.A.C.), and the *Roadway and Traffic Design Standards* (incorporated by reference under Rule 14-85.004, F.A.C.).~~

~~(d) The responsibility for maintaining landscape projects which are constructed on the Department's right of way by parties, individuals, agencies, or organizations other than the Department shall be borne by the permittee or the appropriate local governmental entity. The responsibility for maintenance, whether by the abutting property owner or by a local government, shall include all landscaped, turfed, hard-scaped, or otherwise modified areas installed on the Department's right of way within the limits of the project. All maintenance shall be in accordance with Department standards.~~

~~(b)(e) If an landscape maintenance memorandum of agreement or maintenance memorandum of agreement already exists between the Department and a local government for the~~

maintenance of the existing median and grassed areas for the section of roadway for which a landscape project is proposed, and if the Department determines that such agreement obligates the local government to maintain the proposed ~~this~~ project in accordance with the approved maintenance plan ~~Florida Highway Landscape Guide~~, the agreement will be applied to the maintenance of ~~used for maintaining~~ the landscape project. If the Department has previously agreed to provide funds for such maintenance, no increased compensation will be provided by the Department for maintenance of the landscape project.

~~(5)~~(6) Donation of Landscape Projects Materials. The Department will accept donations of plants, materials, installation, and maintenance for landscape projects on the State Highway System that meet the requirements of this Rule Chapter. ~~(a) The donated materials and services must conform to the requirements of this Rule Chapter and all other applicable Department criteria pertaining to landscape design, installation, and maintenance. (b) Signs acknowledging donated landscape projects materials by an individual or entity may be erected on the right of way, in or near the landscaping when the donation includes installation and maintenance pursuant to an executed agreement highway landscape construction and maintenance memorandum of agreement. The donated landscape projects materials or services must substantially improve the appearance or manageability of the median or roadside. The sign will ~~shall~~ remain in place for a term maximum of five years, unless otherwise ~~or a term~~ specified in the agreement. The agreement must stipulate that the sign and the landscape project may be removed by the Department for failure to meet the requirements of this Rule Chapter or the agreement. An executed highway landscape construction and maintenance memorandum of agreement must be on file with the Department for the area in question before placement of the sign ~~by the Department~~. The appropriate sign must not contain logos or trademarks. Signs will be placed at each end of the landscape project. ~~shall be as follows:~~~~

~~(a)1-~~ Interstate Highways: The sign acknowledging donation of landscape projects on the Interstate Highway System will be provided by the Department. This sign will be similar to structure and face shall conform to the design used for the Adopt-a-Highway Program sign used by the Department, except that the word "landscaping" will ~~shall~~ be substituted for the words "litter control;" and the colors will be green lettering on white background. The signs shall be installed and maintained by the Department. Signs will not contain logos or trademarks. Signs will be placed at each end of the landscape project.

~~(b) Arterial 2-~~ Other State Highways: The approved sign design for arterial highways is depicted in Figure 1. The sign panel will be 18 inches tall and 24 inches wide with white background and green lettering, using lettering shown in

Figure 1 and fabricated with non-reflective materials. The signs shall be constructed by the permittee in conformance with the color and lettering prescribed for Recreational and Cultural Interest Signs by the *Manual on Uniform Traffic Control Devices*, incorporated by reference into Rule 14-15.010, except that reflective materials shall not be used and the sign may be constructed of wood or composite materials. The sign must be mounted on 4 inch by 4 inch pressure treated posts, or alternate acceptable break away posts that meet(s) or exceed(s) the requirements of the *Roadway and Traffic Design Standards* (incorporated by reference under rule 14-85.004, F.A.C.) mounting system. The top of signs will be a maximum of no more than two feet above grade. An approved sign design is depicted in Figure 1. Installation of signs is signing will also be contingent upon an signed highway landscape construction and maintenance memorandum of agreement with the appropriate local governmental entity. The approved sign panel(s) must be provided and replaced by the sponsor or local government. Signs will be placed according to the approved landscape plan.

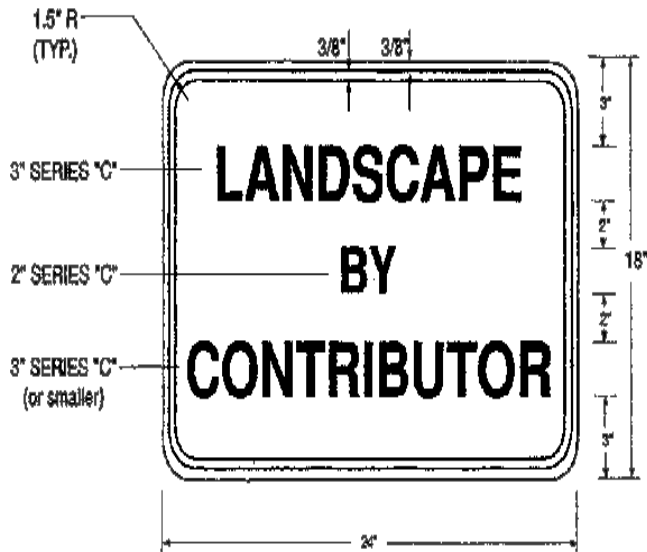


Figure 1 Arterial and Limited Access Landscape Roadway Sign

Specific Authority 334.044(2), 337.2505(4) FS. Law Implemented 334.044(25), 335.167, 337.2505, 337.405, 339.2405, 479.106 FS. History--New 9-22-92, Amended 1-19-99, _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Highway Beautification and Landscape Management
 RULE CHAPTER NO.: 14-40

RULE TITLE: Application and Permit Issuance
 RULE NO.: 14-40.030

PURPOSE AND EFFECT: Part III Vegetation Management at Outdoor Advertising Signs (Rule 14-40.030) is being amended. Part I General Provisions (Rule 14-40.003) and Part II Florida Highway Beautification Council are being amended by separate notices.

SUBJECT AREA TO BE ADDRESSED: This is an amendment to Part III Vegetation Management at Outdoor Advertising Signs (Rule 14-40.030). Part I and Part II are being amended by separate notices.

SPECIFIC AUTHORITY: 334.044(2), 337.2505 FS.

LAW IMPLEMENTED: 334.044(25), 335.167, 337.2505, 337.405, 339.2405, 479.106 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:

14-40.030 Application and Permit Issuance.

(1) Permit Required.

(a) No person or entity may remove, cut, or trim, ~~or remove~~ trees, shrubs, or herbaceous plants on the Department's right of way to make visible or to ensure future visibility of off-premise outdoor advertising signs (~~billboards~~) without obtaining a Permit for Vegetation Management at Outdoor Advertising Sign, Form 650-050-08, Rev. 07/97, which is incorporated herein by reference, pursuant to this Rule Chapter. For purposes of this Rule, the application of chemical control constitutes removing, cutting, or trimming, ~~or removal~~, depending on the impact on the tree, shrub, or herbaceous plant. A Permit for Vegetation Management at Outdoor Advertising Sign may be requested by submitting a completed Application for Vegetation Management at Outdoor Advertising Sign, Form 650-050-06, Rev. 03/00 ~~04/98~~, which is incorporated herein by reference, to the Department District Maintenance Engineer or designee with responsibility for the segment of state road to which the subject sign is permitted. Alternatively, ~~t~~he Application for Vegetation Management at Outdoor Advertising Sign may ~~also~~ be submitted to the State

~~District~~ Outdoor Advertising Administrator, with an application for a new sign permit. Form 650-050-06 is available at any Department ~~District Outdoor Advertising Office~~, District Maintenance Office, ~~or from any Department District Landscape Manager~~. This Rule does not apply to requests to trim or remove vegetation that screens on-premise signs.

(b) An Applications for Vegetation Management at Outdoor Advertising Sign must be submitted by the outdoor advertising sign permit holder or the sign owner. A separate application is required for each sign facing. The vegetation management plan and appraisal, described in subsection (c), shall both be prepared by a properly qualified individual. Qualified individuals shall be one of the following:

1. An International Society of Arboriculture (ISA) Certified Arborist ® with Advanced Training in Roadside Vegetation, or an individual with equivalent credentials from a nationally recognized arboricultural organization, or

2. A landscape architect registered pursuant to Chapter 481, Part II, Florida Statutes.

(c) The application shall contain:

1. The name, address, telephone number, facsimile number, and E-Mail address, if available, of the applicant; the Department's current outdoor advertising sign tag permit number; the sign owner's sign company's billboard face number; and the notarized signature of the applicant's authorized representative.

2. The applicant's vegetation management plan (plan). The plan shall be for a period of not less than two years and not greater than five years. The plan shall include a plan for removing vegetation within the vegetation management zone, cutting (removing or altering more than one quarter of any plant's height, spread, or density of branches), or trimming (the shaping or pruning of less than one quarter of any plant's height, spread, or density of branches), or removing vegetation within the vegetation management zone. The vegetation management plan shall be a graphic and written document that describes the removal, cutting, trimming, ~~removal~~, planting, fertilizing, mulching, irrigation, and desired condition and appearance of existing and proposed vegetation, including a plan for disposal of debris, and a schedule and description of the intended vegetation management method(s) of all work to be performed within the vegetation management zone. All vegetation management proposed in the plan shall be in accordance with this Rule and ~~the Florida Highway Landscape Guide, as incorporated by reference into Rule 14-40.003(3).~~

3. Color photographs of the sign and entire view zone taken within six weeks prior to the application being made to the Department. The photographs and accompanying drawings must depict a clear representative overview of the vegetation to be removed, cut, trimmed, ~~or removed~~.

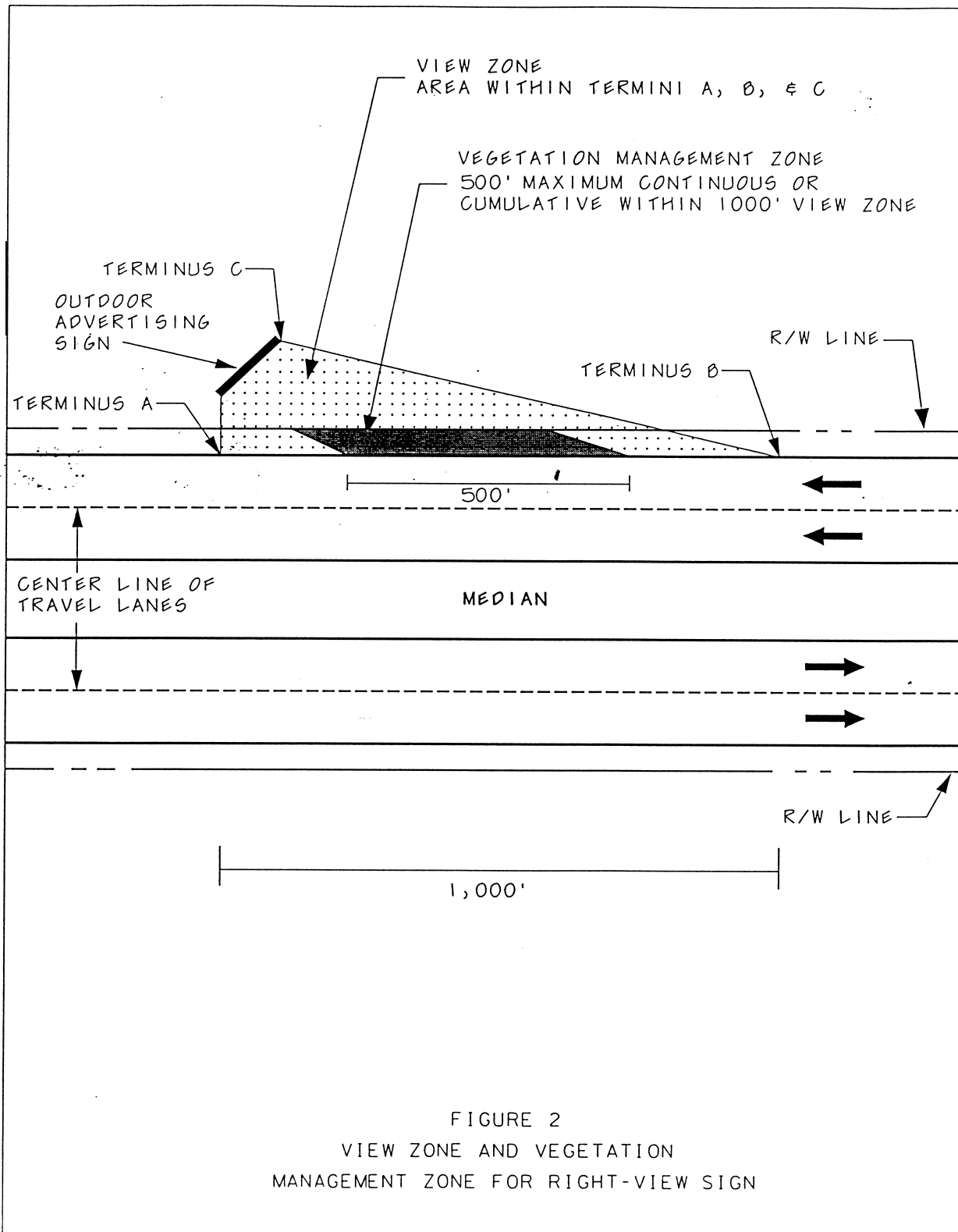
4. A photocopy of the qualifying credentials of the person preparing the vegetation management plan, and appraisal for mitigation, if applicable. If herbicides will be used, the application must include a photocopy of the applicator's license in three categories (core curriculum, right of way, and aquatic) by the Florida Department of Agriculture and Consumer Services. A proposed schedule and description of the method(s), and the qualifications of the personnel to be utilized. Personnel must be reasonably qualified and all personnel using herbicides on the Department's right of way must be licensed in three categories (core curriculum, right of way, and aquatic) by the Florida Department of Agriculture and Consumer Services (FDACS). Chemical control of vegetation is limited to the use of United States Environmental Protection Agency approved selective herbicides. Foliar application of herbicides is limited to the control of invasive exotic plants.

5. An itemized appraisal of the mitigation value of vegetation to be removed, cut, or trimmed.

~~6.5.~~ A non-refundable application fee of \$25.00. The non-refundable application fee shall be a total of not exceed \$200.00 for more than eight applications submitted simultaneously, providing that they are within the same Department District. If payment is by check, the fee submitted with an Application for Vegetation Management at Outdoor Advertising Sign must be paid separately from fees for other types of permits. The approved application, including any conditions stated therein, and the approved vegetation management plan, shall become part of the permit. The permit, issued by the Department, shall allow vegetation management within the vegetation management zone for the duration of the approved vegetation management plan. After approval, the permittee must give the Local Maintenance Engineer a minimum of two working days notification prior to ~~any and~~ all permitted vegetation management activity on the Department's right of way, unless otherwise stipulated as a special provision of the permit.

(d) A Permit for Vegetation Management at Outdoor Advertising Sign authorizes the permittee to remove, cut, or trim, ~~or remove~~ trees, shrubs, or herbaceous plants only as provided in the permit, and only within an approved vegetation management zone, which will be determined as follows:

1. The approved vegetation management zone shall be based on a continuous or cumulative 500 foot linear distance along the edge of the travel lane within the 1,000 foot linear view zone (as described below), all within the Department's right of way (see Figures 2 and 3).



2. A sign facing shall have only one view zone, and only within the Department's right of way of the ~~roadway~~ highway to which the sign is permitted.

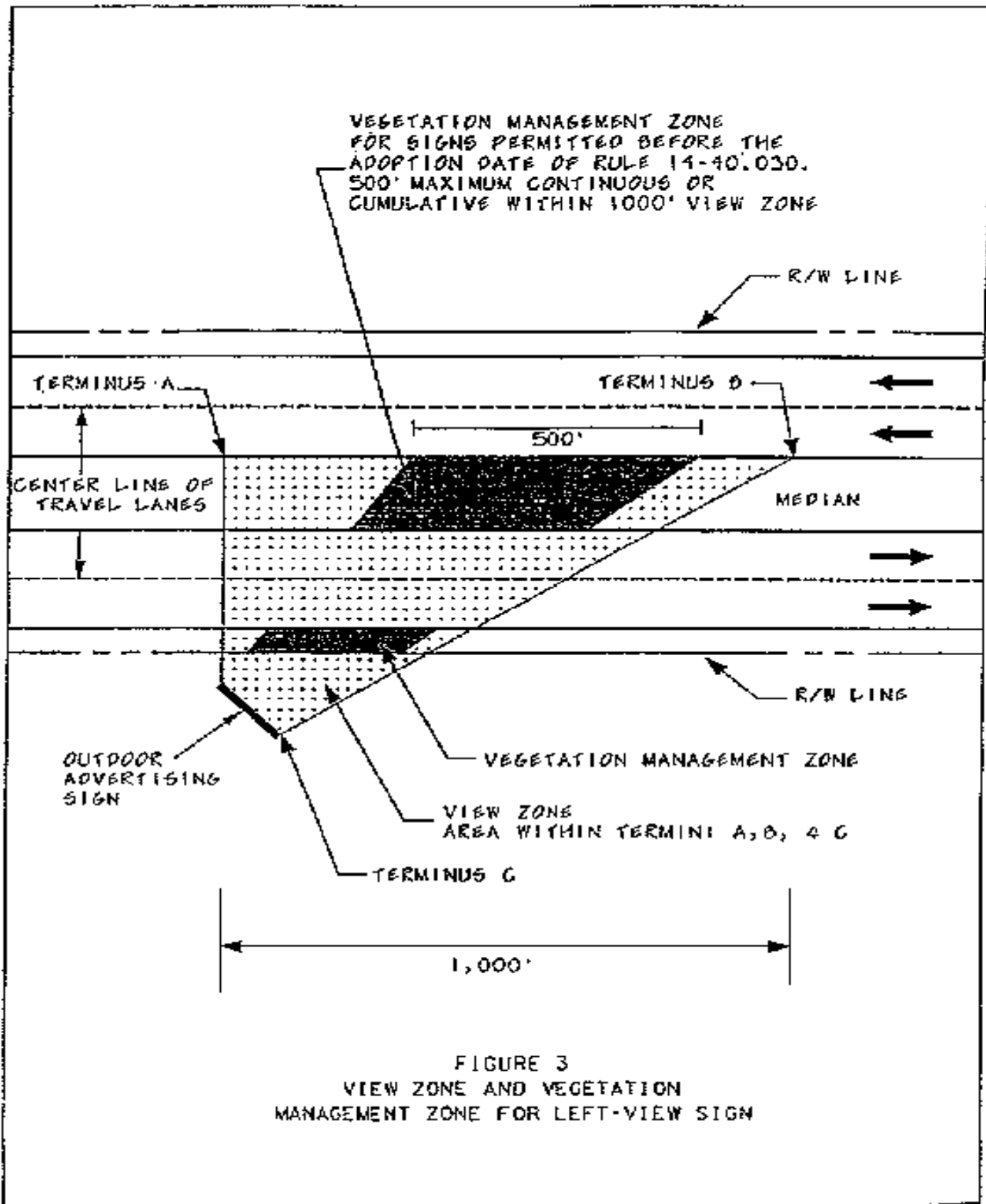
a. The view zone for a right-view sign (see Figure 2) is a nearly triangular area measured along the right edge of the nearest travel lane on the same side of the highway to which the sign is permitted, which has:

(I) As terminus A, the point on the edge of the travel lane immediately opposite the edge of the outdoor advertising sign face closest to the highway;

(II) As terminus B, the point measured along the edge of pavement 1,000 feet in the direction from which the sign is viewed; and

(III) As a terminus C, the point on the edge of the sign face which is furthest from the road.

b. The view zone for a left-view sign (see Figure 3) shall be measured as above, except that terminus A and terminus B shall be measured along the left edge of the nearest travel lane on the other side of the highway centerline.



c. The median area will be included in an approved vegetation management zone only for left-read signs legally erected before January 19, 1999, and only as necessary to maintain the view of that sign across the median as it existed before January 19, 1999. Vegetation within the pre-existing view zone that could not be managed prior to the adoption of this Rule may be managed to restore visibility in accordance with this Rule.

(e) No Permit for Vegetation Management at Outdoor Advertising Sign will be issued:

1. For applications that are incomplete;

2. For vegetation control to enhance the view of an outdoor advertising sign which does not have a currently valid state permit.

3. For mowing (nonselective mechanical or chemical control of vegetation) of grass or other vegetation. Mechanical mowing, to a minimum height of 6 inches, will be permitted when no other means of vegetation management is practicable to control vegetation that is less than 18" height and screens or is likely to screen a sign face.

4. To make a sign visible for more than 500 feet⁴ within a view zone.

5. To ~~remove, cut, or trim, or remove~~ vegetation that has established historic, cultural, economic, environmental, or aesthetic significance. Such vegetation ~~would~~ may:

a. Form an important part of the setting or landscaping for an historic structure;

b. Possess historic significance through a direct association with an event or person important in history;

c. Contribute strongly to the historic character as well as visual appeal of an historic structure or district;

d. Screen historic structures or residential property from traffic congestion;

e. Serve as memorials;

f. Be directly descended from historically significant trees or plants;

g. Be listed on the National Register of Historic Places, the State Register of Historic Sites, or local historical registries;

h. Be the only vegetation in the immediate vicinity, such that ~~and~~ removal would leave the area barren of any substantial trees;

i. Have reached an age, ~~or size, or~~ and shape that it is known to be a local landmark; or

j. Be in the immediate vicinity of a roadway that has been lined with substantial trees for a lengthy period of time where ~~and~~ removal of such vegetation would significantly diminish the "tree lined" character of the roadway;

6. To ~~remove, cut, or trim, or remove~~ trees, shrubs, or herbaceous plants that are protected by state law.

7. To ~~remove, cut, or trim, or remove~~ trees, shrubs, or herbaceous plants in violation of provisions of Section 479.106(5), Florida Statutes.

8. To ~~remove, cut, or trim, or remove~~ trees, shrubs, or herbaceous plants, when the Department has District Maintenance Engineer or designee and the District Landscape Manager ~~have~~ determined that the proposed vegetation management will significantly disrupt natural systems, roadside aesthetics, or have other negative impacts on the operation of the highway.

9. To create a new view zone by removing, cutting, or trimming, ~~or removing~~ existing vegetation for any sign originally permitted after July 1, 1996, unless the applicant removes at least two approximate comparable size nonconforming signs under valid permits issued pursuant to Section 479.07, Florida Statutes, and surrender the permits to the Department, ~~except when all of the following conditions have been met:~~

a. ~~For any sign permitted after July 1, 1996, the original sign permit application must state that it would be necessary to remove, cut, or trim existing vegetation on the Department's right of way, and a Permit for Vegetation Management at Outdoor Advertising Sign has been issued for the view zone.~~

b. ~~When the owner of a sign built after July 1, 1996, requests to remove, cut, or trim trees or other vegetation on the Department's right of way that screened the sign face when the sign was first permitted, the sign owner must remove at least two nonconforming signs under valid permits pursuant to Section 479.07, Florida Statutes, that the Department has determined are of the same approximate size as the new sign, and surrender the permits to the Department.~~

10. To remove, cut, or trim trees that have a circumference, measured at 4 1/2 feet above grade, equal to or greater than 70% of the circumference of the Florida Champion of the same species as listed in the Big Trees, The Florida Register, Florida Native Plant Society, 1997, which is incorporated herein by reference.

11. To remove, cut, or trim vegetation that is part of a beautification project, when the project was approved prior to the permitting of any sign originally permitted after July 1, 1996. For the purpose of this Rule, beautification projects include landscape projects, mitigation projects, and restoration projects. For the purpose of this Rule, a beautification project is approved when it is specifically identified in the Department's five year work program, or is a permitted landscape project, or is part of an executed agreement between the Department and a local government, or has been approved in writing by the Department for installation at a later date by a local government.

(f) Applications will be reviewed and approved or denied within 30 days of receipt of a complete application, though failure to respond within 30 days shall not cause an automatic approval. The Department may request additional information needed to deem the application complete in accordance with Section 120.60, Florida Statutes. Applicants will be notified by mail of the approval or denial of the application. When an

application is denied, no application fee will be charged for a revised application submitted within 90 days after the date shown on the notice of denial.

(g) A Permit for Vegetation Management at Outdoor Advertising Sign is valid for the term of the vegetation management plan (two to five years, as represented on the Application of Vegetation Management at Outdoor Advertising Sign and the permit.) The ~~Department District Maintenance Engineer or designee~~ will determine the expiration date of any Permit for Vegetation Management at Outdoor Advertising Sign, based on the safety of all users of the Department's right of way, and the need to avoid conflict with other permitted activities on the Department's right of way, or changes in roadside conditions.

(h) When a Permit for Vegetation Management at Outdoor Advertising Sign expires, a new permit may be requested renewed by submitting a new Application for Vegetation Management at Outdoor Advertising Sign in accordance with this Rule.

(i) A permit placard (FDOT Form 650-050-08) must be displayed within the vegetation management zone in clear view from the main traveled way when vegetation management is in progress.

(2) Vegetation Management on the Right of Way.

(a) All work performed pursuant to a Permit for Vegetation Management at Outdoor Advertising Sign shall follow the approved vegetation management plan.

(b) Chemical control of vegetation is limited to the use of United States Environmental Protection Agency approved selective herbicides. Foliar application of herbicides is limited to the control of invasive exotic plants.

(c) Within 10 working days after completion of the removal, cutting, or trimming of vegetation, a qualified individual must inspect the vegetation management zone and adjoining right of way, and submit written notification to the District Maintenance Engineer or designee that the work is complete. The correspondence must indicate the extent and nature of any unauthorized removal, cutting, or trimming.

~~(3)(2)~~ Mitigation. An applicant shall mitigate in accordance with this Rule Chapter for the impact to vegetation from removal, cutting, trimming, removal, or accidental damage of vegetation on the Department's right of way.

(a) Mitigation is required:

1. ~~Where Mitigation is required where~~ cutting or trimming of, or damage to vegetation permanently detracts from the appearance or health of trees (including palm trees), shrubs, or herbaceous plants, or where cutting and trimming of trees or shrubs is not done in accordance with the standards set forth in the following documents: American National Standards Institute Tree Shrub and Other Woody Plant Maintenance-Standard Practices, 1995, and Fertilization, 1999, Publication #A300, and Tree-Pruning Guidelines authored and published by the International Society of Arboriculture, 1995,

~~which are hereby (ANSI A300) publication, incorporated by reference herein.~~ Copies of these publications are available for purchase from the International Society of Arboriculture, Post Office Box GG, Savoy, Illinois 61874-9902, phone 217-355-9411, FAX 217-355-9516, or on the Internet at www.flaisa.org. This requirement does not apply to the cutting or trimming of, or damage to invasive exotic plants (plants listed by the Florida Department of Environmental Protection Rule Chapter, 62C-52, Aquatic Plant Importation, Transportation, Non-Nursery Cultivation, Possession, and Collection, and plants listed by the Florida Department of Agriculture and Consumer Services, Rule Chapter 5B-57, Introduction or Release of Plant Pests, Noxious Weeds, Arthropods, and Biological Control Agents, or other plant species determined by the Department to be a nuisance to natural habitats or agriculture, or to have an adverse effect on the maintenance or safety of the Department's right of way).

2. Where trees taller than the surrounding shrubs and herbaceous plants are permanently damaged or removed.

3. Where trees or shrubs of a species that are not likely to grow to interfere with the visibility of displays are damaged or removed.

4. Where trees or shrubs of a species that are likely to grow to interfere with the visibility of displays are trimmed improperly, permanently damaged, or removed.

5. Where herbaceous plants are permanently damaged.

(b) Where mitigation is necessary, the applicant will provide with the Application for Vegetation Management an appraisal prepared by a qualified individual as defined in Section (1)(b) using the appropriate appraisal method found in Determining the Mitigation Value of Roadside Vegetation, Florida Chapter of the International Society of Arboriculture, 2000, which is incorporated herein by reference a mitigation plan, a maintenance plan (including irrigation and establishment for a period of one year from the date of planting), and a schedule for completion for any vegetation planted. Copies of this document can be obtained by contacting the International Society of Arboriculture as listed in (3)(a)1., above. Pending approval by the Department, the appraised value of the vegetation to be cut and removed will be the required mitigation. Approval is based on completeness and accuracy of mitigation calculations. These plans are subject to the requirements of this Rule Chapter, the Florida Highway Landscape Guide, and the Highway Landscape, Beautification, and Plan Review Procedure (650-050-001-e). Mitigation must be completed within six months after vegetation is cut, trimmed, or removed.

1. The mitigation may be paid as a fee (Option 1) equal to the amount of the mitigation appraisal prepared in accordance with subsection (b) of this Rule. Mitigation fees must be paid to the Department prior to issuance of a Permit for Vegetation Management at Outdoor Advertising Sign.

2. The permittee may design and build a mitigation project equal to the appraised value, at an approved location within the right of way (Option 2). Applicants must contact the District Landscape Manager when preparing to develop a mitigation plan. For mitigation projects, the applicant must submit a mitigation plan which, in addition to the requirements of this Rule, meets the requirements for landscape plans in Rule 14-40.003(2) and (4), to the Department for approval. Mitigation projects must be designed to avoid additional maintenance costs by the Department. The mitigation plan shall include a landscape plan, maintenance plan (including watering for establishment for a period of one year from the date of planting), and an estimated budget of all expenses to install, establish, and maintain the replacement vegetation. The value of the completed mitigation project must be equal to or greater than the appraised value of the cut and removed vegetation. When a mitigation project does not meet the required mitigation value, the balance is due to the Department as a mitigation fee. When the mitigation plan is approved, the applicant may proceed to construct the mitigation project. Failure to complete the mitigation project within six months after the vegetation is cut or removed will result in a penalty for unauthorized removal, cutting, or trimming as described in subsection (4) of this Rule. The permittee is required, at the permittee's expense, to remove and replace any mitigation materials that have not survived in a healthy condition for the first full year after planting. The replacement materials shall be of like size and variety as the replaced material, or may be other material proposed by the permittee, and determined by the Department, to be more likely to survive. If the mitigation project is not restored to meet the permit requirements, the permittee is subject to enforcement of required mitigation and the penalty for unauthorized removal, cutting, or trimming.

(c) Mitigation of large trees (trees with a mature height likely to be greater than thirty feet) is not required when trimming maintains a plant's the tree's natural habit of growth, and is performed in accordance with professionally accepted arboricultural standards, cited in the documents previously referenced in Section (3)(a)1. of this Rule. The American National Standards Institute (ANSI) Tree Shrub and Other Woody Plant Maintenance Standard Practices, 1995, Publication #A300, and Tree Pruning Guidelines authored and published by the International Society of Arboriculture, 1995, are hereby incorporated by reference. Copies of these publications are available from the International Society of Arboriculture, Post Office Box GG, Savoy, Illinois 61874 9902, Phone 217 355 9411, FAX (217)355 9516. Young trees (immature trees that are no taller than the surrounding shrubs and herbaceous plants) of species that upon their maturity are likely to interfere with the visibility of displays may be removed without mitigation. Mitigation is not required where small trees and herbaceous plants, that upon their maturity will not be large enough to interfere with the visibility of displays in specific on site situations within the

vegetation management zone, are managed to maintain their natural appearance and habit of growth. Invasive exotic plants may be removed without mitigation. Where the Department District Landscape Manager has determined that vegetation is diseased, or structurally damaged through no fault of the applicant, beyond a point where restoration is practicable, the vegetation may be removed without mitigation.

(d) On site mitigation (mitigation provided on or adjacent to the impacted site) for removal or damage of trees shall be at 2:1 ratio measured in inches diameter of the trunk at breast height (DBH). DBH is to be measured 4 1/2 feet high. Multi trunk trees are measured using the cumulative diameter of the three main trunks at breast height. To mitigate for trees with a DBH greater than 2", two or more trees (of one inch caliper or greater) with a combined equivalent diameter to the removed or damaged trees, may be used. Mitigation for removal of shrubs and herbaceous plants shall be at a 1:1 ratio calculating the total plant height per impacted species. Required mitigation is calculated by estimating the number of shrubs of a species impacted within a vegetation management zone, and multiplying by their average height. Mitigation for removal of shrubs and herbaceous plants under 6" in height shall be calculated by measuring the area impacted within the vegetation management zone, and replanting an equivalent area with the same or other approved species. Mitigation shall be completed pursuant to the requirements of the management plan.

(e) Remote mitigation (mitigation provided away from the impacted site but along the same state highway and within the same county) for removal or damage of trees shall be at a 3:1 ratio measured in inches DBH. Mitigation for trees with a DBH greater than 2" may be provided as described in paragraph (2)(d). Remote mitigation for removal of shrubs and herbaceous plants shall be at a 2:1 ratio. Required mitigation is calculated by estimating the number of shrubs of a species impacted within a vegetation management zone and multiplying by their average height. Mitigation for removal of shrubs and herbaceous plants under 6" in height shall be calculated by measuring the area impacted within the vegetation management zone for replanting an equivalent area with the same or other approved species. A location for remote mitigation must be approved by the District Maintenance Engineer or designee. No vegetation at the sign site will be cut, trimmed, or removed until after remote mitigation has occurred.

(f) The permittee is required, at his/her expense, to remove and replace any mitigation materials that have not survived in a healthy condition for the first full year after planting. The replacement materials shall be of like size and variety as the replaced material, or may be other material proposed by the permittee and determined by the District Maintenance Engineer or designee to be more likely to survive. The

permittee is also required, at his/her expense, to remove and replace any replacement materials that have not survived in a healthy condition for the first full year after planting.

~~(g) The permittee may choose, in lieu of mitigation, to contribute funds to a District mitigation program for the beautification, aesthetic, and environmental improvement of the Department's right of way. The remote mitigation ratios shall apply and include wholesale cost of materials, installation, and one year establishment and maintenance. The permittee must contact the District Maintenance Engineer or designee to contribute to such a program(s) as part, or in lieu of other mitigation requirements. No vegetation will be cut, trimmed, or removed until after contribution.~~

~~(d)(h) Special Conditions Affecting Mitigation. The following additional provisions apply only to vegetation management pursuant to a permit issued under this Rule:~~

~~1. Mitigation is not required for vegetation that the Department normally cuts or removes pursuant to its regular maintenance of the Department's right of way.~~

~~2. Mitigation is not required for vegetation when that the Department's roadway plans explicitly show that the vegetation will be removed expects to remove as part of the planned clearing and grubbing for a construction project designed and included in the Department's five-year work program.~~

~~3. Mitigation is not required for vegetation that was installed within the approved view zone after July 1, 1996, so long as the sign was permitted prior to the installation of the vegetation. On-site mitigation ratios are applicable for mitigation work at surrendered permit locations when those locations are within or adjacent to a wooded area, such that mitigation would fill in or extend such wooded area.~~

~~4. If the Department approves a landscape/mitigation plan which contains both the maximum feasible on-site mitigation within the view zone (maximum vegetative habitat), and which screens the sign supports and the back of the sign to the maximum extent feasible, the Department will accept monetary donations for the remaining mitigation in the form of donations for off-site mitigation, which covers the cost of materials, installation, and one-year establishment, at the on-site ratio. For purposes of this provision, when the back of the sign is visible from the main traveled way, on-site mitigation is to include plantings of suitable vegetation on the right-of-way reasonably designed to screen the back of the sign.~~

~~5. The on-site mitigation ratio at nonconforming sign sites for the removal of trees with a +DBH of 4" or more, as of the date of January 19, 1999, would be reduced to 1.5:1 when removal of the trees was previously precluded by Chapter 14-13 and the following conditions exist:~~

~~a. The trees were planted in front of the sign after it was erected; or~~

b. By the time the sign was screened by the trees, they were 4" DBH or greater and trimming of the trees for visibility has significantly detracted or will significantly detract from the natural habit of growth of the trees.

~~(4)(3) Unauthorized Removal, Cutting, or Trimming, or Removal of Vegetation. Any person engaged in unauthorized removal, cutting, or trimming, or removal of vegetation in violation of Section 479.106, Florida Statutes, or who benefits from such action, is subject to a penalty of \$1,000 per incident per sign facing and shall provide on-site or remote mitigation as required by subsection (3) at double the rate set forth in paragraphs (2)(d)&(e). For purposes of this subsection, the application of any chemical compound that kills or injures a tree, shrub, or herbaceous plant constitutes removal, cutting, or trimming, or removal, depending on the impact on the plant.~~

Specific Authority 334.044(2), 337.2505(1) FS. Law Implemented 334.044(25), 335.167, 337.405, 479.106 FS. History—New 1-19-99, Amended _____.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Unemployment Appeals Commission

RULE TITLES: RULE NOS.:
 Form of Appeal 38E-2.002
 Filing an Appeal 38E-2.003

PURPOSE AND EFFECT: As a result of a government reorganization, the unemployment compensation claim functions of the Department of Labor and Employment Security have been reassigned to the Agency for Workforce Innovation (A.W.I.). Former claims offices (one-stop career centers) are not under the direct control of A.W.I. As a result, A.W.I. has centralized claim processing and adjudication because the one-stop career centers do not perform these functions or accept appeals. Additionally, since the centralized A.W.I. adjudication offices will not be readily accessible to the public, they will not be available to accept hand delivered documents. In light of this restructuring, the proposed rule amendment recognizes the fact that one-stop career centers will no longer accept appeals and clarifies the appropriate locations and manner to file appeals of appeals referee decisions to the Unemployment Appeals Commission. The proposed rule amendment also expands the authorized locations to file appeals by facsimile transmission to the Commission, clarifies filing, corrects agency and office names to their current designations, updates the optional appeal form available to parties and deletes unnecessary language.

SUBJECT AREA TO BE ADDRESSED: Designation of the appropriate places and manner to file an appeal of a referee's decision to the Unemployment Appeals Commission.

SPECIFIC AUTHORITY: 120.54(1), 443.012(3),(11), 443.151(4)(d) FS.

LAW IMPLEMENTED: 120.52(12), 443.151(4)(b),(c),(d) FS.

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

TIME AND DATE: 10:00 a.m., May 8, 2001

PLACE: Law Library Conference Room, Unemployment Appeals Commission, Suite 300, Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John W. Kunberger, Clerk-Unemployment Appeals Commission, Suite 300, Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

38E-2.002 Form of Appeal.

(1) An appeal of an appeals referee's decision ~~may shall~~ be filed ~~either in person or by mail~~ at any of the following locations:

- (a) The Unemployment Appeals Commission;
- (b) The central ~~or offices of the Department of Labor and Employment Security located at Tallahassee, Florida;~~

~~(c) Any of the district appeals referee offices maintained by the Office of Appeals appeals referees;~~

~~(c)(d) Any of the unemployment claim adjudication local unemployment claims offices operated by the Agency for Workforce Innovation Florida Department of Labor and Employment Security; and~~

~~(d)(e) Any unemployment compensation claims office located outside the State of Florida.~~

(2) No change.

(3) The following shall constitute acceptable methods of appeal:

(a) Any legible written notice filed in accordance with these rules which expresses disagreement with or otherwise indicates a desire to appeal;

(b) Any person entitled to file an appeal may obtain a printed appeal form (AWI -A100, Notice of Appeal), Rev. 4/01, incorporated herein by reference, ~~(LES Form UAC-1)~~ at any of the locations listed in Rule Sections 38E-5.004(1), (2), and (3), and at any location providing unemployment claim information. Use of the form is not mandatory; however, if a letter or other instrument is used, it should include the following information:

- 1. The name and social security account number of each claimant, if any, involved;
- 2. The name ~~and unemployment tax account number, if known,~~ of each employer, if any, involved;
- 3. The date, subject matter, and docket number of the decision; and

4. A brief statement of the reasons for disagreement with the decision determination.

(c) Failure to include all of the information listed in paragraph (b) will not constitute cause for rejection of the appeal, but may result in a delay in processing the appeal.

(4) No change.

Specific Authority 120.54(1), 443.012(3),(11), 443.151(4)(d) FS. Law Implemented 443.151(4)(c),(d) FS. History--New 5-22-80, Formerly 38E-2.02, Amended 8-20-86,_____.

38E-2.003 Filing an Appeal.

(1) No change.

(2) The appeal ~~shall may~~ be filed by mail ~~or hand delivery~~ to any appeal location designated in Rule 38E-2.002(1); by facsimile transmission of the appeal document to any appeal location designated in Rule Sections 38E-2.002(1)(a),(b), and (c); or by hand delivery of the appeal document to any appeal location designated in Rule Sections 38E-2.002(1)(a), (b), and (d).

(3) Appeals filed by mail shall be considered to have been filed when postmarked by the United States Postal Service. Appeals filed by hand delivery or facsimile shall be considered to have been filed when date stamped received at the authorized location by the Commission.

(4) Upon receipt of an appeal delivered in person ~~or by facsimile transmission, the Clerk of the Commission, Agency for Workforce Innovation, or Office of Appeals Division~~ employee shall record the date of receipt on the appeal document.

Specific Authority 120.54(1), 443.012(3),(11), 443.151(4)(d) FS. Law Implemented 120.52(12), 443.151(4)(b)-(d) FS. History--New 5-22-80, Formerly 38E-2.03, Amended 8-20-86, 1-5-93,_____.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Unemployment Appeals Commission

RULE TITLE: Orders of the Commission

RULE NO.: 38E-3.007

PURPOSE AND EFFECT: As a result of a government reorganization, the unemployment compensation claim functions of the Department of Labor and Employment Security have been reassigned to the Agency for Workforce Innovation (A.W.I.). Former claims offices (one-stop career centers) are not under the direct control of A.W.I. As a result, A.W.I. has centralized claim processing and adjudication because the one-stop career centers do not perform these functions or process decision results. In light of this restructuring, the proposed rule amendment recognizes that one-stop career centers are not responsible for inputting Commission orders on the A.W.I. computer system; therefore, it is not necessary to send them copies of the orders. The proposed rule amendment also corrects agency and office names to their current designations.

SUBJECT AREA TO BE ADDRESSED: Furnishing copies of Unemployment Appeals Commission orders.

SPECIFIC AUTHORITY: 120.54(1), 443.012(3),(11), 443.151(4)(d) FS.

LAW IMPLEMENTED: 120.569(1), 443.151(4)(c),(d) FS.

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

TIME AND DATE: 10:00 a.m., May 8, 2001

PLACE: Law Library Conference Room, Unemployment Appeals Commission, Suite 300, Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John W. Kunberger, Clerk-Unemployment Appeals Commission, Suite 300, Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

38E-3.007 Orders of the Commission.

(1) The Commission shall consider the record before it and enter a written order.

(2) A copy of the order shall be mailed to the last known address of each of the parties or their representatives. A copy of the order shall also be furnished to the workforce program support ~~unemployment compensation benefits payments~~ section of the Agency for Workforce Innovation ~~and to the local claims office~~. The copies mailed to the parties shall include a transmittal form advising them of their right to review of the order by the district courts of appeal.

(3) No change.

Specific Authority 120.54(1), 443.012(3),(11), 443.151(4)(d) FS. Law Implemented 120.569(1), 443.151(4)(c),(d) FS. History—New 5-22-80, Formerly 38E-3.07, Amended 8-20-86,_____.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Unemployment Appeals Commission

RULE TITLES:	RULE NOS.:
Form of Appeal	38E-5.003
Place for Filing Appeal	38E-5.004
Time for Filing Appeal	38E-5.005

PURPOSE AND EFFECT: As a result of a government reorganization, the unemployment compensation claim functions of the Department of Labor and Employment Security have been reassigned to the Agency for Workforce Innovation (A.W.I.). Former claims offices (one-stop career centers) are not under the direct control of A.W.I. As a result, A.W.I. has centralized claim processing and adjudication because the one-stop career centers do not perform these functions or accept appeals. Additionally, since the centralized

A.W.I. adjudication offices will not be readily accessible to the public, they will not be available to accept hand delivered documents. In light of this restructuring, the proposed rule amendment recognizes the fact that one-stop career centers will no longer accept appeals and clarifies the appropriate locations and manner to file appeals of unemployment examiner determinations to appeals referees. The proposed rule amendment also clarifies that appeals can be filed directly with the Office of Appeals; clarifies filing; requires that the receipt date of appeals filed by hand delivery or facsimile transmission be recorded on the document; corrects agency and office names to their current designations; updates the optional appeal form available to the parties; and deletes unnecessary language.

SUBJECT AREA TO BE ADDRESSED: Designation of the appropriate places and manner to file an appeal of an examiner's determination to an appeals referee.

SPECIFIC AUTHORITY: 120.80(10)(a)1., 443.012(3),(11), 443.151(4)(d) FS.

LAW IMPLEMENTED: 443.151(3)(a),(4)(b),(d) FS.

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

TIME AND DATE: 10:00 a.m., May 8, 2001

PLACE: Law Library Conference Room, Unemployment Appeals Commission, Suite 300, Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John W. Kunberger, Clerk-Unemployment Appeals Commission, Suite 300, Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

38E-5.003 Form of Appeal.

(1) No change.

(2) Any person entitled to file an appeal may obtain a printed appeal form (AWI-A100, Notice of Appeal), Rev. 4/01, incorporated herein by reference, (~~LES Form UCA 1~~) at any of the locations listed in Rule Sections 38E-5.004(1), (2), and (3), and at any location providing unemployment claim information. Use of the form is not mandatory; however, whatever instrument is used, it shall include the following information:

(a) The name and social security account number of each claimant, if any, involved;

(b) The name ~~and unemployment tax account number, if known,~~ of each employer, if any, involved;

(c) The date and subject matter of the determination; and

(d) A brief statement of the reasons for disagreement with the determination.

(3) No change.

Specific Authority 120.80(10)(a)1., 443.012(3),(11), 443.151(4)(d) FS. Law Implemented 443.151(4)(b),(d) FS. History—New 5-22-80, Formerly 38E-5.03, Amended 8-20-86,_____.

38E-5.004 Place for Filing Appeal.

Appeals ~~may shall~~ be filed ~~by mail or in person~~ at one of the following locations:

(1) Any of the unemployment claim adjudication offices operated by the Agency for Workforce Innovation Florida Department of Labor and Employment Security ~~except field tax offices;~~

(2) The central or district appeals referee offices maintained by the Office of Appeals;

~~(3)(2)~~ The Unemployment Appeals Commission; and

~~(4)(3)~~ Any unemployment compensation office located outside the State of Florida.

Specific Authority 120.80(10)(a)1., 443.012(3),(11), 443.151(4)(d) FS. Law Implemented 443.151(4)(b)1.,(d) FS. History—New 5-22-80, Formerly 38E-5.04, Amended 8-20-86,_____.

38E-5.005 Time for Filing Appeal.

(1) No change.

(2) The appeal ~~shall may~~ be filed by mailing or by hand delivery of the appeal document instrument to any of the locations designated set forth in Rule Section 38E-5.004; by facsimile transmission of the appeal document to any location designated in Rule Sections 38E-5.004(1), (2), and (3); or by hand delivery of the appeal document to any location designated in Rule Sections 38E-5.004(2), (3), and (4).

~~(3)(2)~~ Appeals filed by mail shall be considered to have been filed when postmarked by the United States Postal Service. Appeals filed by hand delivery or facsimile shall be considered to have been filed when date stamped received at the authorized location any of the locations set forth in Section 38E-5.004.

(4) Upon receipt of an appeal delivered in person or by facsimile transmission, the Commission, Agency for Workforce Innovation, or Office of Appeals employee shall record the date of receipt on the appeal document.

Specific Authority 120.80(10)(a)1., 443.012(3),(11), 443.151(4)(d) FS. Law Implemented 443.151(3)(a),(4)(b)1.,(d) FS. History—New 5-22-80, Formerly 38E-5.05, Amended 8-20-86, 3-1-98,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE TITLE: Forms and Instructions

RULE NO.: 40D-1.659

PURPOSE AND EFFECT: Forms which the District uses in its dealings with the public must be formally adopted by rule pursuant to Section 120.55(1)(a)4., Florida Statutes. The District currently uses an Application for a Water Well Contractor’s License and a Well Grouting/Abandonment

Form. Each of these forms has been updated since last incorporated into the District’s rules. The District also uses an Application for Renewal of a Water Well Contractor’s License, which has not previously been incorporated into the District’s rules. The purpose and effect of this rulemaking is to incorporate all of these forms into the District’s rules in compliance with the requirements of the above-referenced statutory provision.

SUBJECT AREA TO BE ADDRESSED: The incorporation of new and modified forms relating to water well construction and water well contractor licensing into the District’s rules.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) APPLICATION FOR WATER WELL CONTRACTOR’S LICENSE FORM NO. ~~WWCL-(7/99)~~ 42.00-044 (5/00)

(2) APPLICATION FOR RENEWAL OF A WATER WELL CONTRACTOR’S LICENSE FORM NO. 41.10-109 (____)

(2) through (3) renumbered (3) through (4) No change.

~~(5)(4)~~ WELL GROUTING/ABANDONMENT FORM FORM NO. 41.10-410 ~~(8/96)~~ (____)

(5) through (18) renumbered (6) through (19) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (13) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, _____.

DEPARTMENT OF THE LOTTERY

RULE TITLES:	RULE NOS.:
How to Play FLORIDA LOTTO	53-28.001
FLORIDA LOTTO Drawings	53-28.002
FLORIDA LOTTO Prize Divisions	53-28.003
Determination of Prize Winners	53-28.035
FLORIDA LOTTO Odds of Winning	53-28.004
FLORIDA LOTTO Rules and Prohibitions	53-28.005
FLORIDA LOTTO Jackpot Pool	53-28.006
FLORIDA LOTTO Payment Options	53-28.007

PURPOSE AND EFFECT: The purpose of this rule amendment is to update and clarify Chapter 53-28, FLORIDA LOTTO.

SUBJECT AREA TO BE ADDRESSED: FLORIDA LOTTO.

SPECIFIC AUTHORITY: 24.105(10)(a),(b),(c),(d),(e),(f), 24.105(2)(b) 24.115(1) FS.

LAW IMPLEMENTED: 24.105(10)(a),(b),(c),(d),(e),(f), 24.115(1), 24.117(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

53-28.001 How to Play FLORIDA LOTTO.

(1) Players select six (6) numbers from a field of one (1) to fifty-three forty-nine (49).

(2) Players can select their numbers by using a play slip; or may receive their numbers by using the “quick pick” Quick Pick feature.

(3) There are five panels on a play slip. A player electing to use a play slip must select six (6) numbers from each panel played, or allow the “quick pick” feature to select one or more of the six numbers. Each panel played must contain six (6) number selections. Each panel played will cost one dollar (\$1.00) per draw.

(4) Players must use only blue or black ball-point pen or pencil for making selections.

(5) No change.

(6) Retailers can manually enter numbers selected by a player manually.

Specific Authority 24.105(10) FS. Law Implemented 24.115 FS. History—New 11-22-93, Amended _____.

53-28.002 FLORIDA LOTTO Drawings.

(1) FLORIDA LOTTO drawings shall be conducted twice per week, on Wednesday and Saturday at least once per week.

(2) The drawing machine used for each drawing shall be determined by random selection. An employee of the Lottery's Security Division (“Draw Manager”) shall select two (2) cards from a container holding a number of cards equivalent to the number of available drawing machines. Each card shall contain one (1) number which shall correspond to the number assigned to one (1) numbered drawing machine. The two (2) cards shall be drawn individually and handed individually to an accountant employed by an independent certified public accounting firm. The machine corresponding to the number contained on the first card drawn shall be designated the primary drawing machine, and the machine corresponding to the number contained on the second card drawn shall be designated the backup drawing machine. The backup drawing machine shall be used only when necessitated by acceptance testing or equipment failure.

(3) The ball set to be used in a drawing shall be determined by random selection. The Draw Manager Security employee shall select two (2) cards from a container holding a number of cards equivalent to the number of available ball sets. Each card shall contain one (1) number that which shall correspond to the number assigned to one (1) numbered ball set. The two (2) cards shall be drawn individually and handed individually to an accountant employed by an independent certified public accounting firm. The ball set corresponding to the number contained on the first card drawn shall be designated the primary ball set, and the ball set corresponding to the number contained on the second card drawn shall be designated the backup ball set. The backup ball set shall be used only when there is question as to the reliability of the primary ball set necessitated by equipment failure. Each set contains fifty-three forty-nine (49) balls numbered one (1) through fifty-three forty-nine (49).

(4) The primary ball set shall be two (2) selected sets of balls are weighed and the weight recorded. A primary ball set that which does not fall within the manufacturer's weight tolerances for that set of balls shall be rejected and the backup ball set shall be weighed using the procedures herein a replacement set selected using the procedures in (3) above.

(5) The primary ball set of balls shall be is placed in the primary selected drawing machine and six (6) test drawings shall be are conducted, using the following testing criteria. If the same numbered ball is drawn four times in the six test drawings, four additional test drawings shall be conducted. If the same numbered ball is drawn two times in the four additional test drawings, the primary ball set shall be rejected.

The backup ball set shall be weighed, and if it falls within the manufacturer's weight tolerance, placed in the primary drawing machine and tested using the testing criteria. If both the primary and backup ball set fail the test drawings, the backup drawing machine shall be used with the backup ball set and additional tests shall be conducted. If the backup ball set fails the additional tests, another ball set will be selected and procedures shall be followed as set forth in subsections (3),(4), and (5) until a ball set passes all required tests and procedures. If the balls fail the test twice, the backup set of balls is then placed in the drawing machine and six (6) test drawings are conducted on the backup set of balls. Failure shall mean that the same numbered ball is drawn four times in the six test drawings and two times in four additional test drawings. If both the primary and backup sets of balls fail the test drawings, a backup machine will be used with the backup ball sets and six (6) additional tests will be conducted. If the backup ball set fails the six (6) additional tests, another set of balls will be selected and procedures will be followed as set forth in paragraphs three (3) through five (5) until a ball set passes all required tests and procedures.

(6) Once a ball set of balls has satisfactorily passed the required testing, the selected drawing machine shall be is loaded by the Draw Manager, who randomly inserts the balls into the loading tubes.

(7) The fifty-three forty-nine (49) balls in the loading tubes of the FLORIDA LOTTO machine shall be are dropped into the mixing chamber and mixed by the action of an air blower.

(8) Six ~~(6)~~ of the fifty-three forty-nine (49) balls shall be are drawn by vacuum action into the six ~~(6)~~ display tubes. The numbers shown on the six ~~(6)~~ balls, after certification by the Draw Manager and the accountant employed by the certified public accounting firm, are the official winning numbers for the drawing.

(9) Each drawing shall be is witnessed by an accountant employed by an independent certified public accounting firm who certifies that all drawing procedures have been followed attests to the fairness of the drawing and the equipment used in the drawing.

(10) Equipment used in each drawing shall be is tested and inspected before and after each drawing and then secured. Ball sets used in each drawing shall be are weighed and recorded before and after each drawing and then secured.

(11) No change.

(12) ~~The official winning numbers shall consist of those numbers selected in the official drawing conducted by the Lottery and certified by the designated Lottery Draw Manager and certified public accounting firm charged with witnessing the drawing. The official winning numbers shall be announced only after the numbers have been certified by the Draw Manager and certified public accounting firm to be the correct~~

~~winning numbers.~~ The Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.

Specific Authority 24.105(10)(d) FS. Law Implemented 24.105(10)(d) FS. History—New 11-22-93, Amended _____.

53-28.003 FLORIDA LOTTO Prize Divisions.

(1) FLORIDA LOTTO is a pari-mutuel game. For each draw, fifty percent ~~(50%)~~ of the gross revenue from the sale of lottery tickets in the corresponding FLORIDA LOTTO sales period sales in a FLORIDA LOTTO sales week shall be allocated as the winning pool for the payment of the Jackpot, second prize, third prize and fourth prize. ~~A player wins FLORIDA LOTTO by matching a single panel ("A", "B", "C", "D", or "E") of numbers in any order with three (3), four (4), five (5), or six (6) of the official winning FLORIDA LOTTO numbers selected from a field of one (1) through forty-nine (49) for the draw date(s) for which the ticket was purchased.~~

(2) The Jackpot shall consist of 63.5 sixty-seven percent (67%) of the winning pool for the drawing plus any Jackpot grand prize money carried forward from the previous draws. The Jackpot shall be divided equally among the number of players matching all six ~~(6)~~ official winning numbers. If there is not a Jackpot winner in a drawing, the Jackpot pool shall be carried over and added to the Jackpot pool of the next FLORIDA LOTTO drawing.

(3) Second Prize shall consist of 12.3 five percent (5%) of the winning pool for the drawing. The second prize shall be divided equally among the number of players matching five ~~(5)~~ of the six ~~(6)~~ official winning numbers. If there is not a winner in the second prize category for a drawing, the second prize pool shall be carried over and added to the Jackpot second prize pool of the next FLORIDA LOTTO drawing.

(4) Third Prize shall consist of 10 twelve percent (12%) of the winning pool for the drawing. The third prize shall be divided equally among the number of players matching four ~~(4)~~ of the six ~~(6)~~ official winning numbers. If there is not a winner in the third prize category for a drawing, the third prize pool shall be carried over and added to the jackpot prize pool of the next FLORIDA LOTTO drawing.

(5) Fourth Prize shall consist of 14.2 sixteen percent (16%) of the winning pool for the drawing. The fourth prize shall be divided equally among the number of players matching three ~~(3)~~ of six ~~(6)~~ official winning numbers. If there is not a winner in the fourth prize category for a drawing, the fourth prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(6) Except for the Jackpot prize which will pay the exact amount, the second, third and fourth prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the fourth prize shall be no less than \$3.50. All rounding differences in the second, third and fourth prizes will be used to fund future prizes in Lottery games or for special Lottery prize promotions.

Specific Authority 24.105(10)(c), 24.115(1) FS. Law Implemented 24.105(10)(c), 24.115(1) FS. History—New 11-22-93, Amended 7-31-95, 11-30-99, _____.

53-28.035 Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, or E) must match the official winning FLORIDA LOTTO numbers for the draw date for which the ticket was purchased. The prizes are set forth as follows:

- (1) Jackpot Prize: Six of six official winning numbers.
- (2) Second Prize: Five of six official winning numbers.
- (3) Third Prize: Four of six official winning numbers.
- (4) Fourth Prize: Three of six official winning numbers.

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

(Substantial rewording of Rule 53-28.004 follows. See Florida Administrative Code for present text.)

53-28.004 FLORIDA LOTTO Odds of Winning.

The odds of winning the prizes described in Section 53-28.035, Florida Administrative Code are as follows:

- (1) Jackpot Prize – 1: 22,957,480.
- (2) Second Prize – 1: 81,409.50.
- (3) Third Prize – 1: 1,415.82.
- (4) Fourth Prize – 1: 70.79.
- (5) The overall odds of winning a prize in a FLORIDA LOTTO drawing are 1: 67.36.

Specific Authority 24.105(10)(c) FS. Law Implemented 24.105(10)(c) FS. History—New 11-22-93, Amended _____.

53-28.005 FLORIDA LOTTO Rules and Prohibitions.

(1) By purchasing a FLORIDA LOTTO ticket a the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(2) FLORIDA LOTTO prize payments shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011. The play slip is not a valid receipt.

(3) Tickets shall not be purchased by or sold to minors under the age of eighteen (18).

(4) Subject to a retailer’s hours of operation and on-line system availability, FLORIDA LOTTO tickets are available for purchase between the hours of 6:00 a.m. and 10:40 p.m., Eastern Time (ET) on Wednesday and Saturday, and between the hours of 6:00 a.m. and midnight, ET on Sunday, Monday, Tuesday, Thursday, and Friday. A FLORIDA LOTTO ticket can be cancelled by the retailer which sold the ticket within twenty (20) minutes after printing, except that no FLORIDA LOTTO ticket may be cancelled within ten (10) minutes of the scheduled FLORIDA LOTTO drawing relative to that ticket or

~~after FLORIDA LOTTO sales are concluded each evening at midnight. No FLORIDA LOTTO ticket may be cancelled except through the optical mark reader.~~

(5) The scheduled time for the Wednesday and Saturday FLORIDA LOTTO drawings is approximately 11:00 p.m., ET. Ticket sales for a specific FLORIDA LOTTO drawing will close approximately twenty minutes prior to that drawing. A FLORIDA LOTTO ticket shall not be purchased any later than approximately ten (10) minutes prior to the FLORIDA LOTTO drawing.

(6) Retailer cancellations of FLORIDA LOTTO tickets can only be performed by the retailer who sold the ticket, using the selling terminal’s optical mark reader, and within two hours after printing, except that no FLORIDA LOTTO ticket shall be cancelled after game close for the related drawing. The two-hour cancellation period may be reduced due to the selling retailer’s hours of business operation, the hours of on-line system availability, or the time of the related FLORIDA LOTTO close of game.

~~It is the responsibility of the player to determine the accuracy of selected panels of numbers on ticket(s). In the event that ticket(s) given to the player by the retailer contain selections which are not consistent with the player's selections, the player should immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel a ticket. A retailer is not required to cancel a ticket which is produced upon request of the player by the "quick pick" method of number selection.~~

(7) It is the responsibility of the player to determine the accuracy of selected panels of numbers and draw date(s) on tickets. In the event that a ticket given to the player by the retailer contains selections which are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of the player by the “quick pick” method of number selection.

Specific Authority 24.105(2)(a)2., 24.105(10) FS. Law Implemented 24.105(2)(b)2., 24.105(10), 24.117(2) FS. History—New 11-22-93, Amended _____.

53-28.006 FLORIDA LOTTO Jackpot Pool.

Each week the Lottery will announce the estimated deferred payment annuity value of the Jackpot that can be won by a single player, based upon the estimated cash value of the Jackpot pool determined by projected and historical sales figures, interest rates, and funds from rollovers, if any. If the cash available in the Jackpot pool is insufficient to yield at least one million dollars over the designated deferred payment annuity period for each winning ticket, the Lottery shall will pay the Jackpot winner or winners in a single cash payment of

their share of the amount in the Jackpot pool available immediately for investment, less applicable withholding taxes cash. In the event the cash available in the Jackpot pool is insufficient to yield the announced estimated Jackpot value over the designated deferred payment period, the Lottery may add prize money rendered unclaimable by Section 24.115, Florida Statutes F.S., to the Jackpot pool to render it sufficient to yield the announced estimated Jackpot. Use of unclaimable prize money to increase the Jackpot pool for FLORIDA LOTTO shall only occur when the Lottery has determined in writing prior to the drawing that circumstances warrant the use of such funds to positively impact sales. Nothing in this rule shall be construed to prohibit a guaranteed Jackpot.

Specific Authority 24.115(1) FS. Law Implemented 24.105(10)(e) FS. History—New 11-22-93, Amended 6-21-99, _____.

53-28.007 FLORIDA LOTTO Payment Options.

(1) ~~Effective for draw dates on and after October 24, 1998,~~ players can choose one (1) of two (2) payment options for receiving their portion of the FLORIDA LOTTO Jackpot prize. Payment options are "Cash Option" and "Annual Payment."

(2) ~~Jackpot winners have sixty (60) days after the winning draw date to choose between the two payment options. Once the jackpot winner signs the Winner Claim Form and exercises the winner's chosen option, the election of that option shall be final. Winner Claim Form DOL-173-2, Revised 02/01 07/93, and Spanish Winner Claim Form DOL 173-S, Revised 02/01 Addendum B, Effective 10/21/98, are incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, Capitol Complex, Tallahassee, Florida 32399-4027. In order to select the Cash Option, the winner must claim his or her prize within sixty (60) days after the winning draw date; otherwise, the Annual Payment option will be applied.~~

(3) ~~A Jackpot winner who chooses the Cash Option for payment will receive one lump sum cash payment of his or her portion of the amount in the Jackpot pool that is available immediately for investment, less applicable withholding taxes. Cash Option prizes will be paid in one lump sum cash payment. The jackpot winner who chooses the Cash Option for payment will receive his or her portion of the amount in the jackpot pool that is available immediately for investment.~~

(4) ~~A Jackpot winner who chooses the Annual Payment option shall be paid his or her portion of the Jackpot prize in thirty annual payments. The Annual Payment option shall occur automatically if The jackpot winner whose ticket, including an advance play ticket, was purchased prior to November 15, 1998, shall be paid in twenty (20) annual payments if:~~

(a) ~~The Jackpot winner does not elect the Cash Option within sixty days after the winning draw date as provided in subsection (2); and The Jackpot winner elects the Annual Payment Option;~~

(b) ~~The cash available in the Jackpot pool is sufficient to yield at least a total of one million dollars in thirty annual installments for each winning ticket. The Jackpot winner does not make an election within sixty (60) days after the winning draw date as provided in subsection (2); and~~

(c) ~~the cash available in the Jackpot pool is sufficient to yield at least a total of one million dollars in twenty (20) annual installments for each winning ticket.~~

(5) ~~The jackpot winner whose ticket, including an advance play ticket, was purchased on November 15, 1998, or thereafter shall be paid in thirty (30) annual payments if:~~

(a) ~~the Jackpot winner elects the Annual Payment Option;~~

(b) ~~the Jackpot winner does not make an election within sixty (60) days after the winning draw date as provided in subsection (2); and~~

(c) ~~the cash available in the Jackpot pool is sufficient to yield at least a total of one million dollars in thirty (30) annual installments for each winning ticket.~~

(5)(6) Federal income taxes shall ~~will~~ be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and the Code of Federal Regulations.

(6)(7) Any interest or earnings accrued on a FLORIDA LOTTO Florida Lotto Jackpot prize prior to the prize payment, under either the Cash Option or the Annual Payment Option, shall accrue to the State of Florida and not to the winner.

Specific Authority 24.105(10)(e), 24.115(1) FS. Law Implemented 24.105(10)(e) FS. History—New 6-21-99, Amended _____.

DEPARTMENT OF THE LOTTERY

RULE TITLE: FANTASY 5 Rules and Prohibitions

RULE NO.: 53-29.005

PURPOSE AND EFFECT: The purpose of the rule is to reflect an increase in the ticket cancellation period and to clarify other provisions in this section.

SUBJECT AREA TO BE ADDRESSED: FANTASY 5 Rules and Prohibitions.

SPECIFIC AUTHORITY: 24.105(2), 24.105(10) FS.

LAW IMPLEMENTED: 24.105(2), 24.105(10), 24.117(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

53-29.005 FANTASY 5 Rules and Prohibitions.

(1) ~~By~~ ~~When~~ purchasing a FANTASY 5 ticket, ~~ticket to play the FANTASY 5 game, a~~ the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(2) FANTASY 5 prize payments shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011. ~~The play slip is not a valid receipt.~~

(3) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

(4) Subject to a retailer's hours of operation and on-line system availability, FANTASY 5 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET). A FANTASY 5 ticket can be cancelled by the retailer which sold the ticket within twenty (20) minutes after printing, except that no FANTASY 5 ticket shall be cancelled within ten (10) minutes of the scheduled FANTASY 5 drawing relative to that ticket or after FANTASY 5 sales are concluded each evening at midnight. No FANTASY 5 ticket may be cancelled except through the optical mark reader.

(5) The scheduled time for the daily FANTASY 5 drawing is approximately 11:15 p.m., ET. Ticket sales for a specific FANTASY 5 drawing will close approximately thirty-five minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next FANTASY 5 draw date. A FANTASY 5 ticket shall not be purchased for a specific drawing any later than ten (10) minutes prior to the drawing.

(6) Retailer cancellations of FANTASY 5 tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two hours after printing, except that no FANTASY 5 ticket can be cancelled after game close for the related drawing. The two-hour ticket cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related FANTASY 5 close of game. It is the responsibility of the player to determine the accuracy of selected panels of numbers on ticket(s). In the event that ticket(s) given to the player by the retailer contain selections which are not consistent with the player's selections, the player should immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel a ticket. A retailer is not required to cancel a ticket which is produced upon request of the player by the "quick pick" method of number selection.

(7) It is the responsibility of the player to determine the accuracy of selected panels of numbers and draw date(s) on ticket. In the event that a ticket given to the player by the retailer contains selections which are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of the player by the "quick pick" method of number selection.

Specific Authority 24.105(2)(a)2., 24.105(10) FS. Law Implemented 24.105(2)(b)2., 24.117(2), 24.105(10) FS. History--New 11-22-93, Amended _____.

DEPARTMENT OF THE LOTTERY

RULE TITLE: CASH 3 Rules and Prohibitions RULE NO.: 53-30.004

PURPOSE AND EFFECT: The purpose of the rule is to reflect an increase in the ticket cancellation period and to clarify other provisions in this section.

SUBJECT AREA TO BE ADDRESSED: CASH 3 Rules and Prohibitions.

SPECIFIC AUTHORITY: 24.105(2), 24.105(10) FS.

LAW IMPLEMENTED: 24.105(2), 24.105(10), 24.117(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

53-30.004 CASH 3 Rules and Prohibitions.

(1) ~~By~~ ~~When~~ purchasing a CASH 3 ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(2) CASH 3 prize payments shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011. ~~The CASH 3 ticket is the only valid receipt.~~

(3) Tickets shall not be purchased by or sold to persons ~~minors~~ under the age of eighteen (18).

(4) Subject to a retailer's hours of operation and on-line system availability, CASH 3 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight,

~~Eastern Time (ET). A CASH 3 ticket shall not be purchased any later than approximately ten (10) minutes prior to the scheduled nightly drawing.~~

~~(5) The scheduled time for the daily CASH 3 drawing is approximately 7:57 p.m., ET. Ticket sales for a specific CASH 3 drawing will close approximately ten minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next CASH 3 draw date unless the player specifies another CASH 3 draw date within the selection parameters. It is the responsibility of the player to determine the accuracy of the tickets. In the event that the ticket(s) given to the player by the retailer are not consistent with the player's selections, the player should immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel a ticket. A retailer is not required to cancel a ticket which is produced upon request of the player by the "quick pick" method of number selection.~~

~~(6) Retailer cancellations of CASH 3 tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two hours after printing, except that no CASH 3 ticket can be cancelled after game close for the related drawing. The two-hour ticket cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related CASH 3 close of game. A CASH 3 ticket can be cancelled within twenty (20) minutes after printing at the same retail location, except that no CASH 3 ticket can be cancelled within ten (10) minutes of the scheduled drawing relative to that ticket or after on-line sales are concluded each evening at midnight.~~

~~(7) It is the responsibility of the player to determine the accuracy of the selected panels of numbers, draw dates(s) and play types on tickets. In the event that a ticket given to the player by the retailer contains selections which are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of a player, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of a player by the "quick pick" method of number selection.~~

~~Specific Authority 24.105(2)(b)2., 24.105(10) FS. Law Implemented 24.105(2)(b)2., 24.117(2), 24.105(10) FS. History--New 11-22-93, Amended _____.~~

DEPARTMENT OF THE LOTTERY

RULE TITLE: RULE NO.:
 PLAY 4 Rules and Prohibitions 53-31.004
 PURPOSE AND EFFECT: The purpose of the rule is to reflect an increase in the ticket cancellation period and to clarify other provisions in this section.
 SUBJECT AREA TO BE ADDRESSED: PLAY 4 Rules and Prohibitions.

SPECIFIC AUTHORITY: 24.105(2), 24.105(10) FS.
 LAW IMPLEMENTED: 24.105(2), 24.105(10), 24.117(2) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

53-31.004 PLAY 4 Rules and Prohibitions.

(1) ~~By~~ When purchasing a PLAY 4 ticket ~~a~~ the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(2) PLAY 4 prize payments shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011. The PLAY 4 ticket is the only valid receipt.

(3) Tickets ~~shall~~ may not be purchased by or sold to persons under the age of eighteen (18).

(4) Subject to a retailer's hours of operation and on-line system availability, PLAY 4 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET). A PLAY 4 ticket shall not be purchased any later than approximately ten (10) minutes prior to the scheduled nightly drawing.

~~(5) The scheduled time for the daily PLAY 4 drawing is approximately 7:57 p.m., ET. Ticket sales for a specific PLAY 4 drawing will close approximately ten minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next PLAY 4 draw date unless the player specifies another PLAY 4 draw date within the selection parameters. It is the responsibility of the player to determine the accuracy of the tickets. In the event that the ticket(s) given to the player by the retailer are not consistent with the player's selections, the player should immediately advise the retailer of that fact. In such event and upon request of a player, the retailer shall make a good faith effort to cancel a ticket. A retailer is not required to cancel a ticket which is produced upon request of a player by the "quick pick" method of number selection.~~

(6) Retailer cancellations of PLAY 4 tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two hours after printing, except that no PLAY 4 ticket shall be cancelled after close of game for the related drawing. The two-hour ticket cancellation period may be reduced due to the selling retailer's

~~hours of business operation, the hours of on-line system availability, or the time of the related PLAY 4 close of game. A PLAY 4 ticket may be cancelled within twenty (20) minutes after printing, except that no PLAY 4 ticket may be cancelled within ten (10) minutes of the scheduled drawing relative to that ticket or after on-line sales are concluded each evening at midnight.~~

(7) It is the responsibility of the player to determine the accuracy of the selected panels of numbers, draw date(s) and play types on tickets. In the event that a ticket given to the player by the retailer contains selections which are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of a player, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of a player by the "quick pick" method of number selection. Ticket sales for a PLAY 4 drawing will be closed approximately ten (10) minutes prior to the time of the scheduled drawing.

Specific Authority ~~24.105(2)(b)2., 24.105(10) FS. Law Implemented 24.105(2)(b)2., 24.117(2), 24.105(10) FS. History--New 11-22-93, Amended~~

DEPARTMENT OF THE LOTTERY

RULE TITLE: MEGA MONEY Rules and Prohibitions

RULE NO.: 53-32.006

PURPOSE AND EFFECT: The purpose of the rule is to reflect an increase in the ticket cancellation period and to clarify other provisions in this section.

SUBJECT AREA TO BE ADDRESSED: MEGA MONEY Rules and Prohibitions.

SPECIFIC AUTHORITY: 24.105(2), 24.105(10) FS.

LAW IMPLEMENTED: 24.105(2), 24.105(10), 24.117(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

53-32.006 MEGA MONEY Rules and Prohibitions.

(1) ~~By When purchasing a MEGA MONEY ticket to play the MEGA MONEY game, a~~ the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(2) MEGA MONEY prize payments shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011. The play slip is not a valid receipt.

(3) Tickets shall not be purchased by or sold to persons under the age of eighteen.

(4) Subject to a retailer's hours of operation and on-line system availability, MEGA MONEY lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET). MEGA MONEY tickets can be cancelled only through the retailer terminal which sold the ticket and within twenty minutes after printing, except that no MEGA MONEY ticket can be cancelled after game close for that drawing. No MEGA MONEY ticket may be cancelled except through the optical mark reader.

(5) The scheduled time for the Tuesday and Friday MEGA MONEY drawings is approximately 11:00 p.m., ET. Ticket sales for a specific MEGA MONEY drawing will close approximately twenty minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next MEGA MONEY draw date. A MEGA MONEY ticket cannot be purchased after game close for that drawing.

(6) Retailer cancellations of MEGA MONEY tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two hours after printing, except that no MEGA MONEY ticket can be cancelled after game close for the related drawing. The two-hour ticket cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related MEGA MONEY close of game. It is the responsibility of the player to determine the accuracy of selected panels of numbers on ticket(s). In the event that ticket(s) sold to the player by the retailer contain selections which are not consistent with the player's selections, the player should immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel a ticket. A retailer is not required to cancel a ticket which is produced upon request of the player by the "quick pick" method of number selection.

(7) It is the responsibility of the player to determine the accuracy of selected panels of numbers and date(s) on tickets. In the event that a ticket given to the player by the retailer contains selections which are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of the player by the "quick pick" method of number selection.

Specific Authority 24.105(2)(a), 24.105(10)(h) FS. Law Implemented 24.105(2)(a), 24.105(10)(h), 24.117(2) FS. History—New 2-20-00, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Assistive Care Services
 RULE NO.: 59G-4.025

PURPOSE AND EFFECT: The purpose of this rule is to establish the assistive care service as directed by the Legislature. The effect will be to incorporate by reference the rule in the Florida Medicaid Assistive Care and Assisted Living for the Elderly Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Medicaid Services.
 SPECIFIC AUTHORITY: 409.906 FS.

LAW IMPLEMENTED: 409.906, 409.912 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., Friday, May 4, 2001

PLACE: Fort Knox Office Complex, 2727 Mahan Drive, Building 3, Conference Room E, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Keith Young, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)487-2618

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.025 Assistive Care Services.

(1) This rule applies to all assistive care services providers enrolled in the Medicaid under Section 409.906, F.S. who provide assistive care services.

(2) All assistive care service providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Assistive Care and Assisted Living for the Elderly Waiver Coverage and Limitations Handbook which is incorporated by reference in 59G-8.200, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in 59G-5.020.

Specific Authority 409.906 FS. Law Implemented 409.906, 409.912 FS. History—New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Home and Community-Based Services Waivers
 RULE NO.: 59G-8.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Assistive Care and Assisted Living for the Elderly Waiver

Coverage and Limitations Handbook, July 2001. The effect will be to incorporate by reference in the rule the current Florida Medicaid Assistive Care and Assisted Living for the Elderly Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Home and Community-Based Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.912 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., Friday, May 4, 2001

PLACE: Fort Knox Office Complex, 2727 Mahan Drive, Building 3, Conference Room E, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Keith Young, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)487-2618

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-8.200 Home and Community-Based Services Waivers.

(1) through (14) No change.

(15) Assisted Living for the Elderly Waiver. All Assistive Care and Assisted Living for the Elderly Waiver providers must comply with provisions of the Florida Medicaid Assistive Care Service and Assisted Living for the Elderly Waiver Coverage and Limitations Handbook, July 2001 ~~November 1996~~ which is incorporated by reference and available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906(12), 409.912(7), 409.908 FS. History—New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Barbers'

RULE TITLE: Special Assessment Fee
 RULE NO.: 61G3-20.022

PURPOSE AND EFFECT: The Board proposes to promulgate this new rule to be included in Chapter 61G3-20.

SUBJECT AREA TO BE ADDRESSED: Special Assessment Fee.

SPECIFIC AUTHORITY: 455.271(7), 476.064(4) FS.

LAW IMPLEMENTED: 455.271(7) 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: Julie Baker, Executive Director, Board of Barbers', Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLES:	RULE NOS.:
Facials (Including Skin Care and Hair Removal)	61G5-22.006
Special Certification	61G5-22.015
Minimum Curriculum for Nail Specialty Training	61G5-22.016
Manicuring/Pedicuring/Nail Extension	61G5-22.0125

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

SUBJECT AREA TO BE ADDRESSED: Facials (including Skin Care and Hair Removal; Special Certification; Minimum Curriculum for Nail Specialty Training; Manicuring/Pedicuring/Nail Extension).

SPECIFIC AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.019(2)(c)2., 477.0201, 477.023(2) FS.

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

TIME AND DATE: 9:00 a.m., May 20, 2001
 PLACE: Adam's Mark Hotel, 1500 Sand Lake Road, Orlando, Florida 32809

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE:	RULE NO.:
Definitions	64B8-2.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the definition of "community service."

SUBJECT AREA TO BE ADDRESSED: The definition of "community service."

SPECIFIC AUTHORITY: 458.309, 458.315(1), 458.317(1)(c), 458.319(1), 766.314(4) FS.

LAW IMPLEMENTED: 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B8-2.001 Definitions.
- (1) through (11) No change.
- (12) "Community service" shall be defined as the delivery of medical services directly to patients, without fee or cost to the patient, for the good of the people of the State of Florida. Community service shall be performed outside the physician's regular practice setting.

Specific Authority 458.309, 458.315(1), 458.317(1)(c), 458.319(1), 766.314(4) FS. Law Implemented 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS. History--New 11-10-82, Amended 12-4-85, Formerly 21M-29.01, Amended 12-4-86, 11-15-88, 3-13-89, 1-1-92, 9-24-92, 2-21-93, Formerly 21M-29.001, Amended 4-14-94, Formerly 61F6-29.001, 59R-2.001, Amended 4-7-99,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES:	RULE NOS.:
Approved Residency or Fellowship;	
Definitions	64B8-4.004
Applications	64B8-4.009
Diplomas	64B8-4.010

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment for Rule 64B8-4.004 intended to conform the rule with the current body that accredits graduate medical education programs. The amendment to Rule 64B8-4.009 is intended to delete the notarization requirement and add an alternative documentation of medical education when the transcript has been lost or destroyed and require verification of education directly from the medical school as a confirmation of matriculation. The amendment to Rule 64B8-4.010 is intended to delete the notarization requirement and clarify the requirement for translation of diplomas.

SUBJECT AREA TO BE ADDRESSED: Rule 64B8-4.004 addresses residency programs and fellowships; Rules 64B8-4.009 and 4.010 delete notarization requirements and clarify requirements for verification of licensure and translation of diplomas.

SPECIFIC AUTHORITY: 120.53, 458.309, 458.311, 458.313 FS.

LAW IMPLEMENTED: 120.53, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 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 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-4.004 Approved Residency or Fellowship; Definitions.

(1) An approved residency of at least one year constitutes a course of study and training in a single program for a period of not less than twelve calendar months by a person holding a degree as a medical doctor. The hospital and the program in which the medical doctor is participating must be accredited ~~approved~~ for the training and teaching of physicians by the Accreditation Council for ~~on~~ Graduate Medical Education (ACGME) and the medical doctor must be assigned to one of the allocated positions or slots approved by the ACGME. Fellowship training or residency training in a non-slotted position shall be considered approved residency training only in the instance when the fellowship or residency training has been recognized and accepted for that applicant toward completion of requirements for specialty board certification by a specialty board listed by the American Board of Medical Specialties.

(2) An approved residency or approved fellowship of at least two years in one specialty area constitutes two progressive years in a course of study and training as long as each year is accepted by the American Board of Medical Specialties in that specialty for a period of not less than twenty-four months by a person holding a degree as a medical doctor. The hospital and the program in which the medical doctor is participating must be accredited ~~approved~~ for the training and teaching of physicians by the Accreditation Council for ~~on~~ Graduate Medical Education (ACGME) and the medical doctor must be assigned to one of the allocated positions or slots approved by the ACGME. Fellowship training or residence training in a non-slotted position shall be considered approved residency training only in the instance

when the fellowship or residency training has been recognized and accepted for that applicant toward completion of requirements for specialty board certification by a specialty board listed by the American Board of Medical Specialties.

Specific Authority 458.309, 458.311(1)(f) FS. Law Implemented 458.311(1) FS. History—New 3-31-80, Amended 11-10-82, Formerly 21M-22.04, Amended 9-7-88, 11-30-92, Formerly 21M-22.004, 61F6-22.004, Amended 11-15-94, Formerly 59R-4.004, Amended 6-15-98, 10-1-98, _____.

64B8-4.009 Applications.

(1) through (3) No change.

(4) The applicant must submit ~~original notarized~~ copies of transcripts for all medical education and a certified translation for each transcript which is not in English. In the event that such transcript has been lost or destroyed, then, in lieu thereof, the applicant for licensure shall submit a statement under the signature and seal of the dean of the medical school or medical college from which he graduated, which statement shall demonstrate that the applicant has satisfactorily completed the prescribed course of study, the actual degree conferred and the date thereof. Additionally, in the latter instance, the applicant shall submit a written and signed statement fully and clearly stating the circumstances under which his transcript was lost or destroyed.

(5) An official verification of the applicant's medical education from the medical school which comes directly from the medical school to the Board office.

~~(5)~~ (5) The applicant must submit a copy ~~an original or a notarized copy~~ of all certificates of training or a letter directly from the training program which specifies the beginning and ending dates of training and the specialty area of training.

(6) through (8) renumbered (7) through (9) No change.

Specific Authority 120.53, 458.309, 458.311 FS. Law Implemented 120.53, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History—New 3-31-80, Amended 11-10-82, Formerly 21M-22.04, Amended 9-7-88, 11-30-92, Formerly 21M-22.004, 61F6-22.004, Amended 11-15-94, Formerly 59R-4.004, Amended 6-15-98, 10-1-98, _____.

64B8-4.010 Diplomas.

Each applicant for licensure must submit a copy of the ~~his original~~ medical school or medical college diploma in support of his application. If the diploma is from a school outside of the United States and is in a language other than English, a certified translation must accompany the diploma. In lieu of the original diploma, as a convenience to the applicant, the Board will accept from each applicant for licensure a photocopy of the applicant's original medical school or medical college diploma which is certified by a notary to be a true and correct copy of the original. In the event that such diploma has been lost or destroyed, then, in lieu thereof, the applicant for licensure shall submit a statement under the signature and seal of the dean of the medical school or medical college from which he graduated, which statement shall demonstrate that the applicant has satisfactorily completed the prescribed course of study, the actual degree conferred and the date thereof.

Additionally, in the latter instance, the applicant shall submit a written and signed statement fully and clearly stating the circumstances under which his diploma was lost or destroyed.

Specific Authority 458.309, 458.313 FS. Law Implemented 458.311, 458.313 FS. History—New 3-31-80, Amended 12-4-85, Formerly 21M-22.10, Amended 2-16-86, Formerly 21M-22.010, 61F6-22.010, 59R-4.010, Amended _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES:	RULE NOS.:
Disciplinary Guidelines	64B8-8.001
Time for Payment of Civil Penalties or Administrative Fines; Time Frames for Completion of Requirements	64B8-8.002
Reinstatement of Licensure	64B8-8.003

PURPOSE AND EFFECT: The Board proposes the development of a rule amendments intended to address wrong-site surgery; time frames for completion of requirements of the Board's Orders; and clarification of the requirements for reinstatement of licensure.

SUBJECT AREA TO BE ADDRESSED: The Board proposes an amendment to Rule 64B8-8.001 to address penalties for wrong site surgery. The amendment to Rule 64B8-8.002 addresses the time frames for completion of requirements of Board Orders; and the amendment to Rule 64B8-8.003 addresses the requirements for reinstatement of licensure.

SPECIFIC AUTHORITY: 458.331, 458.309, 456.072(2), 456.079 FS.

LAW IMPLEMENTED: 458.331, 456.072, 456.079 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 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) 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

verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

RECOMMENDED RANGE OF PENALTY

VIOLATION	FIRST OFFENSE	SECOND OFFENSE
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(a) through (s) No change.

(t) Gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.	(t) From two (2) years probation to revocation or denial, and an administrative fine from \$1,000.00 to \$10,000.00.	(t) From suspension to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.
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(458.331(1)(t), F.S.)

1. through 3. No change.

<u>4. Performing surgery or a medical procedure on the wrong patient; at the wrong site or location on the patient; or performing the wrong surgery or procedure on a patient.</u>	<u>4. From a \$10,000.00 fine, a letter of concern, a minimum of five (5) hours of risk management education, a minimum of 50 hours of community service, and a one hour lecture on wrong-site surgery presented to a medical community in the State of Florida to revocation.</u>	<u>4. From a \$10,000 fine, a reprimand and probation or denial to revocation.</u>
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(u) through (oo) No change.

(3) through (7) No change.

Specific Authority 458.331(5), 458.309, 456.079 FS. Law Implemented 458.331(5), 456.072, 456.079 FS. History—New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, _____.

64B8-8.002 Time for Payment of Civil Penalties or Administrative Fines; Time Frames for Completion of Requirements.

(1) In cases where the Board of Medicine Medical Examiners imposes a civil penalty or an administrative fine for violation of Chapter 456 or 458, Florida Statutes, or the rules promulgated pursuant thereunder, the penalty shall be paid within thirty (30) days of its imposition by Order of the Board unless a different time frame is set forth in the Order.

(2) Unless otherwise specified in the Board's Order, the time frames for completion of the requirements are as follows:

(a) FMA sponsored medical records course is to be completed within one year from the date the Order is filed;

(b) USF sponsored prescribing course is to be completed within one year from the date the Order is filed;

(c) Continuing medical education is to be completed within one year from the date the Order is filed;

(d) Community service is to be completed within one year from the date the Order is filed.

(e) Reports to the Board's Probationer's Committee shall be made quarterly.

Specific Authority 456.072(2), 458.309 FS. Law Implemented 456.072(2) FS. History—New 10-23-80, Formerly 21M-20.02, Amended 9-7-92, Formerly 21M-20.002, 61F6-20.002, 59R-8.002, Amended _____.

64B8-8.003 Reinstatement of License.

(1) No change.

(2) When disciplinary action is taken against a licensee which results in the licensee's being unable to use the license for a period of time for reasons including, but not limited to, suspension, inactivation, or other restriction, but not including revocation subsequent to June 5, 1983, the licensee may petition for reinstatement of the license as follows:

(a) When the suspension, inactivation, or restriction is for a definite period of time and is not based upon the physician's ability to safely engage in the practice of medicine pursuant to Section 458.331(3), F.S., the license shall be automatically reinstated upon expiration of the period of suspension if full compliance with the final order has been shown and the licensee has submitted documentation of completion of the continuing medical education requirements imposed on an active status licensee for all biennial licensure periods in which the licensee was suspended, inactive or under other restriction;

(b) When the suspension, inactivation, or other restriction is for a definite period of time, is based upon the physician's ability to safely engage in the practice of medicine, or both, the licensee shall demonstrate to the Board at the expiration of the period of suspension, or immediately prior thereto, compliance with the terms and conditions of the final order, completion of the continuing medical education requirements imposed on an active status licensee for all biennial licensure periods in which the licensee was suspended, inactive or under other restriction, and, where applicable, the ability to safely engage in the practice of medicine in order to obtain reinstatement. The

Board shall consider reinstatement at either the Board meeting immediately preceding expiration or at any Board meeting subsequent thereto. If the licensee is able to demonstrate compliance with the terms of the final order and, where applicable, the ability to safely engage in the practice of medicine, the Board shall reinstate the license.

(c) When the suspension, inactivation, or other restriction is for a definite period of time or for an indefinite period of time, the licensee may petition the Board to consider reinstatement of a license acted against for an indefinite period of time or early reinstatement of a license acted against for a definite period of time. When such a petition is filed, it must include all documentation of the petitioner's compliance with the final order, completion of the continuing medical education requirements imposed on an active status licensee for all biennial licensure periods in which the licensee was suspended, inactive or under other restriction, petitioner's ability to safely engage in practice, petitioner's plan for the return to practice, and any other information which the petitioner would want the Board to consider if it grants the petition for consideration. If the plan for return to practice includes a period of supervised practice, the documentation should include the name of the proposed supervising physician and a written statement from the proposed supervising physician of his or her willingness to serve in that capacity. No oral testimony or personal appearance will be permitted at the time the Board hears a petition to consider reinstatement or early reinstatement. Upon the granting by the Board of the petition to consider such reinstatement or early reinstatement, the licensee shall, at a subsequent meeting, have an opportunity to demonstrate his or her ability to safely engage in the practice of medicine and compliance with the terms of the final order. The Board shall reinstate the license upon a proper demonstration of competency and of compliance with the final order by the licensee.

(3) No change.

Specific Authority 458.309, 458.331 FS. Law Implemented 458.331 FS. History—New 1-3-85, Formerly 21M-20.03, Amended 7-4-88, Formerly 21M-20.003, Amended 11-4-93, Formerly 61F6-20.003, 59R-8.003, Amended _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Citations 64B8-44.005

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

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 468.507, 456.077 FS.

LAW IMPLEMENTED: 456.077, 468.517, 468.518 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: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Manner of Application
RULE NO.: 64B8-51.001

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

SUBJECT AREA TO BE ADDRESSED: Manner of Application.

SPECIFIC AUTHORITY: 478.43(1), (4) FS.

LAW IMPLEMENTED: 478.45 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: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Division of Disease Control

RULE TITLE: Control of Communicable Diseases, Public and Nonpublic Schools, Grades Preschool, and Kindergarten Through 12; Forms and Guidelines
RULE NO.: 64D-3.011

PURPOSE AND EFFECT: The Bureau proposes an amendment to update forms and guidelines that are incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: The subject to be addressed is updated forms and guidelines.

SPECIFIC AUTHORITY: 381.003(1)(e),(2) FS.

LAW IMPLEMENTED: 232.032 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: 1:00 p.m., (EST), May 4, 2001

PLACE: Room 340N, 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Susan Lincicome, Senior Management Analyst II, Department of Health, Bureau of Immunization, Room 210N, 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719, whose telephone number is (850)245-4342. Mailing address is 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64D-3.011 Control of Communicable Diseases, Public and Nonpublic Schools, Grades Preschool, and Kindergarten Through 12; Forms and Guidelines.

(1) No change.

(2) Documentation Requirements

(a) Certification of Immunization – Only fully immunized children shall be issued a Florida Certification of Immunization, which must be provided on DH Form 680 Florida Certification of Immunization, Certificate of Immunization for K-12 Excluding 7th Grade Requirements (Part A-1), and/or Certificate of Immunization Supplement for 7th Grade Requirement (Part A-2), incorporated by reference in Section 64D-3.011(5), F.A.C. DH Form 680, Florida Certification of Immunization, shall be completed per instructions for the appropriate school year provided in Immunization Guidelines Florida Schools and Child Care Facilities ~~School Year 1998-99, or Immunization Guidelines Florida Schools and Child Care Facilities School Year 1999-2000, or Immunization Guidelines Florida Schools and Child Care Facilities~~ Effective August 2000, or Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Homes Effective July 2001, as incorporated by reference in Section 64D-3.011(5), F.A.C. A child may attend school only after an authorized school official has examined the certificate for validity. A valid Florida Certification of Immunization shall be properly dated and signed or authorized by a physician. Data elements transferred through the Florida Automated System for Transferring Education Records (FASTER) will include all antigen doses by dates of immunization. The original paper DH Form 680, the Florida Certification of Immunization, shall remain in the student's cumulative health record.

(b) Exemptions – A child may attend school without a valid DH Form 680, Florida Certification of Immunization, Certificate of Immunization for K-12 Excluding 7th Grade Requirements (Part A-1) and/or Certificate of Immunization

Supplement for 7th Grade Requirement (Part A-2) only if he presents a completed DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B), Permanent Medical Exemption (Part C), or completed Form DH 681, Religious Exemption From Immunization, incorporated by reference in Section 64D-3.011(5), F.A.C., or if he is a transfer student. Exemption forms noted shall be completed per instructions for the appropriate school year provided in Immunization Guidelines Florida Schools and Child Care Facilities ~~School Year 1998-99, or Immunization Guidelines Florida Schools And Child Care Facilities School Year 1999-2000, or Immunization Guidelines Florida Schools and Child Care Facilities~~ Effective August 2000, or Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Effective July 2001, as incorporated by reference in Section 64D-3.011(5), F.A.C.

(5) Forms and Guidelines – Forms used to document compliance with section 232.032, F.S., and guidelines for completion of the forms, are hereby incorporated by reference;

FORM #	EFFECTIVE DATE	TITLE	FORMS AND GUIDELINES AVAILABILITY
DH 680A	(Aug-98)	Florida Certification of Immunization physicians' offices	DOH county health departments (DOH CHDs);
DH 680	(Aug 2000)	Florida Certification of Immunization	DOH CHDs, physicians' offices
DH 680	(July 2001)	Florida Certificate of Immunization	DOH CHDs, physicians' offices
DH 681	(May 99)	Religious Exemption From Immunization	DOH CHDs
DH 684	(Nov 96)	Immunization Annual Report of Compliance for Kindergarten and Seventh Grade	DOH CHDs
DH 685	(Nov 96)	Kindergarten and Seventh Grade Annual Report of Compliance County Summary	DOH CHDs
	(Aug-98)	Immunization Guidelines Florida Schools and Child Care Facilities School Year, 1998-99	DOH CHDs
	(Aug-99)	Immunization Guidelines Florida Schools and Child Care Facilities School Year 1999-2000	DOH CHDs
	(Aug 2000)	Immunization Guidelines Florida Schools and Child Care Facilities Effective August 2000	DOH CHDs
	(Jul 2001)	Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Homes Effective July 2001	DOH CHDs

Specific Authority 232.032(1), 381.0011(13), 381.003(1), 381.003(2), 381.005(2) FS. Law Implemented 232.032(1), 381.0011(4), 381.003(1), 381.005(1)(i), 458, 459, 460 FS. History--New 12-29-77, Amended 6-7-82, 11-6-85, Formerly 10D-3.88, Amended 2-26-92, 9-20-94, 9-21-95, 4-7-96, Formerly 10D-3.088, Amended 7-14-99, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES: RULE NOS.:
 Special Provisions 65A-1.702
 Family-Related Medicaid General
 Eligibility Criteria 65A-1.705

PURPOSE AND EFFECT: These rule amendments will implement a policy change in Medicaid child-only cases, will add two Medicare premium coverage groups and will clarify citizenship and residence requirements for the Medicaid program.

SUBJECT AREA TO BE ADDRESSED: The department is adopting a policy that excludes Medicaid child-only cases from requirements that a parent cooperate in establishing paternity, assigning rights to medical support and payments, and providing information about liable third parties. Additionally, QI1 and QI2 coverage groups for full Part B Medicare premium coverage and partial Medicare premium coverage are defined and unnecessary statements regarding citizenship and residence requirements are removed. The QI1 and QI2 coverages are not new; they are being defined in rule for the first time.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.

IF REQUESTED AND DEEMED NECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 3:00 p.m., May 1, 2001

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

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

**Section II
Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

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

PURPOSE AND EFFECT: Pursuant to Section 517.061(19), Florida Statutes, the Department finds that the securities registration provisions of Section 517.07, F.S., are not necessary for certain employer-sponsored compensatory benefit plans or contracts because of the limited nature of the

offering. The proposed rule will provide an exemption from the registration requirements of Section 517.07, F.S., for certain written employer-sponsored compensatory benefit plans or contracts that meet the requirements of Securities and Exchange Commission Rule 701 (17 CFR 230.701).

SUMMARY: The proposed rule provides an exemption from securities registration requirements of Section 517.07, F.S., for certain written employer-sponsored compensatory benefit plans or contracts.

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

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

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

LAW IMPLEMENTED: 517.061(19) 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., May 14, 2001

PLACE: Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick White, Financial Administrator, Division of Securities and Finance, Room 664, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-500.017 Compensatory Benefit Plan Exemption.

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

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

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick White, Financial Administrator, Division of Securities and Finance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Division of Securities and Finance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2001

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: _____ RULE NO.:

Human Resource, Management and Development 6D-16.002

PURPOSE AND EFFECT: The purpose of this Rule is to establish the role of the Human Resource Management and Development Department of the Florida School for the Deaf and the Blind.

SUMMARY: This rule establishes guidelines for the Florida School for the Deaf Human Resource, Management and Development Department. The Policies and Procedures were reviewed and amended to comply with state and federal mandates.

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: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(4) FS.

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

TIME AND DATE: 9:00 a.m., June 1, 2001

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocutto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-16.002 Human Resource, Management and Development.

(1) through (4) No change.

(5) The Human Resource Management and Development Policies and procedures Manual revised, ~~August 2001~~ ~~August, 1999~~, adopted by the Board of Trustees pursuant to the provisions of sections 242.331(3), F.S. shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

(6) No change.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History—New 10-26-94, Amended 11-30-98, 9-29-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2001

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Outdoor Advertising Sign Regulation and Highway Beautification

RULE CHAPTER NO.: 14-10

RULE TITLES: General Provisions

RULE NOS.: 14-10.0011

Licenses

14-10.003

Permits

14-10.004

Annual Renewal Billing – License and Permits

14-10.0041

Zoned and Unzoned Commercial and Industrial Areas Along Interstate and Federal-Aid

Primary Highways

14-10.0051

Additional Permitting Criteria

14-10.006

Maintenance of Nonconforming Signs

14-10.007

PURPOSE AND EFFECT: Rules 14-10.0011, 14-10.003, 14-10.004, 14-10.0041, 14-10.006, and 14-10.007 are being amended. Rule 14-10.0051 is repealed. The forms also are being amended with the 07/01 revisions being incorporated by reference. Changes have been made, in part, based upon rule development workshops and consideration of the Amended Petition to Adopt Administrative Rule filed by the Florida Outdoor Advertising Association and Infinity Outdoor, Inc. and in consideration of the centralization of Outdoor Advertising Regulation by the Department.

SUMMARY: Rules 14-10.0011, 14-10.003, 14-10.004, 14-10.0041, 14-10.006, and 14-10.007 are being amended. Rule 14-10.0051 is repealed. Revised forms are being incorporated by reference.

SPECIFIC AUTHORITY: 334.044(2), 479.02(7) FS.

LAW IMPLEMENTED: 339.05, 479.01-.24, 479.28 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been prepared at this time.

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: 9:00 a.m., May 24, 2001

PLACE: Room 250 (Suwannee Room), Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULES IS:

14-10.0011 General Provisions.

~~(1) Jurisdiction. The Department has jurisdiction for outdoor advertising regulation over all persons engaged in the business of outdoor advertising as defined by Section 479.01(2), Florida Statutes, and all signs, defined by Section 479.01(17), Florida Statutes. Except as provided by Section 479.16, Florida Statutes, no sign may be erected, operated, or maintained within the controlled area of the State Highway System outside an incorporated area, or on any part of the Interstate or Federal Aid Primary systems unless the Department has issued a permit for such sign. Signs subject to this permit regulation must comply with the requirements of Sections 479.07, 479.106, 479.107, 479.11, 479.111, and 479.15, Florida Statutes. All signs, including those exempted from permitting requirements, must comply with the requirements of Sections 479.107 and 479.11(4)-(8), Florida Statutes.~~

~~(1)(2) Definitions. All terms in this rule chapter, shall have the same meanings as which are defined in Section 479.01, Florida Statutes, shall have the same meanings as in that statute.~~ Additionally, the following terms are defined:

(a) “Address of Record” means the mailing address submitted by the licensee or permittee with the initial application for license, the first permit applied for, ~~or~~ the transfer affidavit when a permit is transferred to a new permit holder, or the amended address if amended pursuant to (3)(c), below.

(b) “Charitable Organizations” means those institutions defined by Section 212.08(7)(o)2.b., Florida Statutes.

(c) "Completed Sign," for purposes of Section 479.07(5)(a), Florida Statutes, means an erected ~~the erection of~~ the sign structure with attached, ~~as described in the permit, as well as attachment of the facing to the structure, and a posted the posting of a message to the facing.~~

(d) ~~"Controlled Road" means the Interstate, Federal Aid Primary, and State Highway System under the Department's regulatory jurisdiction.~~

(d)(e) "Crown" means the highest point of elevation on the road pavement of the main traveled way immediately adjacent to the outdoor advertising sign.

(f) ~~"Designated Predominantly for Commercial or Industrial Uses" means that, within 660 feet of the controlled road, the land use category assigned to a land use designation area shown on the future land use map of the comprehensive plan adopted pursuant to Chapter 163, Florida Statutes, allows properties within that designation area to be developed with primarily commercial or industrial uses. This definition does not include areas designated primarily for the purpose of authorizing outdoor advertising signs.~~

(e)(g) "Embellishment" shall mean a temporary extension of the sign face which contains a portion of the message or informative contents, and which is added, modified, or removed when the message is changed.

(f)(h) "Height Above Ground Level (HAGL)" means the distance between the ground and the bottom of the sign face, excluding any border and trim, as measured from the point on the sign facing closest to the main-traveled way.

(g)(i) "Location" means the position of a proposed or existing sign which is fixed by reference to the Roadway Characteristics Inventory (RCI) system, by reference to the State Plane Coordinate system, or by reference to latitude and longitude.

(h)(j) "Permitted Sign" means a sign, whether erected or not, for which an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, incorporated herein by reference, has been issued, which permit has not been revoked, canceled, or declared void. Form 575-070-030 may be obtained from the State Outdoor Advertising and Permit Office, Florida Department of Transportation, 605 Suwannee Street, Mail Station 22, Tallahassee, Florida 32399-0450.

(i) "Public or Court Official" for purposes of Section 479.16(4), Florida Statutes, shall mean a person holding a position created by the Constitution or Legislature, or appointed by the Governor.

(j)(k) "Rest Area" shall mean a publicly owned, and controlled, rest and designated place for emergency stops, relaxation, and recreation, with areas and sanitary and other facilities within or adjacent to the highway right of way, reasonably necessary to accommodate the traveling public, and provided as a place for emergency stopping, and for resting by the motorist for short periods.

(k)(l) "Sign Structure Height" means the total vertical distance from the crown of the main-traveled way to the top of the highest sign face, including any border or trim, but not including embellishments.

(l)(m) "Working Day" means each regular period day when Department offices are open for official business.

(3) Names and Addresses.

(a) Licenses and permits may only be issued in the current legal name or registered fictitious name of the licensee or permittee, whether an individual, business, or corporation. Any notice issued by the Department to a fictitious name filed with the Department shall have the same effect as if issued in the legal name of the permittee or licensee.

(b) The Address of Record shall be considered the official address for all correspondence from the Department to the licensee or permittee. Such correspondence may include billing, notices of violation, or other information provided or issued by the Department.

(c) A licensee or permittee shall notify the Department, in writing, within 30 calendar days of any change in address. This notification shall include:

1. The date the change of name or address becomes effective;
2. The account name as listed on the Department billing;
3. The (typed or printed) name of the individual authorized to sign the notice; and
4. The authorized signature.

(d) Notices or any other correspondence issued by the Department to addresses on file prior to receipt of such written notification of an address change are valid and shall be considered received by the licensee or permittee.

(e) ~~Signature authority.~~ License Applications, Permit Applications, Replacement Requests, Transfer Requests, and Cancellation Certifications must contain a statement by the signatory that he/she is the authorized representative and has the authority to sign for the applicant.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 479.02 FS. History—New 6-28-98, Amended _____.

14-10.003 Licenses.

(1) Outdoor Advertising License Required. A person is considered to be in the business of outdoor advertising and is required to have an outdoor advertising license if that person receives compensation ~~derives income~~ from constructing, erecting, operating, using, maintaining, leasing, or selling outdoor advertising structures, outdoor advertising signs, or outdoor advertisements. Persons solely advertising their own businesses and general contractors who construct signs under contract to ~~an~~ outdoor advertising licensee~~s~~ or permittee~~s~~, are exempt from the licensing requirement.

(2) Application Form. An application for a license to engage in the business of outdoor advertising shall be made on an Outdoor Advertising License Application, Form

575-070-02, Rev. ~~07/01~~ ~~02/98~~, incorporated herein by reference. Form 575-070-02 may be obtained from the State Outdoor Advertising License and Permit Office, Florida Department of Transportation, 605 Suwannee Street, Mail Station 22, Tallahassee, Florida 32399-0450, ~~or from any of the Department's district offices.~~

(a) Submission of Application for Initial License. The completed application for a license shall be forwarded to the State Outdoor Advertising License and Permit Office, at the address in (2), above.

(b) Payment of the license fee may be made by cash, postal money order, bank draft, cashier's check, or a personal or business check. ~~Cash will not be accepted.~~ In the event a payment document is not honored for any reason by the bank on which it is drawn, a service fee of \$15.00, or 5% of the amount payable, whichever is greater, will be assessed. If an individual or company issues two checks to the Department which are not honored, no further personal or business checks will be accepted regardless of whether restitution has been made on previous checks.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 120.60, 215.34(2), 339.05, 479.02, 479.04, 479.05, 479.07 FS. History—(Formerly part of Rule 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 1-1-86, Formerly 14-10.03, Amended 6-28-98,

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~07/01~~ ~~02/98~~, incorporated herein by reference, to the address listed in Rule Section 14-10.003(2) to the district office within whose boundaries the proposed site is located. Applications may be obtained from the State Outdoor Advertising License and Permit Office ~~at the address listed in Rule Section 14-10.003(2), or from any of the Department's district offices.~~ Applications for outdoor advertising sign permits on the Florida Turnpike shall be submitted to the district office of the district in which the specific portion of the Turnpike is located.

(a) Payment of the permit fee shall be made in the same manner provided for license fees in Rule Section 14-10.003(2)(b). The annual permit fee for each sign facing is \$41.00 for 200 square feet or less and \$61.00 for more than 200 square feet. A permittee shall notify the Department, in writing, ~~the district within whose boundaries the sign is located,~~ prior to making any changes in the dimensions of a permitted conforming sign which would increase the area of the sign facing to over 200 square feet, and shall submit an additional \$20.00.

(b) The applicant shall submit separate instruments of payment for each application for a new permit, in order to avoid denial of multiple applications for ~~if~~ one application being should be denied.

(c) Prior to issuing any permit, the Department will ~~shall~~ inspect the proposed sign site to assure compliance with Chapter 479, Florida Statutes, and this rule chapter. To ensure that the site inspected is the same specified in the application, the applicant shall mark the proposed sign site in such a manner that the markings are visible from the main-traveled way. The markings shall be displayed from the time of submission of the application, and shall be maintained by the applicant until the Department has approved or denied the application.

(d) The Department will act on permit applications in order of the date of receipt of a complete applications.

1. An application will be considered complete when all items on the application form, ~~to be completed by the applicant,~~ have been filled in, all required attachments have been received, and the correct permit fee has been submitted. All information provided on the application by the applicant must be certified as being true and correct.

2. Applications containing incorrect information will be denied.

3. Incomplete permit applications will be returned to the applicant along with any permit fees which were submitted with the application.

4. Completion of, or corrections to, the original submitted document must be initialed by the applicant on the original application.

5. The written statement ~~from the landowner and the statement from the local government official~~ which are required by Section 479.07(3)(b), Florida Statutes, must have been issued to the applicant, or on behalf of the applicant. ~~If a lease document is submitted as the statement from the landowner, the applicant must be the named lessee or the document must be accompanied by a properly executed transfer of the leasehold rights to the applicant. The written statement must:~~

a. Identify the property on which the sign is to be located;

b. Indicate that the person authorizing placement of the sign on the property is the owner or the person in lawful control of the property. If the person authorizing placement of the sign is not the owner of the property, the legal status which gives him or her lawful control of the property must be indicated;

c. Grant the permission to or on behalf of the applicant; and

d. Authorize placement of the sign on the subject property.

(e) Complete applications will be either approved or denied within 30 calendar days of receipt by the Department, ~~district office~~ unless an earlier application for that site or a competing site is under review, or the application falls within paragraph (h) or (i), below. If denied, the application will remain in a pending status until the time to request an administrative hearing has elapsed. If a hearing is requested, the application shall remain in a pending status until a ~~final~~

order is issued and the time to request an appeal of a final order has elapsed. If an appeal is taken, the application will remain in a pending status until mandate is issued by the appellate court. Subsequent applications for competing sites shall be held without action until the pending status of the earlier application is resolved.

(f) If ~~an~~ the earliest application is approved, all subsequently received applications for competing sites shall be ~~returned~~ denied.

(g) For purposes of (d), above, when a valid permit is being conditionally canceled pursuant to Rule Section 14-10.004(8)(7), the Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 07/01, and permit Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 07/01, must be submitted simultaneously to the ~~Department appropriate district office~~. The date the ~~Department district office~~ receives the cancellation and complete application documents shall be considered the date the application is received.

(h) When a permit application is received for a new sign site requiring vegetation management pursuant to Section 479.106, Florida Statutes, ~~and the which~~ application meets all other requirements of Chapter 479, Florida Statutes, and this rule chapter for issuance of an outdoor advertising sign permit, the Department shall issue a notice of intent to issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, contingent upon:

1. Issuance of a vegetation management permit from the Department, and
2. Removal of two nonconforming signs, which the Department has approved as meeting the requirements of Section 479.106(5), Florida Statutes.

The application shall remain in a pending status for no longer than 90 calendar days, to allow the applicant to comply with (h)1. and (h)2., above. Competing applications shall be reviewed in accordance with Rule Section 14-10.004(1)(e).

(i) Applications for permits for locations which conflict with the location of an expired or canceled permit will not be processed until the sign for which the expired or canceled permit was issued is removed, unless a permit is being canceled as a condition for issuance of a new permit.

(j) ~~(4)~~ A permit shall not be issued for a location at which unpermitted cutting, removal, or trimming, ~~or removal~~ of vegetation has occurred ~~without obtaining the vegetation management permit as required by Section 479.106, Florida Statutes,~~ until such time as payment of the administrative penalty and ~~completion of~~ mitigation as required by Rule 14-40.030, F.A.C., and Section 479.106(7), Florida Statutes, have been accomplished and the applicant has identified two nonconforming signs for surrender in accordance with Section 479.106(5), Florida Statutes.

(2) A permit shall be granted for an automatic changeable facing provided:

(a) The static display time for each message is a minimum of six seconds,

(b) The time to completely change from one message to the next is a maximum of two seconds,

(c) The change of message occurs simultaneously for the entire sign face, and

(d) The application meets all other permitting requirements.

Any such sign shall contain a default design that will hold the face of ~~freeze~~ the sign in one position if a malfunction occurs.

(3) Notwithstanding any other provisions of this rule chapter, an outdoor advertising sign existing at a location which previously was not subject to the permitting requirements of this chapter, but which has become subject to the requirements of this chapter due to changes in the jurisdictional designation of highways, shall be granted a state permit in accordance with the process outlined below:

(a) The Department shall conduct an inventory of outdoor advertising signs on the highway section subject to jurisdictional change and, within 60 calendar days of the effective date of the proposed change, advise all affected sign owners and local governments that the change is being considered, the regulatory effect of the change ~~on the signs,~~ and when the change may become effective.

(b) Upon approval of the jurisdictional change, the Department will provide a second notice to sign owners and local governments advising that the change in jurisdiction has become effective and that sign owners have 30 calendar days from receipt of the second notice to submit an application for a sign permit.

(c) When the Department is unable to provide the advance notice referenced in (a), above, the Department will advise the affected sign owners that they have 90 calendar days from receipt of the notice that the change in jurisdiction has become effective to submit an application for a sign permit.

(d) The Department shall issue an ~~Outdoor Advertising sign Permit, Form 575-070-30, Rev. 07/01,~~ to the sign owner upon receipt of a completed Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 07/01, ~~permit application form~~ together with all items required by Section 479.07(3)(b), Florida Statutes. For existing signs, the written statement required by Section 479.07(3)(b), Florida Statutes, shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except in cases where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant shall certify in writing that the local

government has not provided notice that the sign is illegal, and that the local government has taken no action to cause the sign to be removed.

(4) When a change in the designation of a highway removes that highway from the Department's regulatory jurisdiction, a notice will be provided to all owners of outdoor advertising permits on the affected roadway. The notice will advise permit holders of the Department's intent to revoke the permits, and will include a statement of the recipient's right to appeal the Department's action.

(5) When a controlled road or any portion of a controlled road is designated as a scenic highway or scenic byway pursuant to Section 335.093, Florida Statutes, new permits will not be issued for outdoor advertising signs visible from the portion of the highway designated as a scenic highway or byway.

~~(6)(5) Posting of Tags. The permanent metal permit tag issued by the Department must be posted by the permittee at the sign site within 30 calendar days of issuance, and must remain in place at all times, whether or not a sign has been erected. If a permit tag is lost, stolen, or destroyed, the permittee must apply to the Department for a replacement tag on Outdoor Advertising Permit Tag Replacement Request, Form 575-070-01, Rev. 07/01 02/98, incorporated herein by reference, and shall include a replacement fee of \$3.00 per tag permit. This form may be obtained from the State Outdoor Advertising License and Permit Office at the address listed in Rule Section 14-10.003(2).~~

~~(7)(6) Transfer of Permits. Authorization to transfer a permit shall be submitted on Outdoor Advertising Permit Transfer Request, Form 575-070-25, Rev. 07/01 02/98, incorporated herein by reference, to the State Outdoor Advertising License and Permit Office at the address listed in Rule Section 14-10.003(2). The request shall be made in accordance with Section 479.07(6), Florida Statutes. Form 575-070-25 may be obtained from the State Outdoor Advertising License and Permit Office.~~

(a) The transferee shall certify that ~~to~~ written permission of the land owner, or other person in lawful control of the sign site, to maintain the sign on the site in accordance with Section 479.07(2), Florida Statutes, has been secured.

(b) Transfer requests will not be processed without payment of permit fees in the amount necessary to prevent permit expiration, if the transferee and transferor are on different billing cycles.

(c) If a transfer of permit is made when the permit is in violation of Chapter 479, Florida Statutes, or in violation of this rule chapter, or if a revocation proceeding is pending, ~~the transferee is deemed to receive the permit~~ is subject to conditions existing at the time of transfer. The Department's approval of a permit transfer shall ~~does~~ not constitute waiver of rights on the part of the Department, nor shall permit transfer in any way prohibit issuance of notices of violation or ~~to~~

~~pursue remedies for violation notices issued against the permit~~ nor preclude the Department from revoking the transferee's permit in accordance with Section 479.08, Florida Statutes.

(d) If a transfer of permit is made during the initial 270 days from the date of permit issuance, ~~the transferee is deemed to receive the permit~~ transferee receives the permit subject to all conditions which were applicable to the original applicant ~~subject to its becoming void if the completed sign is not erected within the original 270 day time frame.~~

~~(8)(7) Cancellation of Permits. Permit cancellation notification must be submitted to the State Outdoor Advertising License and Permit Office at the address listed in Rule Section 14-10.003(2), on Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 07/01 02/98, incorporated herein by reference. All canceled tags must be returned to the Department with the certification, or otherwise be accounted for in writing. Pursuant to Section 479.07(8)(b), Florida Statutes, if the sign has not been removed by the former permittee, it shall be removed by the Department and the cost assessed against the former permittee. Form 575-070-12 may be obtained from the State Outdoor Advertising License and Permit Office.~~

~~(9)(8) Conditional Permit Cancellation. In instances where an applicant requests cancellation of one permit in order to obtain a new permit, the existing permit shall be canceled simultaneously with the issuance of the new permit. If a new permit does not meet current permitting requirements and cannot be issued, the existing permit will not be canceled.~~

~~(10)(9) Permits Canceled, or Not Renewed, in Error – Petition for Reinstatement. Pursuant to Section 479.07(8)(b), Florida Statutes, a petition for reinstatement of permits canceled, or not renewed, in error by the permittee shall be submitted to the State Outdoor Advertising License and Permit Office at the address listed in Rule Section 14-10.003(2). The petition must be in writing, must list the affected permit(s), and must certify that:~~

(a) The permit was canceled, or not renewed, in error by the permittee;

(b) The permit tag for the canceled or expired permit was returned to the Department or otherwise accounted for;

(c) The sign has not been disassembled; and

(d) The local government has not declared the sign illegal or taken any other action to have it removed.

If the Reinstatement Petition is denied by the Department, a new permit may be issued for a sign only if the sign meets all current permitting requirements. The reinstatement fee is \$200.00 for a sign facing of 200 square feet or less, and \$300.00 for a sign facing greater than 200 square feet.

~~(11)(10) Pursuant to the criteria set forth in Section 479.105(1)(e), Florida Statutes, the Department may issue a permit for an unpermitted sign, which has been structurally unchanged and continuously maintained for a period of seven or more years.~~

~~(12)(11)~~ Where the expansion or relocation of a transportation facility causes a sign to be located in the right of way, or within inside or within fifteen feet of outside the right of way, for the expanded or relocated facility and the permit holder desires to relocate the sign to a conforming location ~~along~~ a perpendicular to the roadway from at the site of the existing sign, a permit shall be issued by the Department shall allow the relocation of the permitted sign in conformance with the following:

(a) The permit holder must submit a completed application for the relocated sign replacement site in accordance with Section 479.07(3), Florida Statutes.

(b) The Department must determine that the relocated sign replacement site is in conformance with all requirements for permitting.

~~(c) The new permit shall be issued for the remaining term of the existing permit and no additional fees are required.~~

~~(d) The application shall take precedence over any application submitted to the Department for a competing site.~~

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.01(14), 479.02, 479.07, 479.24 FS. History--(Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, 8-10-99,_____.

14-10.0041 Annual Renewal Billing – Licenses and Permits.

(1) All licenses and permits expire annually and shall be renewed in accordance with Section 479.07(8), Florida Statutes.

(2) Annual renewal of a license must include the annual license fee, and the fees for all permits being renewed by that licensee. Acceptance by the Department of renewal fees for a permit against which a violation notice has been issued, or which may be issued, shall not constitute waiver by the Department of any right to pursue remedies for the violation.

(a) Any of the following shall result in the return of submitted fees to the applicant, and shall constitute nonpayment:

1. Payment of renewal fees for any amount less other than the amount shown as due on the Department’s billing statement (or its adjusted billing statement prepared in response to a timely notice from the permittee of corrections, additions, or deletions). When an overpayment of renewal fees is submitted, the Department shall accept the fees due amount as shown on the billing statement (or the adjusted billing statement), and provide for the issuance of a refund to the payor in the amount of the overpayment. Acceptance of payment in an amount greater than the amount due shall not constitute acceptance of renewal fees for permits which have been declared invalid.

2. Failure to return or provide an accounting for the nonrenewed permit tags on the Cancellation Certification.

3. Failure to submit affidavits and transfer fees for any permits being transferred.

~~(b) A separate payment instrument from the permit renewal Ppayment shall be submitted in payment for permits being transferred at the time of renewal shall be submitted with the permit renewal payment, but must be in a separate payment instrument, which payment must include both permit renewal fee(s) and transfer fee(s).~~

~~(3) Expiration of permits—Sign removal.~~

~~(a) Pursuant to Section 479.07(8)(b), Florida Statutes, when a permit for a sign has expired, and the permittee has not removed the sign or submitted a request for reinstatement of the expired permit within the 90 day period specified in the final notice of sign removal, the sign shall be removed by the Department. The cost of removal of the sign shall be assessed and reimbursement pursued against the permittee.~~

~~(b) If the sign is subject to removal under (3)(a), above, and the Department receives a permit application for the sign which meets current permit requirements, the Department may allow that sign to remain in place if the applicant reimburses the Department for all costs incurred in preparing to remove the sign. Costs for which the applicant must reimburse the Department shall include costs actually incurred by the Department for:~~

~~1. Preparing and sending the sign removal (“takedown”) notice to the appropriate District office.~~

~~2. Processing the takedown notice and assigning takedown responsibilities to the appropriate section within the district office.~~

~~3. Mobilization of the sign removal crew and equipment and associated costs including transport of crew and equipment to the sign site.~~

~~4. Advertising, award, or start-up costs prorated for individual sign removals by private contractors.~~

~~5. Any expenses resulting from litigation of the permit.~~

~~(c) When a permit for a conforming sign has expired in accordance with Section 479.07(8)(b), Florida Statutes, and there is a pending application for a competing site from an applicant other than the original permittee, the provisions specified in paragraph (b) of this section do not apply.~~

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 479.02, 479.07 FS. History--New 6-28-98, Amended _____.

14-10.0051 Zoned and Unzoned Commercial and Industrial Areas Along Interstate and Federal-Aid Primary Highways.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.11 FS. History--New 8-7-86, Amended 6-28-98, Repealed _____.

14-10.006 Additional Permitting Criteria.

Each application for an outdoor advertising sign permit shall meet the requirements of Sections 479.07(9) and 479.11, Florida Statutes, in effect at the time of the application. In

addition, an application must comply with ~~the~~ those requirements of the agreement between the state and the United States Department of Transportation referenced in Section 479.02(1), Florida Statutes, which have not been duplicated in Sections 479.07(9) and 479.11, Florida Statutes, or superseded by stricter provisions in those statutes. The ~~Those~~ requirements are:

(1) Size.

(a) The area of a sign facing shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire sign facing including all embellishments.

(b) The maximum allowable height for a sign facing is 30 feet.

(c) The maximum allowable length of a sign facing is 60 feet.

(d) The maximum size limitations shall apply to each sign facing.

(e) Embellishments may not extend more than five feet beyond the permanent sign face, and are included in any measurement of the height, width, or area of the sign facing.

(f) Signs containing both on-premise and off-premise advertising may not exceed 950 square feet, including all sign faces.

(2) Number of Faces. There shall be no more than two faces to each facing showing at one time.

(3) Location. Signs may not be located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device.

(4) Spacing. The minimum required distance between the location for which a permit is sought and the nearest permitted sign shall be measured along the edge of pavement of the main-traveled way from the location marked by the applicant in accordance with Rule 14-10.004 to the location of the permitted sign. In the case of a permitted sign that has not been constructed, the milepost location reflected on the application shall be used as the location of the permitted sign. Measurement along the edge of pavement shall be based on the point perpendicular to a tangent to the edge of the main-traveled way nearest the location of the sign.

~~(a) The spacing requirements set forth in Section 479.07(9), Florida Statutes, apply only to signs located on the same side of the highway and permitted to that highway. For purposes of this section, the term "highway" means a road that carries a specific U.S. or state road number or designation, whether or not the designation changes between adjacent billboards on a continuous roadway.~~

~~(a)(b)~~ For V-type or back-to-back signs to be counted as one sign for spacing purposes, the facings on such signs must be connected by the same sign structure or cross-bracing, or the sign structures must be located not more than 15 feet apart at their nearest point.

~~(b)(e)~~ Official signs, signs exempt under Section 479.16, Florida Statutes, and structures that are not permitted signs shall not be considered ~~counted~~ ~~nor shall measurements be made from them~~ for purposes of determining compliance with spacing requirements.

~~(c)(d)~~ When an intersection is encountered in determining measurements for spacing compliance, the width of such intersection is included in the measured distance. This distance is measured in a direct line from the points of intersection of the edges of the main-traveled ways.

~~(d)(e)~~ No permit shall be issued for a sign located on any portion of ~~On~~ the interstate highway system, outside the boundaries of an incorporated municipality, which is incorporated towns and cities, no permit may be granted for a sign structure located adjacent to or within 500 feet of an interchange, intersection at grade, or rest area. Said 500 feet shall be measured along the interstate in the direction leading away from the interchange, intersection at grade, or rest area, crossroad ~~from the beginning of pavement widening at the exit from the main-traveled way or the end of pavement widening at the entrance to the main-traveled way on an interstate highway. For the purposes of this subsection all portions of the entrance and exit ramp shall be considered part of an interchange. The point of pavement widening at an exit ramp or entrance ramp shall be the point farthest from the crossroad where the outside edge of the ramp pavement first intersects with the outside edge of the pavement on the main-traveled way.~~

(e) In situations where a sign is visible from the controlled area of more than one highway, subject to the jurisdiction of the Department, pursuant to Section 479.07(1), Florida Statutes, the sign must meet the permitting requirements of, and if it meets the applicable permitting requirements, be permitted to, the highway with the more stringent permitting requirements.

(5) Sign Structure Height. The height of a sign structure shall be measured from a point on the sign structure which is at the same elevation as the crown of the main-traveled way to the top of the highest sign face, excluding embellishments.

(6) Lighting. Signs may be illuminated except those, however, signs which contain, include, or are illuminated by any flashing, intermittent, or moving light. Flashing, intermittent, or moving light or lights are prohibited, ~~except that lights embodied in a~~ the sign may be used to provide public service information. Further, no sign shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal.

~~(7) In areas designated predominantly for commercial or industrial uses the Department may certify to the Federal Highway Administration that effective control of outdoor advertising signs has been established by local government regulations, provided the local government regulations are approved by the Department as being in compliance with the~~

Highway Beautification Act of 1965, and all applicable federal regulations referenced in Section 479.02(1), Florida Statutes, and provided the local government provides proof that the local customary usage was in existence prior to March 2, 1972.

(7)(8) For purposes of compliance with Section 479.11(4), Florida Statutes, the 100 feet shall be measured from the property line, except in cases where a school or church is the applicant for a permit or has given written permission for the placement of a sign. In such cases the 100 foot feet required distance shall be measured from the outer edges of the primary building, or primary building complex when the individual units of the complex are connected by covered walkways.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.07(9), 479.08, 479.11 FS. History—New 3-28-77, Amended 12-10-77, 1-1-86, Formerly 14-10.06, Amended 12-26-95, 6-28-98.

14-10.007 Maintenance of Nonconforming Signs.

(1) ~~The following shall apply to nonconforming signs.~~

(1)(a) A nonconforming sign must remain substantially the same as it was as of the date it became nonconforming.

(2) Reasonable repair and maintenance of nonconforming signs, including change of advertising message, is permitted and is not a change which would terminate the nonconforming status rights. Reasonable repair and maintenance means the work necessary to keep the sign structure in a state of good repair, including the replacement in kind of materials in the sign structure. Where the replacement of materials is involved, such replacement may not exceed 50% of the structural materials in the sign within any 24 month period. "Structural materials" are defined in Section (6)(a)2.a. below. The following are examples of modifications which do not constitute reasonable repair or maintenance, and which constitute substantial changes to a nonconforming sign that will result in the loss of nonconforming status:

(a) ~~4-~~ Modification that changes the structure of, or the type of structure of, the sign, such as conversion of a back-to-back sign to a V-type, or conversion of a wooden sign structure to a metal structure;

1. The Department may authorize structural alterations to a nonconforming sign in instances where the Occupational Safety and Health Administration (OSHA) requirements or other safety related requirements necessitate alterations, provided that the reconstruction shall not be authorized primarily for the purpose of replacement of deteriorated materials. Structural alterations are allowed only if no alternatives are available which address safety requirements. Documentation of the requirements must be submitted to, and approved by, the Department prior to making any structural alterations. If structural alteration is approved by the Department, the location, structural configuration, number of faces, size of the sign faces, sign structure height, and the materials used in the sign structure and sign faces must be the same type as those used in the sign prior to approval of the

alterations. During the period of temporary removal for those approved structural alterations, the permittee must permanently display the permit tag at the sign location.

2. The addition of a catwalk or other fall protection device for safety reasons, where the device does not increase the structural integrity of the sign or prolong the life of the sign, is allowed without obtaining prior approval from the Department;

(b) ~~2-~~ Modification that changes enlarges the area of the sign facing or the HAGL of the sign, however;

1. Reduction in the area of the sign facing or the HAGL of the sign, which reduction is required by an ordinance adopted by a local governmental entity with jurisdiction over the sign, is not a change which would terminate the nonconforming status of the sign, provided like materials are used and no enhancements are made to the visibility of the sign.

2. Embellishments may be added to nonconforming signs subject to the limitations regarding size of sign facing, and provided they do not exceed 10% of the area of the sign facing prior to the addition of the embellishment;

3. ~~Modification that raises the HAGL of the sign;~~

(c) ~~4-~~ Modification that enhances the visibility of the sign's message, or the period of time that the sign's message is visible;

(d) ~~5-~~ Modification that adds automatic changeable faces; or

(e) ~~6-~~ Modification that adds artificial lighting, or changes the existing lighting such that the illumination to the sign facing is substantially increased.

(3) ~~Such~~ Prohibited modifications need not be physically part of the sign if they have the effect of enhancing the sign's message, the visibility of the message, or the period of time that the message is visible. However, in such cases, the modifications will not be considered a modification to the sign if:

(a) ~~The~~ The modification is the result of removal, cutting, or trimming of vegetation in front of the sign pursuant to if a permit for such removal, cutting, or trimming from has been granted by the Department; or

(b) ~~The~~ The modification only incidentally affects the visibility of the sign's message, and the bona fide purpose of the modification is unrelated to the sign.

(4) ~~(b)~~ A nonconforming sign may not be disassembled removed and re-erected at the same location except as provided in (4)(a)(2), below.

(5) ~~(e)~~ A nonconforming sign may not be relocated, except to a conforming location.

(6) ~~(d)~~ A nonconforming sign may continue to exist so long as it is not destroyed, abandoned, or discontinued which is destroyed may not be re-erected. "Destroyed," "abandoned," and "discontinued" have the following meanings:

(a) “Destroyed” means is defined as when more than 50% of the upright supports of a sign structure are physically damaged such that normal repair practices of the industry would call for, in the case of wooden sign structures, replacement of the broken supports and, in the case of a metal sign structure, replacement of at least 25% of the length above ground of each broken, bent, or twisted support. A sign will not be considered “destroyed” within the meaning of this section under the following conditions:

1. The destruction of a sign caused by vandalism or other criminal or tortious act.

2. If the permittee demonstrates ~~However, in the event that such damage occurs, a sign will not be considered destroyed if the sign owner shows that the replacement materials costs to re-erect the sign would not exceed 50% of the value of the structural materials in the sign, immediately prior to destruction. The following shall be applicable in determining whether the replacement materials costs to re-erect the sign would not exceed 50% of the value of the structural materials in the sign:~~

a.1- Structural materials are all those materials incorporated into the sign as load-bearing parts, including vertical supports, horizontal stringers, braces, bracing wires, brackets, and catwalks. Structural materials do shall not include the sign face, any skirt, any electrical service, or electric lighting, except in cases where such items have been incorporated into the sign as load-bearing parts or other non-structural items. Structural materials shall include any support brackets for the face, any catwalk, and any supporting braces or members of the sign structure.

b.2- The value of the structural materials in the sign immediately prior to destruction shall be based on the cost of all structural materials contained in the sign as it was configured just prior to damage, and the cost of such materials shall be based on normal market cost as if purchased new on or about the date of destruction, without regard to any labor costs or special market conditions.

c.3- The materials to be included in the replacement materials costs to re-erect the sign shall be all materials that would be used to return the sign to its configuration immediately prior to destruction, and shall include any material obtained from a source other than the sign itself, whether used, recycled, or repaired, but and shall not include any material from the sign itself that is repaired on-site, but shall include any material obtained from a source other than the sign itself, whether used, recycled, or repaired. The repairs to the sign shall be with like materials, both in type and size, and shall be those reasonably necessary to permanently repair the sign in a manner normally accomplished by the industry in that area. The cost of such materials shall be as described in paragraph (4)(a)2.b (1)(d)2.

(b) A nonconforming sign is “abandoned” or “discontinued” when the sign owner fails to operate and maintain the sign for a period of 12 months or longer. Signs displaying bona fide public interest messages are not “abandoned” or “discontinued” within the meaning of this section. The following conditions shall be considered failure to operate and maintain the sign:

1. Signs displaying only an “available for lease” or similar message.

2. Signs displaying advertising for a product or service which is no longer available.

3. Signs which are blank or do not identify a particular product, service, or facility.

~~(e) Signs damaged by an Act of God prior to the effective date of this rule amendment shall be subject to the provisions of this rule on the date the sign was damaged; provided, however, that the Department will look to the provisions of paragraph (1)(d) in effect on the effective date of this rule amendment to the extent that they clarify the terms of the rule and do not prejudice the permittee.~~

~~(f) A sign destroyed by vandalism or other criminal or tortious act may be re-erected in kind.~~

~~(g) A sign face which remains void of advertising matter for 12 months or longer shall be deemed an abandoned or discontinued sign and shall lose its nonconforming status; providing, however, signs displaying bona fide public interest messages with artwork done in a professional manner and presented in a manner consistent with outdoor advertising displays in the area will retain their nonconforming status if lawfully maintained. Signs displaying an “available for lease” or similar message, signs displaying advertising for a product or service which is no longer available, and partially obliterated signs which do not identify a particular product, service, or facility shall be considered void of advertising matter.~~

~~(2) The Department may authorize structural alterations to a nonconforming sign in instances where Occupational Safety and Health Administration (OSHA) or other safety related requirements necessitate alterations, provided that reconstruction shall not be authorized primarily for the purpose of replacement of deteriorated materials. Alterations to the structure are allowed only if no alternatives are available which address safety requirements without requiring structural alterations. Documentation of these requirements must be submitted to the Department for approval prior to making any sign alterations. If approval for structural alteration is granted by the Department, the location, structural configuration, number of faces, size of the sign faces, sign structure height, and the materials used in the sign structure and sign faces must be the same type as those used in the sign prior to approval of the alterations. During the period of temporary removal for those approved alterations, the permittee must permanently display the permit tag at the sign location.~~

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.07(9) FS. History—New 3-28-77, Amended 12-10-77, 1-1-86, Formerly 14-10.07, Amended 6-28-98, 8-10-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kenneth M. 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: April 9, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 24, 1999

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: RULE NO.:

Noticed General Permit for Temporary
Agricultural Activities 40E-400.470

PURPOSE AND EFFECT: To create a streamlined noticed general environmental resource permit for single-season agricultural projects. The rule proposes to limit agricultural activities to horticultural, seasonal crops that are harvested in one growing season. The rule also proposes that the noticed general permit is valid only for the defined agricultural activities that are located in existing improved or semi-improved pastures or fields that have been cultivated within the last five years.

SUMMARY: The proposed rule sets forth specific criteria for constructing and operating a surface water management system serving seasonal horticultural crops. The proposed Noticed General Permit for Temporary Farming Activities will only be valid for those lands that have been previously been cleared of native plants by mechanical means, and that do not propose any direct wetland impacts. The permissible size of the detention area, pump rates, and discharge structure is set forth in the proposed rule. The proposed rule specifically identifies all of the technical details enabling the growers to complete the application process without hiring an engineering firm to perform the calculations and flood plain routings generally required by the "individual and standard general" environmental resource permit applications. The proposed rule requires an applicant to submit a "best management plan" appropriate to agricultural activities. To assist the applicant with this requirement, the proposed rule includes a list of agricultural best management practices from which to choose. The proposed rule limits its duration to three years, two of the years which may be dedicated to planting and harvesting crops with the remaining year dedicated to fallow time. The proposed rule also requires that the farmed areas be returned to their pre-permitted condition.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.
LAW IMPLEMENTED: 120.60, 373.118, 373.119, 373.413, 373.416, 373.418, 373.423 FS.

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

TIME AND DATE: 8:30 a.m., June 14, 2001
PLACE: South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406 (in the Auditorium, 1st Floor)

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

40E-400.470 Noticed General Permit For Temporary Agricultural Activities.

(1) A noticed general permit is hereby granted to any property owner for temporary agricultural activities, provided all the following criteria are met:

(a) The permittee must satisfy and comply with the general and specific conditions set forth in Rule 40E-400.215, F.A.C.:

(b) Agricultural activities shall be horticultural and limited to seasonal crops. Seasonal crops are harvested in one growing season, which shall not exceed one year;

(c) This permit is valid only for activities in existing improved or semi-improved pastures or fields that have been cultivated within the last five years. For purposes of this section, improved or semi-improved pastures are lands that have been cleared of native plants by mechanical means;

(d) For purposes of this section, the project area and scope is defined as both farmed and detention areas. In order to qualify for a permit under this section, the project area shall not exceed 320 contiguous acres;

(e) The project outfall structure must be located more than 1 mile from Outstanding Florida Waters;

(f) No works or farming activities shall occur within 50 feet of a wetland as defined in Section 373.019(22), Florida Statutes. If wetlands are located within the project area, a minimum 50 foot undisturbed buffer must be maintained around the wetland;

(g) Pump rates shall not exceed a volume of 2 inches per day at a rate of 37.7 gallons per minute per acre of farmed area. Pump on/off elevations shall be within 2.5 feet of natural ground within the farmed area. All surface water discharges shall be into detention areas;

(h) Water levels in the detention areas shall not exceed a depth of 1.5 feet above natural ground within the detention area;

(i) Water quality and attenuation requirements shall be met by establishing detention areas at a minimum of fifteen percent of the farmed area;

(j) If wetlands are located within a detention area, then the control elevation of the detention area shall be set at the wetland edge elevation. If no wetlands are located within a detention area, then the control elevation shall be set at natural ground elevation;

(k) Control structures shall be sized according to the following list depending on the project size. The minimum setback between the project edge and the property boundary line shall be 50 feet for all projects;

<u>Project Size</u>	<u>Control Structure</u>
<u>0-25 acres</u>	<u>6" riser and 12" pipe equivalent</u>
<u>26-65 acres</u>	<u>12" riser and 12" pipe equivalent</u>
<u>66-105 acres</u>	<u>18" riser and 18" pipe equivalent</u>
<u>106-145 acres</u>	<u>24" riser and 24" pipe equivalent</u>
<u>146-185 acres</u>	<u>30" riser and 30" pipe equivalent</u>
<u>186-225 acres</u>	<u>36" riser and 36" pipe equivalent</u>
<u>226-265 acres</u>	<u>42" riser and 42" pipe equivalent</u>
<u>266-305 acres</u>	<u>48" riser and 48" pipe equivalent</u>
<u>306-320 acres</u>	<u>54" riser and 54" pipe equivalent;</u>

(l) Discharges shall be to the existing pre-project surface water conveyance pathway. Existing sheetflow, if any, shall be maintained through the use of a spreader swale;

(m) Detention area dikes shall be constructed with a top elevation of 3.5 feet above the control elevation with a minimum 5 foot top width and 2:1 side slopes;

(n) Internal farm ditches shall be no deeper than 3 feet below natural ground elevation (excluding sump areas for pump placement which shall not be deeper than 6 feet below natural ground elevation);

(o) External perimeter berms of the farmed areas shall not exceed 2 feet in height;

(p) Farming areas must be laid out in a manner that will not block or impede off-site flows;

(q) Access to the fields shall be accomplished by existing roads. Roads into or on the project are not part of this authorization.

(2) As a minimum requirement, the applicant must submit a best management plan that addresses sediment control, soil erosion, nutrients, pesticides, herbicides, suspended solids at points of discharge and other agricultural practices appropriate to crop and site conditions. At a minimum, the applicant must choose a total of 8 of the following best management practices, 4 of which must be chosen from letters (a) through (j), below:

(a) An Integrated Nutrient and Pest Management program;

(b) Application equipment shall be properly calibrated and in good repair;

(c) Pesticides and fertilizers shall be stored in a secure, contained location, protected from rainfall. Fertilizers and pesticides shall not be stored together;

(d) All mixing and loading operations shall be conducted away from wells, ditches and wetlands;

(e) Pesticide containers shall be rinsed as soon as they are empty. Containers shall be disposed of in accordance with directions on the label;

(f) Equipment shall be utilized that directs chemicals only to a designated target area. Overspray or application into ditches and wetland buffer areas shall be avoided;

(g) Spills shall be cleaned up as soon as possible;

(h) Equipment shall be cleaned and rinsed away from ditches and wetland buffers;

(i) Slow release fertilizer shall be utilized;

(j) A soil or leaf analysis shall be utilized to determine fertilizer application requirements;

(k) Seed and mulch or use other methods to stabilize the disturbed areas outside of the planted area within 7 days from the completion of planting;

(l) Provide stilling/settling basin at the pump discharge point;

(m) Install silt fences around wetland buffer areas prior to construction;

(n) Install silt fences, hay bales or equivalent downstream of outfall structure;

(o) Provide containment for all fuel tanks located on site;

(p) Provide containment for all permanently placed engines located on site;

(q) Other agricultural best management practices that meet the overall objectives of this rule.

(3) The duration of this permit shall not exceed three years. No more than two years of the permit duration shall be dedicated to the planting and harvesting of crops. The remainder of the duration of the permit must be dedicated to fallow time. At the end of the growing season specified in the permit, all works shall be removed from the site and the site returned to the condition that existed prior to permit issuance. The site shall remain fallow the following year. Within 30 days of the permit expiration, the permittee shall provide written notification to the District that the project has been restored to conditions that existed prior to permit issuance.

(4) The District reserves the right to inspect the site for consistency with the plans and requirements during the growing season and after the site has been restored to conditions that existed prior to permit issuance.

(5) This permit does not provide authorization to use water or constitute a permit under Part II of Chapter 373, F.S., Rules 40E-2 or 40E-20, F.A.C.

(6) It is recommended that the permittee consult the USDA Farm Service Agency regarding the applicability of the National Food Security Act, USCA, Title 16 § 3821, to the temporary agricultural activities.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 120.60, 373.118, 373.119, 373.413, 373.416, 373.418, 373.423 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bob Howard, Deputy Director, Environmental Resource Regulation Division, Water Resources Management Department

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2000 and June 9, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Advanced Registered Nurse Practitioner Services
RULE NO.: 59G-4.010

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Advanced Registered Nurse Practitioner Coverage and Limitations Handbook, January 2001. The handbook includes the updated fee schedule. The effect will be to incorporate by reference in the rule the current Florida Medicaid Advanced Registered Nurse Practitioner Coverage and Limitations Handbook, January 2001.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Advanced Registered Nurse Practitioner Coverage and Limitations Handbook, January 2001.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., May 15, 2001

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Belinda McClellan, Agency for Health Care Administration, Medicaid Program Development, 2728 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7324

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.010 Advanced Registered Nurse Practitioner Services.

(1) No change.

(2) All advanced registered nurse practitioner services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Advanced Registered Nurse Practitioner Coverage and Limitations Handbook, January 2001 ~~January 2000~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 12-21-80, Formerly 10C-7.52, Amended 8-18-92, Formerly 10C-7.052, Amended 8-22-96, 3-11-98, 10-13-98, 6-8-99, 4-23-00,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Belinda McClellan

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2001

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Birth Center Services
RULE NO.: 59G-4.030

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2001. The effect will be to incorporate by reference in the rule the current Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2001.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2001.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 383.335, 409.906, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., May 15, 2001

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Belinda McClellan, Agency for Health Care Administration, Medicaid Program Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7324

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.030 Birth Center Services.

(1) No change.

(2) All birth center services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2001 ~~January 2000~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 383.335, 409.906, 409.908, 409.9081 FS. History—New 4-18-85, Formerly 10C-7.0532, Amended 8-18-92, Formerly 10C-7.0532, Amended 4-22-96, 3-11-98, 10-13-98, 5-24-99, 4-23-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Belinda McClellan

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

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Physician Services
 RULE NO.: 59G-4.230

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Physician Coverage and Limitations Handbook, January 2001. The effect will be to incorporate by reference in the rule the current Florida Medicaid Physician Coverage and Limitations Handbook, January 2001.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Physician Coverage and Limitations Handbook, January 2001.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., May 15, 2001

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3 MS 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lynne Metz, Agency for Health Care Administration, Medicaid Program Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7325

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.230 Physician Services.

(1) No change.

(2) All physician providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Coverage and Limitations Handbook, January 2001 ~~January 2000~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.38, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynne Metz
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Ruben King-Shaw, Jr.
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 15, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 21, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Physician Assistant Services
RULE NO.: 59G-4.231
PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Physician Assistant Coverage and Limitations Handbook, January 2001. The effect will be to incorporate by reference in the rule the current Florida Medicaid Physician Assistant Coverage and Limitations Handbook, January 2001.
SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Physician Assistant Coverage and Limitations Handbook, January 2001.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.
LAW IMPLEMENTED: 409.906, 409.908, 409.9081 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.)

TIME AND DATE: 9:00 a.m., May 15, 2001
PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Belinda McClellan, Agency for Health Care Administration, Medicaid Program Development, 2727 Mahan Drive, Mail Stop 220, Tallahassee, Florida 32308, (850)922-7324

THE FULL TEXT OF THE PROPOSED RULE IS:

- 59G-4.231 Physician Assistant Services.
(1) No change.
(2) All physician assistant providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Assistant Coverage and Limitations Handbook, January 2001 ~~January 2000~~, which is incorporated by reference, and the Florida Medicaid Provider

Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History--New 8-21-95, Amended 5-28-96, 3-11-98, 10-13-98, 8-9-99, 4-23-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Belinda McClellan
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Ruben King-Shaw, Jr.
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 19, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 21, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES: Areas of Competency and Grading Criteria
Exam Review Procedure
RULE NOS.: 61G15-21.002
61G15-21.006

PURPOSE AND EFFECT: These two rules are to being repealed as they are obsolete and describe processes and exam details no longer required by Section 455.217, F.S. Therefore, they are no longer relevant to the use of an approved national examination for licensure.

SUMMARY: Rule 61G15-21.002 is obsolete as Section 455.217(1)(b), F.S. exempts national examinations from its requirements. Pursuant to Rule 61G15-21.001, F.A.C., the Board has designated the examinations provided by the National Council of Examiners for Engineers and Surveyors as the approved examination for applicants to pass in order to qualify for licensure by examination to practice as a professional engineer. Hence, an exam review procedure established under Rule 61G15-21.006, F.A.C. is not feasible nor authorized by Florida law. See Section 455.217(3), F.S.

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

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

SPECIFIC AUTHORITY: 455.217(1)(b),(2), 471.008 FS.
LAW IMPLEMENTED: 455.217(1)(b),(2), 471.013 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 RULES IS: Natalie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-21.002 Areas of Competency and Grading Criteria.

Specific Authority 455.217(1)(b), 471.013 FS. Law Implemented 455.217(1)(b), 471.013 FS. History—New 1-8-80, Amended 2-23-81, 8-25-81, 8-16-82, 4-30-85, 8-20-85, Formerly 21H-21.02, Amended 10-27-92, 1-10-93, Formerly 21H-21.002, Amended 2-14-95, 6-28-95, 11-10-99, Repealed

61G15-21.006 Exam Review Procedure.

Specific Authority 455.217(2) FS. Law Implemented 455.217(2) FS. History—New 1-8-80, Formerly 21H-21.06, Amended 12-24-89, Formerly 21H-21.006, Amended 6-10-99, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2000

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: PRACTICE OF NURSING BY APPLICANTS FOR LICENSURE BY ENDORSEMENT

RULE NO.:

64B9-3.009

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete the provision of the rule which deals with the extension of temporary permits.

SUMMARY: The proposed rule amendment deletes the provision of the rule which deals with the extension of temporary permits, in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

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

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

SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 464.009, 464.015(1),(2),(3),(4), 464.022(4),(8) FS.

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

TIME AND DATE: 10:00 a.m., May 16, 2001

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.009 Practice of Nursing by Applicants for Licensure by Endorsement.

(1) No change.

(2) If a license by endorsement has not been issued within the 60-day limit, the applicant shall contact the Board office for permission to continue working. ~~The permit may be extended for 60 days when verification of licensure from the other state has not been received by the Board within the 60-day period, and otherwise, until acted upon by the Board.~~

(3) No change.

Specific Authority 464.006 FS. Law Implemented 464.009, 464.015(1),(2),(3),(4), 464.022(4),(8) FS. History—New 4-27-80, Amended 7-2-81, Formerly 21O-8.27, Amended 3-3-87, 12-8-87, 6-8-88, 8-2-90, 1-9-91, Formerly 21O-8.027, Amended 9-7-93, Formerly 61F7-3.009, 59S-3.009, Amended 12-30-97, 4-9-98, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2001

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: FEES FOR APPLICATION, EXAMINATION, INITIAL

RULE NO.:

and Renewal Licensure 64B32-3.005

PURPOSE AND EFFECT: The Board proposes to raise a fee and clarifies that it is a licensure fee.

SUMMARY: The Board needs to raise the fee charged for initial licensure and makes a correction to the appropriate designation of this fee.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 468.364, 455.641 FS.

LAW IMPLEMENTED: 468.364, 455.641 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT

AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-3.005 Fees for Application, Examination, Initial and Renewal ~~Licensure Registration~~.

- (1) through (2) No change.
- (3) The initial ~~licensure registration~~ fee for a person who becomes licensed shall be \$110.00 ~~\$70.00~~.
- (4) No change.

Specific Authority 468.364, ~~456.025~~ 455-644 FS. Law Implemented 468.364, ~~456.025~~ 455-644 FS. History—New 4-29-85, Formerly 21M-35.05, 21M-35.005, Amended 9-21-93, 1-3-94, Formerly 61F6-35.005, Amended 9-29-94, Formerly 59R-72.006, 64B8-72.006, ~~Amended~~.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 16, 2001

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES:	RULE NOS.:
Verification	65A-33.007
Program Administration	65A-33.008

PURPOSE AND EFFECT: The proposed amendment of rule 65A-33.007 requires that an applicant for the Emergency Financial Assistance for Housing Program (EFAHP) must either be a current client of the Temporary Cash Assistance Program or be homeless as verified through a recognized social services agency. The rule 65A-33.008 amendment provides the manner in which these requirements are to be administered. These amended procedures will assure that available funding serves those most vulnerable and in need.

SUMMARY: These proposed rule amendments revise the department's application processing procedures for EFAHP. Procedures are being changed so that available funding will serve those most vulnerable and in need. This is to be accomplished via requiring as a base for eligibility current Temporary Cash Assistance (TCA) eligibility or homelessness as verified through social service agencies/entities, such as the Department of Children and Families, faith based and other public/private agencies. Additional eligibility requirements for

EFAHP established by these rule amendments are that non-TCA clients must first seek the services of a social service agency with that agency substantiating the person(s) homelessness, and TCA clients must show proof of eviction or pending eviction.

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: 414.45 FS.

LAW IMPLEMENTED: 414.16 FS.

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

TIME AND DATE: 3:00 p.m., May 14, 2001

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Paul Bartlett, Operations and Management Consultant Manager, Building 3, Room 306, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, Telephone (850)921-9115

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-33.007 Verification.

- (1) through (4) No change.

(5) An applicant who is a current (at the time of application) participant of Temporary Cash Assistance must so indicate and verification of this status must be obtained from the Department of Children and Families prior to authorizing Emergency Financial Assistance for Housing benefits.

(6) Applicants who are participants of the Temporary Cash Assistance Program may be eligible for the Emergency Financial Assistance for Housing Program if their eviction is pending, with verification provided as stated in Section 65A-33.007(8), FAC.

(7) Applicants who are not clients of the Temporary Cash Assistance Program must provide written verification that they are homeless, that they have sought the services of a recognized social services agency (such as faith based and other agencies), recognized by the Internal Revenue Service, and that this agency has substantiated a housing emergency exists.

- (5) through (7) renumbered (8) through (10) No change.
- (a) No change.
- ~~(b) For the homeless applicant, contact with a shelter or a non-relative who can verify the homelessness will suffice.~~
- ~~(b)(e)~~ No change.
- ~~(11)(8)~~ No change.

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History—New 3-13-88, Amended 4-2-91, 7-15-93, Formerly 10C-33.007, Amended 2-16-00, _____.

65A-33.008 Program Administration.

(1) through (8) No change.

(9) The approval for eligibility in the Temporary Cash Assistance Program and verification of pending eviction is required for TCA clients. For non-TCA clients, verification of homelessness by a social service agency shall be required prior to the granting of assistance by the Emergency Financial Assistance for Housing Program. Proof of this status shall be submitted to the Department of Children and Families prior to approval for Emergency Financial Assistance for Housing Program benefits.

(9) through (19) renumbered (10) through (20) No change.

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History—New 3-13-88, Amended 4-2-91, 7-15-93, Formerly 10C-33.008, Amended 2-16-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tiffany Lynn, Management Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Bartlett, Operations and Management Consultant Manager

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 19, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:

Permits for Hunting or Other Recreational Use on Type I Wildlife Management Areas 68A-9.004

PURPOSE AND EFFECT: The proposed change would allow for modifications to be made to the price and quota of recreational use permits pending actions taken by the legislature.

SUMMARY: The proposed rule would enable timely incorporation of changes needed to conform to statutory or budgetary changes made by the legislature.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$255 for administrative preparation and \$210 for legal advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATES: 8:30 a.m., each day, May 23-25, 2001

PLACE: Doubletree Hotel, 4431 PGA Boulevard, Palm Beach Gardens, Florida 33410

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.004 Permits for Hunting or Other Recreational Use on Type I Wildlife Management Areas.

(1) No change.

(a) No change.

(b) The cost of recreational user permits as required for hunting on the following privately owned wildlife management areas as provided by s. 372.57(4)(b)2., F.S., shall be:

The cost of the following recreational use permits may be subject to change pending provisions contained in the 2001-02 General Appropriations Act or other action taken by the Legislature that amends or modifies s. 372.57(4)(b)2., F.S.

1. through 3. No change.

4. ~~Bluewater Creek Champion International~~ – \$140

5. No change.

(c) The total number of permits available for each of the following privately owned wildlife management areas established pursuant to s. 372.57(4)(b)2., F.S., shall be:

The number of total available recreational use permits may be subject to change pending provisions contained in the 2001-02 General Appropriations Act or other action taken by the Legislature that amends or modifies s. 372.57(4)(b)2., F.S.

1. through 3. No change.

4. ~~Bluewater Creek Champion International~~ – 325

5. through (2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented 372.121, 372.57, 375.313 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-9.04, Amended 6-2-86, 11-1-89, 7-16-98, 5-13-99, Formerly 39-9.004, Amended 7-1-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits to Private Landowners

68A-13.004

PURPOSE AND EFFECT: The proposed rule change is necessary to correct the delineation between the South and Central hunting zones. The boundary should be State Road 70.

SUMMARY: The proposed rule make a correction to the zone boundary between the South and Central hunting zones by correcting the definition of the South zone to include that portion of Manatee County lying south of S.R. 70 and the definition of the Central zone to include only that portion of Manatee County lying north of S.R. 70.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$570 for administrative preparation and \$235 for legal advertising. No other significant economic impacts are anticipated.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATES: 8:30 a.m., each day, May 23-25, 2001

PLACE: Doubletree Hotel, 4431 PGA Boulevard, Palm Beach Gardens, Florida 33410

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-13.004 Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits to Private Landowners.

The open season and bag limits for non-migratory game shall be as follows unless otherwise amended by the Commission, provided that regulations for hunting on wildlife management areas shall be as established by specific rule.

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

1. South Zone comprised of the counties of Broward, Charlotte, Collier (except that portion lying south of State Road 84, west of State Road 29, north of U.S. Highway 41 and east of the western boundary of the Fakahatchee Strand State

Preserve where there will be no open season), Dade, DeSoto (south of State Road 70), Glades, Hendry, Highlands (south of State Road 70), Lee, Martin, Manatee (south of State Road 70), Monroe (except in the Florida Keys where there will be no open season), Okeechobee (south of State Road 70), St. Lucie (south of State Road 70), Sarasota and Palm Beach: Opening the last Saturday in October and closing 71 days thereafter.

2. Central Zone comprised of the counties of Alachua, Baker, Bradford, Brevard, Citrus, Clay, Columbia, DeSoto (north of State Road 70), Dixie, Duval, Flagler, Gilchrist, Hamilton, Hardee, Hernando, Highlands (north of State Road 70), Hillsborough, Indian River, Jefferson (north of U.S. Highway 27, east of State Road 59 and south of U.S. Highway 98), Lafayette, Lake, Levy, Madison, Manatee (north of State Road 70), Marion, Nassau, Okeechobee (north of State Road 70), Orange, Osceola, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie (north of State Road 70), Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Leon (north of U.S. Highway 27 and east of State Road 155) and Wakulla (south of U.S. Highway 98 and east of the St. Marks River): Opening the second Saturday in November and closing 71 days thereafter.

3. No change.

(b) through (i) No change.

(3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-13.04, Amended 6-1-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-1-92, 7-1-93, 3-1-94, 7-1-94, 7-1-96, 10-28-97, 4-27-98, 12-28-98, Formerly 39-13.004, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: April 4, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

Hunting Regulations for Migratory Birds

Other than Ducks and Coots

68A-13.008

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish season dates and bag limits for crows and migratory game birds other than ducks and coots in conformance with federal regulations. Rule wording would be changed to shorten the gallinule falconry season by one day to accommodate an increase, made last year, in the number of Youth Waterfowl Hunting Days.

SUMMARY: This rule amends migratory bird hunting regulations to shorten the gallinule falconry season by one day to accommodate an increase, made last year, in the number of Youth Waterfowl Hunting Days.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule change will cost the agency approximately \$120 for administrative preparation and \$157 for advertising. There will be no direct cost or economic benefit as a result of this proposed rule change, and any such impacts would result not from proposed promulgation of this rule but from federal action to set migratory bird seasons. There is estimated to be no impact on competition or the open market for employment as a result of the 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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATES: 8:30 a.m., each day May 23-25, 2001

PLACE: Doubletree Hotel, 4431 PGA Boulevard, Palm Beach Gardens, Florida 33410

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-13.008 Hunting Regulations for Migratory Birds Other than Ducks and Coots.

The Commission has approved the following regulations and bag limits for taking crows and migratory game birds other than ducks and coots:

- (1) through (5) No change.
- (6) Falconry:
 - (a) No change.
 - (b) Open seasons:
 - 1. through 2. No change.
 - 3. Florida gallinules (common moorhens): Opening September 1 and closing December ~~14~~ 15.
 - 4. through 5. No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-17-89, Amended 8-9-90, 8-22-91, 8-23-92, 9-2-93, 9-15-94, 9-15-96, 9-7-97, Formerly 39-13.008, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy E. O'Meara

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits

RULE NO.: 68A-15.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reincorporate a revised list for quota and special-opportunity permits.

SUMMARY: The proposed changes would reincorporate a new reference list for quota hunt permits. The new list has been revised to reduce and reconfigure hunter quotas on Robert Brent Wildlife Management Area to accommodate acreage reductions requested by the landowner. The quota for the general gun hunt (first 13 days) would be reduced from 1,200 to 500 and be split into two hunts - a general gun still hunt (first 13 days) with a quota of 250 and a general gun dog hunt (first 13 days) with a quota of 250.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$324 for administrative preparation and \$27 for legal advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATES: 8:30 a.m., each day, May 23-25, 2001

PLACE: Doubletree Hotel, 4431 PGA Boulevard, Palm Beach Gardens, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.005 Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits.

(1) No change.

(2) The maximum number of quota and special-opportunity permits to be issued for each wildlife management area, fish management area, or wildlife and environmental area shall be maintained on a list titled "Quota and special-opportunity permits," effective August 1, 2001 July 1, 2001, incorporated herein by reference and kept by the Commission at its headquarters office and regional offices.

(3) through (4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-22-80, 12-29-80, 6-4-81, 8-4-81, 6-21-82, 7-29-82, 7-1-83, 7-5-84, 7-1-85, 9-19-85, Formerly 39-15.05, Amended 5-7-86, 6-10-86, 5-10-87, 6-8-87, 10-8-87, 4-13-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 3-30-95, 6-20-95, 8-15-95, 4-1-96, 6-27-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 11-23-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 5-13-99, Formerly 39-15.005, Amended 12-9-99, 4-30-00, 7-1-01, 8-1-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – Northwest Region

RULE NO.: 68A-15.063

PURPOSE AND EFFECT: The proposed change would allow for modifications to the specific area regulations for Robert Brent Wildlife Management Area (WMA) pending final actions taken by the landowner that will reduce the acreage in the WMA. The effect would be to continue to accommodate public access and hunting following reconfiguration of the WMA if acreage is reduced as anticipated.

SUMMARY: The proposed rule would enable timely incorporation of changes needed to accommodate public access and hunting on Robert Brent WMA for the 2001/2002 hunting season if a significant reduction in acreage is required and reconfiguration of the WMA is necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$367 for administrative preparation and \$125 for legal advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATES: 8:30 a.m., each day, May 23-25, 2001

PLACE: Doubletree Hotel, 4431 PGA Boulevard, Palm Beach Gardens, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS:

James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.063 Specific Regulations for Type I Wildlife Management Areas – Northwest Region.

(1) through (8) No change.

(9) No change.

(a) through (c) No change.

(d) General regulations:

1. through 2. No change.

3. Vehicles may be operated only on established roads. Vehicle access and use may be further modified in the event of a reduction in acreage in the WMA.

4. through 8. No change.

(10) through (18) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-21-82, Amended 7-1-83, 7-5-84, 7-1-85, 5-7-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 9-1-90, 9-1-91, 7-1-92, 7-2-92, 7-1-93, 3-1-94, 7-1-94, 7-1-95, 7-2-95, 8-15-95, 7-1-96, 7-2-96, 6-1-97, 12-3-97, 7-1-98, 7-2-98, 8-11-98, 7-1-99, Formerly 39-15.063, Amended 11-17-99, 7-1-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE TITLE: Use of Power With Certain Gear Prohibited
in Inside Waters; Exceptions; Definition

RULE NO.: 68B-4.004

PURPOSE AND EFFECT: The purpose of this rulemaking is to repeal a rule that prohibits the use of power to retrieve a beach or haul seine in nearshore or inshore waters. The effect of the repeal should be to provide a means to allow persons with disabilities to compete with able-bodied fishers using cast nets.

SUMMARY: Rule 68B-4.004, F.A.C., which prohibits the use of power to retrieve a beach or haul seine in nearshore or inshore waters, is repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, May 23-25, 2001

PLACE: Doubletree Hotel, 4431 PGA Boulevard, Palm Beach Gardens, Florida

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

All written material received by the Commission 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 COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF 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 BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-4.004 Use of Power With Certain Gear Prohibited in Inside Waters; Exceptions; Definition.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 10-19-89, Amended 11-26-92, 9-30-96, Formerly 46-4.004, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Stone Crabs

RULE TITLES:	RULE NOS.:
Definitions	68B-13.0015
Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer	68B-13.008
Recreational Stone Crab Harvest: Bag Limit, Trap Limit, Trap Marking Requirements, Trap Pulling	68B-13.009
Stone Crab Trap Limitation Program	68B-13.010
Prohibitions	68B-13.011
Commission Policy Regarding the Assessment of Administrative Penalties	68B-13.012

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

SUMMARY: Rule 68B-13.0015, F.A.C., is amended to add new definitions of the terms "A1-certificates," "A2-certificates," "active certificates," "allotted certificates," "B-certificates," "certificate holder," "Commission," "fair market value," "inactive certificates," "initial allocation," "issued certificates," "passive reduction," "stone crab trap," "transferred certificates," "trap certificate transfer," "trap tag," and "X-number" for purposes of the rule chapter. Minor technical, clarifying amendments are proposed for the existing definitions of the terms "harvest for commercial purposes," "incidental take endorsement," and "stone crab endorsement."

Paragraph (3)(a) of Rule 68B-13.008, F.A.C., is amended to clarify that a valid saltwater products license with the corresponding stone crab endorsement number must be on board a commercial stone crab harvesting boat and be available for inspection. Paragraph (4)(c) of the rule is amended to clarify and provide additional requirements for granting permission to allow persons other than the licenseholder to work or pull stone crab traps.

Paragraph (2)(a) of Rule 68B-13.010, F.A.C., is amended to address specific situations that will be encountered in making initial allocations of stone crab trap certificates and provide for appeal of decisions made with respect to initial allocations. Paragraph (2)(c) is amended to establish requirements for the issuance of replacement tags for those that are lost or damaged. Subsection (3) of the rule is amended to establish a time window for the transfer of certificates each year and establish additional requirements for those involved in the transfer. Procedures for implementing passive reductions are clarified and qualifications are established for reduced transfer fees for specified crew members receiving transferred certificates. Subsection (5) of the rule is amended to clarify application requirements for incidental take endorsements. Subsection (7) of the rule is amended to clarify requirements for persons selected to sit on the Trap Certificate Technical Advisory and Appeals Board.

Subsection (11) of Rule 68B-13.011, F.A.C., is amended to state that a federal stone crab trap tag meets the requirements of the rule for traps fished only in federal waters.

Proposed new Rule 68B-13.012, F.A.C., establishes Commission policy for assessing administrative penalties as authorized by Section 370.13(2), Florida Statutes, for use of stone crab traps without valid tags, for use of altered or forged tags, for unauthorized sale of certificates or trap tags, for fraudulent reporting of value of certificates upon transfer, for molestation of stone crabs traps, for theft of trap contents, and for commercial harvest of stone crabs while the applicable stone crab license or endorsement is under suspension.

In all of these rule amendments and new rules, whenever forms are referred to, they are designated by number and incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULE MAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, May 23-25, 2001

PLACE: DoubleTree Hotel, 4431 PGA Boulevard, Palm Beach Gardens, FL

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

All written material received by the Commission 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 commission with respect to any matter considered at this hearing, he will need a record of 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 based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-13.0015 Definitions.

(1) No change.

(2) As used in this rule chapter:

(a) "A1-certificates" are trap certificates that have never been transferred from the original certificate holder.

(b) "A2-certificates" are trap certificates that have been transferred to or from an immediate family member for which no surcharge was collected.

(c) “Active certificates” are those certificates for which all license fees, certificate fees, transfer fees and surcharges have been paid in full and are current, and the holder’s saltwater products license (SPL) and stone crab endorsement (X-number) are not inactive.

(d) “Allotted certificates” and “allocated certificates” mean the number of stone crab trap certificates assigned to an individual certificate holder and maintained by the Commission after the initial allocation is established for an individual Saltwater Products License number with a stone crab endorsement. The certificate balance is that number of certificates as adjusted to reflect lawful transfer of certificates into or out of the certificate holder’s trap certificate account and other adjustments as are lawful and otherwise authorized under the program.

(e) “B-certificates” are trap certificates that have been transferred outside a trap certificate holder’s immediate family and for which a surcharge is due or has been collected.

(f) “Certificate holder” is the individual who holds a valid Saltwater Products License with a current stone crab endorsement and received an initial allotment of trap certificates or obtained trap certificates from another trap certificate holder, or otherwise lawfully acquired trap certificates and these certificates are assigned to his/her Saltwater Products License/stone crab endorsement. The certificates may be active or inactive.

(g) “Commission” means the Florida Fish and Wildlife Conservation Commission.

(h) “Fair Market Value” means the actual price paid for each certificate by the transferee to the transferor.

(i)(~~a~~) “Harvest” means the catching or taking of a stone crab by any means whatsoever, followed by a reduction of stone crab to possession. Stone crabs caught but immediately returned to the water free, alive, and unharmed, temporarily possessed to determine compliance with size requirements or remove claws, or stored aboard a vessel temporarily until claws are removed as authorized by Rule 68B-13.007(3), F.A.C., are not harvested.

(j)(~~b~~) “Harvest for commercial purposes” means the taking or harvesting of stone crabs for purposes of sale, barter, trade or exchange or with intent to sell, barter, trade or exchange or in excess of the recreational bag limit.

(k)(~~e~~) The term “immediate family” for purposes of this chapter and Section 370.13, Florida Statutes, refers to an endorsement or certificate holder’s mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, or half brother.

(l) “Inactive Certificates” are those certificates which are allocated to a certificate holder but are not available for transfer or issuance of trap tags because the certificate holder has outstanding license fees, certificate fees or penalty assessments and/or the certificate holder’s Saltwater Products

License, stone crab endorsement, or other required licenses, endorsements or authorizations are otherwise under suspension, revocation or inactive.

(m)(~~d~~) “Incidental take endorsement” means an identification number stamped on a saltwater products license, showing that the holder of the license is authorized to harvest a limited amount of stone crab claws for commercial purposes as specified in 68B-13.010(5). Such endorsement shall only be valid when used in conjunction with a crawfish or blue crab endorsement; also known as an “I-number”.

(n) “Initial allocation” of certificates means those certificates assigned to an eligible individual pursuant to Rule 68B-13.010(2)(a), F.A.C.

(o) “Issued certificates” means those certificates which have been paid for, are current, and are assigned to a Saltwater Products License/stone crab endorsement account.

(p) “Passive reduction” means a decrease in the number of stone crab trap tags, and thus authorized traps, through a reduction in the total number of trap certificates available to the fishery incorporated into the trap certificate transfer process pursuant to Rule 68B-13.010(3), Florida Administrative Code.

(q)(~~e~~) “Stone crab endorsement” means an identification number stamped on a saltwater products license showing that the holder of the license is authorized to harvest stone crabs for commercial purposes; also known as an “X-number”.

(r) “Stone crab trap” is any device or gear, as defined in Rule 68B-13.008, Florida Administrative Code, which is used to aid in the taking of stone crab. Only authorized stone crab traps may be used, and trap tags obtained from trap certificate allocations do not create any authorization whatsoever to use any gear not otherwise lawful to use or aid in the taking of stone crab.

(s) “Transferred certificates” means those certificates that have changed ownership pursuant to Rule 68B-13.010(3), F.A.C.

(t) “Trap certificate transfer” is the process whereby ownership of a specified number of certificates is changed by the Commission from one person to another pursuant to Rule 68B-13.010(3), F.A.C.

(u) “Trap tag” is a physical, durable, annual stone crab trap identification and authorization label, furnished by the Commission to the certificate holder. One trap tag is issued for each active trap certificate held.

(v)(~~f~~) “Untreated pine” means raw pine wood that has not been treated with any preservative or pine wood that has been pressure treated with no more than 0.40 pounds of chromated copper arsenate (CCA) compounds per cubic foot of wood.

(w) “X-number” is another term for stone crab endorsement; derived from the letter “X”, which when used with a number on a Saltwater Products License, represents the license holder’s stone crab endorsement.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV Sec. 9, Fla. Const. History–New 8-25-87, Amended 10-4-95, 7-1-00, Formerly 46-13.0015, Amended _____.

68B-13.008 Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer.

(1) through (2) No change.

(3) COMMERCIAL TRAP MARKING REQUIREMENTS.

(a) Each trap used must have the trap owner’s stone crab endorsement number permanently attached. In addition, the stone crab endorsement number shall be affixed in legible figures at least two inches high on each buoy used. A valid commercial the saltwater products license with the corresponding stone crab endorsement number must be on the boat and the license and stone crab claws shall be subject to inspection at all times. Except as provided in paragraph (4)(c) of this rule, no more than two stone crab endorsement numbers shall be used on a single vessel.

(4) TRAP WORKING REGULATIONS

(c) During any time of the year when it is legal to transport stone crab traps, a harvester may obtain permission from the Division of Law Enforcement to allow another person to transport, deploy, pull or retrieve his/her traps. Permission may be granted upon receipt of a written statement signed by both the commercial harvester seeking to have his/her traps pulled and the person designated to pull the traps. Such written statement shall contain the following:

1. The reason the harvester needs to have his or her traps pulled;
2. The numbers of the Saltwater Products License and stone crab endorsement of both the harvester seeking to have the traps pulled and the person who will be pulling the traps;
3. The buoy colors of the harvester seeking such permission;
4. The name and number of the vessel to be used by vessel number and vessel name of the person who will be pulling the traps; and
5. The general locations of the pulling activity of the vessel to be engaged in pulling the traps; and
6. The dates the other person will be transporting, deploying, pulling or retrieving the traps.

Permission to pull traps in this manner shall be obtained daily by telephone from the Division of Law Enforcement for a maximum of 5 days without renewal or extension of the request; however, extension of permission shall be obtained by telephone for up to a maximum of 5 days without renewal or extension. Permission to have traps pulled by another person for a longer period of time, must be based on extraordinary circumstances such as severe personal or family illness or accident or major equipment problem, and shall be obtained through petition to the Division of Law Enforcement Marine Fisheries on Commission Form DMF-SL3030, (Stone Crab

Trap Pulling Petition), herein incorporated by reference, and will be granted upon such conditions as the division deems appropriate for the protection ~~protection~~ of the resource. It shall be the responsibility of the commercial harvester, or a member of the harvester’s immediate family, to petition the division. The petition shall include a complete description of the extraordinary circumstances with corroborating documentation, the amount of additional time requested, the number of traps to be pulled, and a signed statement from the other person, attesting to his/her willingness and ability to pull these traps during this time period as well as an awareness of all rules governing the stone crab fishery. If the person designated to pull the petitioner’s traps does not possess a Saltwater Products License with restricted species and stone crab endorsements, the petitioner, as the license holder of record must possess a vessel Saltwater Products License and shall be held accountable for the designee’s compliance with all regulations governing the stone crab fishery.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-00, Amended _____.

68B-13.009 Recreational Stone Crab Harvest: Bag Limit, Trap Limit, Trap ~~Marketing~~ Marking Requirements, Trap Pulling.

(1) BAG LIMIT. Except for persons harvesting pursuant to a saltwater products license with a stone crab endorsement or an incidental take endorsement and a restricted species endorsement, each harvester of stone crab claws is subject to a daily bag limit of 1 gallon of stone crab claws; provided, however that no more than 2 gallons shall be possessed aboard any vessel at any time.

(2) TRAP LIMIT. Except for persons holding a Saltwater Products License with restricted species and stone crab endorsements, no person harvesting stone crabs pursuant to this subsection shall harvest from, fish with, set, or place in the waters of the state more than 5 stone crab traps. No person harvesting stone crabs pursuant to this paragraph shall fish with, set, or place in the waters of the state more than 5 traps. Any such traps shall meet all the requirements for stone crab traps specified in Rule 68B-13.008, F.A.C., in subsection (2) and in paragraphs (3)(b), (4)(a), (4)(b), (4)(d), and (4)(e).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fl. Const. History–New 7-1-00, Amended _____.

68B-13.010 Stone Crab Trap Limitation Program.

(1) No change.

(2) CERTIFICATES AND TRAP TAGS. Each holder of a stone crab trap endorsement must have a certificate on record for stone crab trap used or possessed in or on the water. In addition, attached to each trap shall be a tag, issued annually by the Commission, which corresponds to a valid certificate.

(a) Certificates.

1. A person is eligible for the initial allocation of stone crab trap certificates if he or she possessed a Saltwater Products License (SPL) with a restricted species endorsement and a stone crab endorsement during the 1999-2000 fishing season, and can establish pursuant to Commission trip ticket records generated under the provisions of s. 370.07(6), Florida Statutes, that he or she had at least 300 pounds of stone crab claw landings associated with any one SPL, during any one fishing season from 1993/1994 through 1998/1999. A SPL with less than 300 pounds is not eligible to receive stone crab trap certificates.

2. Once eligible, a person will qualify for the initial allocation of certificates for each SPL based on whichever is less, the number of traps listed on the SPL application, or the pounds of claws landed divided by 2, as reported through the trip ticket program during any one of the applicable fishing seasons. The number of certificates allocated will be based on the highest cumulative total of qualified certificates for each SPL during one fishing season, 1995/1996 through 1997/1998.

a. A person who possesses an individual SPL and a vessel SPL with the number of traps listed only on one license's application form and landings primarily reported on the other license shall be considered to have only one SPL for purpose of this section and allocated trap certificates as described above.

b. A person who has purchased another's stone crab business, between July 1, 1995 and July 1, 2000 shall receive the trap certificates allocated to the seller, without a passive reduction, provided that they can submit documentation showing that the seller's landings history was specifically part of the sale-purchase agreement. Acceptable documentation includes a copy of a contract or bill of sale specifically identifying landings history as one of the items included in the sale of the business or a letter from the seller to the Commission stating that he/she is the recipient of the original trap certificate allocation and describing what specifically was included in the sale of the business. The seller of a stone crab business that included the landings history cannot receive an additional allocation of certificates based on landings subsequent to sale of that business. Any trap certificates obtained through purchase of a stone crab business after July 1, 2000 will be subject to passive reduction at the time of transfer.

c. For the 2001/2002 fishing year, the Commission will issue the number of stone crab trap tags in excess of their initial allocation of stone crab trap certificates as requested by fishermen on Commission Form DMF-SL3040, (2001/2002 Supplemental/Additional Stone Crab Trap Tag Order Form) herein incorporated by reference. This offer shall only be allowed for the 2001/2002 fishing year during the resolution of appeals to the initial allocations of trap certificates and shall only be made available to persons qualified under paragraph (2)(a)1. who held a stone crab endorsement in the 2000/2001 fishing year.

3. Certificates shall only be issued to natural persons. For the purposes of this section, the term "natural person", or "person", refers to a human being and does not include a firm, organization, partnership, association, corporation, or other business or legal entity or group or combination. All endorsement holders other than natural persons shall designate the person or persons to whom they are assigning their certificates ~~will be allotted~~ and the number thereof to each, if more than one person is designated, on Commission Form DMF-SL3070 (Certificate Designation For Business or Corporation), incorporated herein by reference.

4. A firm, organization, partnership, association, corporation, or other business entity or legal entity or group or combination can neither receive an initial allocation nor purchase and possess in their name stone crab trap certificates.

5.4. Certificates shall only be issued to persons who possess a current year Saltwater Products License with a stone crab endorsement, neither of which are under suspension or revocation.

6. The Commission shall notify all holders of a 1999/2000 Saltwater Products License with a stone crab endorsement of their initial allocation of stone crab trap certificates; those persons will indicate either their acceptance of or intent to appeal the initial allocation on Commission Forms DMF-SL3050 (Statement of Acceptance or Appeal of Stone Crab Certificate Allocation), and DMF-SL 3060 (Application for Appeal/Review of Stone Crab Trap Certificate Allocation), incorporated herein by reference.

7.5. In no event shall any person, firm, corporation, or other business entity, possess or control, directly or indirectly, more than 1% of the total available certificates issued in any fishing season.

8. Certificates will only be issued in whole numbers; there are no fractional certificates.

9. There must be one or more certificates allocated to a certificate holder in order for the certificate holder to have a trap certificate account established. A person may have an Saltwater Products License/stone crab endorsement with no trap certificates; a person may not receive trap certificates without a stone crab endorsement.

10. Partial payment of annual certificate fees will not be accepted. However, upon receipt of the trap certificate billing statement for 2001/2002 stone crab trap tags, a certificate holder may submit fees for only those trap certificates that they wish to retain in their account. Any trap certificates for which the fees are not paid at that time will be forfeited and permanently removed from the fishery.

11. Any payment of certificate fees by an invalid check is cause for suspension of all current certificates if valid payment is not received within thirty days of notification of insufficient funds. Payment shall include any returned check charges incurred by the Commission.

12. Stone crab trap certificates and tags shall not be issued to certificate holders until all license fees, certificate fees, surcharges and any other outstanding fees owed the Commission have been paid in full and are current and the certificate holder's SPL, stone crab endorsement are not otherwise inactive.

13. Trap certificates are considered to be inactive if:

a. The certificate holder fails to renew his/her Saltwater Products License or has his/her license suspended or revoked;

b. The certificate holder does not renew his/her stone crab endorsement or the endorsement has been suspended or revoked;

c. All annual certificate fees have not been paid in full;

d. The certificates holder is deceased;

14.6. The fees for unpaid certificates will accumulate each year a certificate holder fails to pay his or her annual certificate fee. In the event a holder's annual certificate fee is not paid for a period of 3 years, the certificates shall be considered abandoned and permanently be removed from the pool of available certificates. All prior certificate fees must be paid in order to keep certificates current and avoid a declaration of abandonment.

(b) Trap tags. Beginning October 1, 2001, each trap used for the directed harvest of stone crabs in state waters or adjacent federal waters shall, in addition to having the stone crab endorsement number permanently attached as required in Rule 68B-13.008(3)(a), F.A.C., also have firmly affixed thereto a current trap tag issued annually by the Commission. Each such tag shall be made of durable plastic or material similarly durable and shall have printed stamped thereon the owner's endorsement number. The number of trap tags issued to each endorsement holder shall not exceed the number of trap certificates held by the endorsement holder at the time of issuance. To facilitate enforcement and record keeping, such tags shall be issued each year in a different color from that of each of the previous 3 years. ~~Replacement tags for lost or damaged tags may be obtained from the Commission.~~ Traps with tags which are not firmly affixed by nails, staples, or otherwise securely fastened as may be provided specified by the Commission, shall be considered untagged for enforcement purposes. A federal stone crab trap tag issued by the National Marine Fisheries Service meets the requirements of this rule for traps fished in federal waters or in transit to federal waters.

(c) Lost or damaged tags may be replaced using Commission Form DMF-SL3010 (Stone Crab Trap Tag Replacement Application), herein incorporated by reference, and upon proper verification of loss as defined in (e) below, and payment of the replacement tag fee. Damaged tags must be returned to the Commission.

(d) Cost of the replacement tags for tags lost in the event of a major natural disaster will reasonably reflect the actual cost incurred by the Commission, which is construed to include shipping and handling fees.

(e) Notification of lost or damaged tags shall be a written report made to the Commission on the NOAA/National Marine Fisheries Service Report of Lost or Stolen Fish and Shellfish Traps Form, which may be obtained from the local Division of Law Enforcement offices. The report shall include the certificate holder's name, license number, endorsement number, and tag numbers lost, location or area tags lost in, and circumstances of the loss.

(3) CERTIFICATE TRANSFERABILITY AND PASSIVE REDUCTION. After initial issuance, trap certificates are transferable on a market basis and may be transferred for a fair market value agreed upon between the transferor and transferee.

(a) Transfer window. Trap certificates shall only be transferred from the trap certificate account of one person to the account of another during the period August 1 through March 1 each year. However, requests to transfer trap certificates received after February 15 may not be completed during the current season if all required information and fees are not also received at that time.

(b) Both the purchaser and seller of stone crab trap certificates must hold a valid Saltwater Products License with a stone crab endorsements at the time of transfer.

(c) A person who intends to close their trap certificate account by transferring all of their trap certificates to another person, and does not qualify for the restricted species endorsement, shall be exempt from the restricted species requirement of Rule 68B-13.006(1)(a).

(d)(*) Transfer of any certificates shall, within 72 hours thereof, be reported ~~recorded~~ on a Commission Form DMF-SL3000 (Stone Crab Trap Certificate Transfer Application), incorporated herein by reference, which has been signed by both parties, notarized, ~~notarized provided for that purpose by the commission~~ and hand delivered or sent by certified mail, return receipt requested, to the Commission for recording in the seller's and purchaser's trap certificate accounts ~~record keeping purposes~~. No transfer of ~~for~~ any certificates will be effective, resulting in the issuance of transfer tags, until:

1. The Commission receives the notarized transfer form from the seller ~~and the transfer fee is paid;~~ and

2. The Commission receives a notarized copy of the bill of sale from the purchaser; and

3. All outstanding license fees, endorsement fees, trap tag fees, transfer fees, surcharges and any other charges owed the Commission by either party in the transaction are paid; and

4. The Saltwater Products License, stone crab endorsement, and all certificates or other required licenses, endorsements or authorizations held by both parties in the transaction are not suspended, revoked, or inactive.

(e) The certificate holder transferring his/her trap certificates shall designate in detail which type of certificates (A1, A2 or B) are being transferred, and in what combinations thereof. B-certificates will be reduced prior to A-certificates at the time of transfer.

(f)(b) Upon the sale or transfer of certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by the following percentages depending on the overall number of certificates available to harvesters throughout the state at the time of sale:

1. If more than 1 1/2 million certificates are available, there shall be a 25 percent reduction in the number of certificates received by the purchaser.

2. If more than 1 1/4 million, but fewer than 1 1/2 million certificates are available, there shall be a 22 1/2 percent reduction in the number of certificates received by the purchaser.

3. If more than 1 million, but fewer than 1 1/4 million certificates are available, there shall be an 18 1/2 percent reduction in the number of certificates received by the purchaser.

4. If more than 3/4 of a million, but fewer than 1 million certificates are available, there shall be a 15 percent reduction in the number of certificates received by the purchaser.

5. If more than 600,000, but fewer than 3/4 million certificates are available, there shall be a 10 percent reduction in the number of certificates received by the purchaser.

6. When 600,000 certificates or fewer are available, there shall be no percentage reduction in the number of certificates received by the purchaser.

(g) If the percentage reduction results in a fractional number, that fraction, which represents a partial trap certificate/trap, will be rounded off to the nearest whole number, representing a whole trap certificate/trap. Only whole trap certificates will be removed from an account during reduction.

(h)(e) The Commission will maintain records of all certificates and their transfers and annually provide each endorsement holder with a statement of their certificate account.

(i)(d) In the event of death or disability, endorsements and certificates may be transferred to a member of the immediate family without the family member being subject to any transfer fees or a reduction in the number of certificates transferred. However, certificates will only be transferred if all outstanding license fees, endorsement fees, trap tag fees, surcharges and any other charges owed by either party to the Commission are paid, and both parties' Saltwater Products License, stone crab endorsement and all certificates or other required licenses, endorsements or authorizations are not suspended, revoked or inactive.

(j) A person is eligible for the reduced transfer fee of s. 370.13(1)(b)2., F.S., if he/she:

1. Has crew share statements and IRS Forms 1099 and 1040 or IRS Forms W2 and 1040 showing participation in the stone crab fishery as a crew member on a properly licensed vessel during at least one of two previous stone crab fishing seasons;

2. Qualifies for a restricted species endorsement;

3. Is sponsored by a captain who has knowledge and expertise in the stone crab fishery with annual landings of stone crab claws of at least 1000 pounds in any two of the previous three stone crab seasons and who certifies, on Commission Form DMF-SL3020 (Eligible Mate, Stone Crab Certificate Sponsorship Form), incorporated herein by reference, that the person is knowledgeable and possess skills necessary for participation in the stone crab fishery; and,

4. Has not received an initial allocation of one or more stone crab trap certificates from the Commission.

A person requesting the reduced transfer fee shall submit their request, with supporting eligibility documentation, at the same time they submit the stone crab trap certificate transfer application (Form DMF-SL 3000) to report their first purchase of trap certificates. Once eligible, a person will receive the reduced transfer fee on all purchases of trap certificates made within a 12 month period beginning with the date of first purchase.

(k)(e) Each year as the numbers of certificates are reduced, the Commission may make up to 5% of the total amount of reduced certificates available to persons properly licensed and qualified to harvest stone crab pursuant to the requirements of this rule chapter.

(5) INCIDENTAL TAKE ENDORSEMENT. Persons possessing valid crawfish or blue crab endorsements may land and sell 5 gallons of stone crab claws per day if the stone crab claws are harvested from legal crawfish or blue crab traps and the crawfish or blue crab endorsement holder also possesses a stone crab incidental take endorsement. Application for an incidental take endorsement shall be on Commission Form DMF-SL2800 (05-00) (Application for a Stone Crab Incidental Take Endorsement (I#)), incorporated herein by reference.

(7) TRAP CERTIFICATE ADVISORY AND APPEALS BOARD. There is hereby established the Trap Certificate Advisory and Appeals Board. Such board shall consider and advise the Commission on disputes and other problems arising from the implementation of the stone crab trap limitation program. The board may also provide information to the Commission on the operation of the trap limitation program.

(a)1. Board Composition. The board shall consist of a member of the Commission staff appointed by the executive director, and eight members appointed by the executive director according to the following criteria, except as otherwise provided in subparagraph 2.:

a. All appointed members other than the commission staff person, shall be stone crab trap certificate holders, none of whom are appealing their trap certificate allotment. Two shall hold fewer than 200 certificates, two shall hold at least 200 but no more than 750 certificates, two shall hold more than 750 but not more than 2,000 certificates, and two shall hold more than 2,000 certificates.

b. At least one member shall come from each of the following regions:

- (I) Wakulla, Taylor, Dixie, or Levy Counties;
- (II) Citrus, Hernando, Pasco, Pinellas, or Hillsborough Counties;
- (III) Manatee, Sarasota, Charlotte, or Lee Counties; and

c. The remaining five members of the board shall come from Collier, Monroe, and Dade Counties.

d. At least one appointed member shall be a person of Hispanic origin capable of speaking conversational English and Spanish.

2. If there are not enough individuals that meet the above-referenced criteria, the executive director of the Commission may fill any position on the initial board with an individual who does not fulfill the requirements of subparagraph 1. However, as soon as individuals are available that meet the requirements of subparagraph 1., the executive director may replace any individual who does not meet the above-referenced criteria, and fill the position on the board with the qualified appointees. The executive director of the commission shall replace any board member who is cited for and convicted of a violation of Chapter 68B-13, F.A.C. or who misses more than two scheduled meetings of the board without approval from the board chair with another stone crab fisherman from any region.

3. Stone crab endorsement holders withing to be considered for appointment to the Trap Certificate Technical Advisory and Appeals Board shall make their request on Commission form DMF-SL3080 (Application for Stone Crab Trap Certificate Technical Advisory and Appeals Board), incorporated herein by reference.

Specific Authority Art. IV, Sect. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-00, Amended _____.

68B-13.011 Prohibitions.
(1) through (10) No change.

(11) It is unlawful for a person to possess or use a stone crab trap in or on state waters or adjacent federal waters without having firmly affixed thereto the trap tag required by this rule. A federal stone crab trap tag issued by the National Marine Fisheries Service meets the tagging requirements of this rule only for traps fished in the federal waters of the Gulf of Mexico or in transit to the federal waters.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-00, Amended _____.

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

(1) It shall be the policy of the Commission to assess administrative penalties pursuant to s. 370.13(2)(a), Florida Statutes, for conviction of a violation involving use of stone crab traps without current year trap tags (Rules 68B-13.010(2)(b) and 68B-13.011(11) and (5)), as follows:

(a) For a first conviction:

1. Involving 20 or fewer untagged stone crab traps – \$25 per untagged trap;

2. Involving 21 or more untagged stone crab traps – \$1000 and suspension of the stone crab endorsement for the remainder of the fishing season.

(b) For a second conviction occurring within 24 months of any previous such conviction:

1. Involving 5 or fewer untagged stone crab traps – \$50 per untagged trap;

2. Involving 6 up to and including 20 untagged stone crab traps – \$75 per untagged trap and suspension of the stone crab endorsement for 12 calendar months;

3. Involving 21 or more untagged stone crab traps – \$2000 and suspension of the stone crab endorsement for 12 calendar months.

(c) For a third conviction occurring within 36 months of two previous such convictions:

1. Involving 5 or fewer untagged stone crab traps – \$100 per untagged trap and suspension of the stone crab endorsement for 24 calendar months;

2. Involving 6 up to and including 20 untagged stone crab traps – \$2500 and suspension of the stone crab endorsement for 24 calendar months;

3. Involving 21 or more untagged stone crab traps – \$5000 and suspension of the stone crab endorsement for 24 calendar months.

(d) For a fourth conviction occurring within 48 months of three previous such violations, regardless of the number of untagged stone crab traps involved – permanent revocation of the saltwater products license, all endorsements and associated fishing privileges.

(2) It shall be the policy of the Commission to assess administrative penalties pursuant to s. 370.13(2)(a) and (c), Florida Statutes, for conviction of a violation involving the possession or use of any stone crab trap tags not issued by the Commission or the unlawful making, altering, forging, counterfeiting or reproducing of stone crab trap tags (Rules 68B-13.011(5),(6) and (7) as follows:

(a) For a first conviction:

1. Involving 15 or fewer illegal stone crab trap tags – \$1000;

2. Involving 16 or more illegal stone crab trap tags – \$1000 and suspension of the stone crab endorsement for the remainder of the license year.

(b) For a second conviction occurring within 24 months of a previous such violation:

1. Involving 10 or fewer illegal stone crab trap tags – \$1000 and suspension of the stone crab endorsement for 12 calendar months;

2. Involving 11 or more illegal stone crab trap tags – \$2000 and suspension of the stone crab endorsement for 12 calendar months.

(c) For a third conviction occurring within 36 months of two previous such violations:

1. Involving 5 or fewer illegal stone crab trap tags – \$3000 and suspension of the stone crab endorsement for 24 calendar months;

2. Involving 6 or more illegal stone crab trap tags – \$5000 and suspension of the stone crab endorsement for 24 calendar months.

(d) For a fourth conviction occurring within 48 months of three previous such violations, regardless of the number of illegal stone crab trap tags involved, permanent revocation of the Saltwater Products License, all endorsements and associated fishing privileges.

(3) It shall be the policy of the Commission to assess administrative penalties pursuant to s. 370.13(2)(a) and (c), Florida Statutes, for conviction of a violation involving the sale, barter, trade, loan, or giving of stone crab trap certificates or trap tags without authorization from the Commission (Rule 68B-13.011(8)) as follows:

(a) For a first conviction:

1. Involving 5 or fewer stone crab trap certificates or trap tags – \$1000;

2. Involving 6 or more stone crab trap certificates or trap tags – \$1000 and suspension of the stone crab endorsement for the remainder of the fishing season.

(b) For a second conviction occurring within 24 months of a previous such violation:

1. Involving 5 or fewer stone crab trap certificates or trap tags – \$1000 and suspension of the stone crab endorsement for 12 calendar months;

2. Involving 6 or more stone crab trap certificates or trap tags – \$2000 and suspension of the stone crab endorsement for 12 calendar months.

(c) For a third conviction occurring within 36 months of two previous such violations:

1. Involving 5 or fewer stone crab trap certificates or trap tags – \$3000 and suspension of the stone crab endorsement for 24 calendar months;

2. Involving 6 or more stone crab trap certificates or trap tags – \$5000 and suspension of the stone crab endorsement for 24 calendar months.

(d) For a fourth conviction occurring within 48 months of three previous such violations, regardless of the number of stone crab trap tags involved, permanent revocation of the Saltwater Products License, all endorsements and associated fishing privileges.

(4) It shall be the policy of the Commission to assess an administrative penalty pursuant to s. 370.13(2)(d), Florida Statutes, for conviction of a violation involving fraudulently reporting the actual value of stone crab trap certificates on the Commission's trap certificate transfer form (Rule 68B-13.011(10)) as follows:

(a) If the difference between the actual value and the reported value of the trap certificate(s) is less than 25% of the actual value – suspension of the purchaser's stone crab endorsement for six calendar months.

(b) If the difference between the actual value and the reported value of the trap certificate(s) is between 25% and 49.9% of the actual value – suspension of the purchaser's stone crab endorsement for 12 calendar months and a fine in the amount equal to the original surcharge owed the Commission.

(c) If the difference between the actual value and the reported value of the trap certificate(s) is equal to or greater than 50% of the actual value – permanent revocation of the purchaser's stone crab endorsement and a fine in an amount equal to twice the original surcharge owed the Commission.

(5) It shall be the policy of the Commission to assess an administrative penalty pursuant to s. 370.13(2)(c), Florida Statutes, for conviction of a violation involving the willful molestation of a stone crab trap, trap line or buoy without permission of that license holder (Rule 68B-13.011(4)) as follows:

(a) For a first conviction – \$2500 and suspension of the stone crab endorsement or incidental take endorsement for 12 calendar months;

(b) For a second and each of all subsequent such convictions – \$5000 and suspension of the stone crab or incidental take endorsement for 24 calendar months.

(6) It shall be the policy of the Commission to assess an administrative penalty of \$5000 and permanently revoke all Saltwater Products License privileges, including all Saltwater Products Licenses, permits, endorsements and trap certificates pursuant to s. 370.13(2)(b), Florida Statutes, for conviction of a violation involving theft of trap contents (Rule 68B-13.011(3)).

(7) It shall be the policy of the Commission to assess an administrative penalty of \$5000 and suspend the applicable endorsement pursuant to s. 370.13(2)(c)5., Florida Statutes, for conviction of a violation involving commercial harvest of stone crabs during the time period when that person's stone crab endorsement or incidental take endorsement is under suspension.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Fish and Wildlife Conservation Commission, 620 South
 Meridian Street, Tallahassee, Florida 32399-1600
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive
 Director, Fish and Wildlife Conservation Commission, 620
 South Meridian Street, Tallahassee, Florida 32399-1600
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: March 30, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: March 23, 2001

**FISH AND WILDLIFE CONSERVATION
 COMMISSION**

Marine Fisheries

RULE CHAPTER TITLE: Spiny Lobster (Crawfish) and
 Slipper Lobster

RULE TITLES:	RULE NOS.:
Commercial Licensing Requirements	68B-24.0055
Gear: Traps, Buoys, Identification	
Requirements, Prohibited Devices	68B-24.006
Trap Reduction Schedule	68B-24.009

PURPOSE AND EFFECT: The spiny lobster trap reduction program was begun in 1992 with the object of reducing the number of lobster traps used in the commercial fishery to the lowest number that will maintain or increase overall catch levels, while simultaneously promoting economic efficiency and conserving natural resources. Management concerns addressed by the program include overcapitalization, the mortality of sublegal lobsters used as attractants, the impact of lost traps, and environmental damage caused by traps. The primary purpose of this rulemaking is to implement a means to reduce the present number of trap certificates from 542,704 to 400,000, a level at which total catch is predicted to be unaffected by the reductions, according to current data and science. Until now, trap reduction has been active, i.e., reduction in traps and certificates is applied proportionally across the board to all trap fishers. The Commission has determined that a hybrid reduction schedule based on a combination of active and passive trap reduction is the most appropriate to achieve the desired 400,000 trap level. Passive reduction employs reductions upon the transfer of trap tags and certificates. The effect of continued trap reductions in the spiny lobster fishery is to further reduce mortality on sublegal lobsters and environmental damage caused by traps. A minor additional part of this rulemaking is a new rule to clarify that a crawfish endorsement is required to harvest spiny lobster for commercial purposes and that it can only be issued to a person, firm, or corporation possessing a valid saltwater products license with a restricted species endorsement. Additional language in a rule amendment will require trap tags to be

firmly affixed to spiny lobster traps. These two technical changes will have the effect of clarifying requirements for commercial spiny lobster trappers.

SUMMARY: New proposed Rule 68B-24.0055, F.A.C., requires anyone harvesting spiny lobster in commercial quantities or for commercial purposes to have a trap number, also known as a crawfish endorsement or crawfish license. Such person shall also have a saltwater products license with a restricted species endorsement. The term "harvest for commercial purposes" is defined for purposes of the rule. Subsection (4) of Rule 68B-24.006, F.A.C., is amended to require that each commercial spiny lobster trap have a current trap tag firmly attached thereto, using nails, staples, or other means to securely fasten the tag to the trap.

Subsection (1) of Rule 68B-24.009, F.A.C., is amended to establish a hybrid passive/active trap reduction method, to be used to reduce the number of spiny lobster trap certificates each year by a total of 4% annually, until the number of traps and certificates in the fishery equals 400,000. Subsection (2) is amended to require that sale of certificates outside an immediate family will result in a 25% reduction of the certificates so transferred. Certificates forfeited for a conviction for theft from a trap or reverting for nonpayment of fees will be included as part of this passive reduction each year. A new subsection (3) is added to the rule to apply an active reduction to all trap certificate accounts to make up the remainder of the annual 4% reduction, if such additional reduction is necessary to reach that percentage. A new subsection (4) is added to the rule to define the term "immediate family" for purposes of the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, May 23-25, 2001

PLACE: Doubletree Hotel, 4431 PGA Boulevard, Palm Beach Gardens, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission 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 COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF 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 BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-24.0055 Commercial Licensing Requirements.

Section 370.14, Florida Statutes, requires each person using traps to harvest spiny lobster or taking spiny lobster in commercial quantities to purchase and possess a trap number, also known as a crawfish endorsement or crawfish license. A crawfish endorsement is hereby required to harvest spiny lobster for commercial purposes, and shall only be issued to a person, firm, or corporation that possesses a valid saltwater products license with a restricted species endorsement. "Harvest for commercial purposes" means the taking or harvesting of spiny lobster for purposes of sale or with intent to sell or in excess of established bag limits.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New

68B-24.006 Gear: Traps, Buoys, Identification Requirements, Prohibited Devices.

(1) through (3) No change.

(4) Each trap and buoy used to harvest spiny lobster shall have the commercial harvester's current crawfish license or trap number permanently affixed in legible figures. Each such trap shall also have firmly affixed thereto a current trap tag issued annually by the Commission. Traps with tags that are not firmly affixed by nails, staples, or otherwise securely fastened as may be provided by the Commission, shall be considered untagged for enforcement purposes. On each buoy, the affixed crawfish license or trap number shall be at least 2 inches high. The buoy color and license or trap number shall also be permanently and conspicuously displayed on any

vessel used by a commercial harvester for setting traps and buoys, so as to be readily identifiable from the air and water, in the following manner:

(a) From the Air – The buoy design approved by the Commission shall be displayed and be permanently affixed to the uppermost structural portion of the vessel and displayed horizontally with the painted design up. The display shall exhibit the harvester's approved buoy design, unobstructed, on a circle 20 inches in diameter, outlined in a contrasting color, together with the permit numbers permanently affixed beneath the circle in numerals no smaller than 10 inches in height.

(b) From the Water – The buoy design approved by the Commission shall be displayed and be permanently affixed vertically to both the starboard and port sides of the vessel near amidship. The display shall exhibit the harvester's approved buoy design, unobstructed, on a circle 8 inches in diameter, outlined in a contrasting color, together with the permit numbers permanently affixed beneath the circle in numerals no smaller than 4 inches in height.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 7-2-87, Amended 7-2-90, 3-1-92, 7-1-92, 6-1-94, 10-4-95, 9-30-96, 6-1-99, Formerly 46-24.006, Amended

68B-24.009 Trap Reduction Schedule.

(1) Except as otherwise provided in this rule, beginning with the 2001-2002 ~~1997-1998~~ license year, the maximum number of lobster trap certificates issued each season by the Commission pursuant to Section 370.142, Florida Statutes, shall be reduced each season by 4 percent ~~the percentage specified in this subsection~~ from the total issued for the immediately previous season. These reductions shall be achieved through passive reductions pursuant to subsection (2). If in any year such passive reduction does not amount to 4 percent of available certificates, an active reduction shall be applied pursuant to subsection (3) ~~apply~~ to all lobster trap certificate holders to achieve the 4 percent target. If in any year, passive reductions pursuant to subsection (2) exceed 4 percent of available certificates, the number of certificates in excess of 4 percent shall be applied to meet the 4 percent reduction target for the following year. Once the number of lobster trap certificates is reduced through this passive/active mechanism to 400,000, there shall be no further reduction in the number of lobster trap certificates issued each year.

~~(a) For the license year 1997-1998, the reduction shall be 0 percent.~~

~~(b) For the license year 1998-1999, the reduction shall be 10 percent.~~

~~(c) For the license year 1999-2000, the reduction shall be 0 percent.~~

~~(d) For the license year 2000-2001, the reduction shall be 0 percent.~~

~~(e) For the license year 2001-2002, the reduction shall be 10 percent.~~

(2) Passive Reduction – Upon the sale or transfer of certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by 25 percent. Additionally, certificates forfeited due to conviction for theft from a spiny lobster trap pursuant to s. 370.142(2)(c)3. or reverting to the Commission for nonpayment of certificate fees pursuant to s. 370.142(2)(c)7., shall be included as trap certificates passively reduced in a license year. It is the intention of the Fish and Wildlife Conservation Commission to annually review and evaluate the impact of the trap reduction schedule on the spiny lobster fishery. Should it become necessary to suspend, reverse, or extend the reduction schedule, the Commission shall initiate rulemaking to amend subsection (1) of this rule.

(3) Active Reduction – If the total passive reduction in lobster trap certificates pursuant to subsection (2) in any license year does not total 4 percent of the certificates available during that season, an additional reduction in the number of available certificates shall be made at the end of the season in the appropriate percentage to achieve the 4 percent target reduction for that year. This reduction shall be applied on a pro rata basis to all lobster trap certificate accounts.

(4) The term “immediate family” for purposes of this rule refers to a lobster trap certificate holder’s mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, or half brother.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History–New 3-1-92, Amended 6-1-94, 6-3-96, 3-5-97, 6-29-00, Formerly 46-24.009, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 1, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Pompano, African Pompano, and Permit

RULE TITLES:	RULE NOS.:
Size and Bag Limits; Prohibition of Sale	68B-35.003
Gear Specifications and Prohibited Gear	68B-35.004
Commercial Pompano Harvest Requirements:	
Pompano Endorsement Criteria; Pompano	
Special Activity License Criteria; State Waters	
Pompano Daily Harvest Limits	68B-35.005

PURPOSE AND EFFECT: The purpose of these rule amendments and new rule is to establish a set of rules and licensing requirements for the commercial pompano fishery, to allow the prosecution of a federal waters gill net fishery for the species, without encouraging the illegal use of those nets in state waters. Information developed by the Commission from many sources from both the Atlantic and Gulf of Mexico coasts suggests that there is both a legal gill net fishery in federal waters, and an illegal gill net fishery targeting pompano in state waters. The objectives of the rules being developed include: aiding apprehension of illegal pompano gill netting in state waters; documenting where a fishery in federal waters exists, showing where harvest occurs; allowing quick designation of new zones, since documentation of a fishery will not take many trips; treating fishermen fairly; and, avoiding the perception of a time limited opportunity so a derby or gold rush mentality does not develop and tax Commission resources. The effect of these rules should be to protect the health of economically-important pompano stocks, allow a federal waters fishery, protect the hook-and-line commercial fishery in state waters, and increase compliance with netting laws.

SUMMARY: Paragraph (2)(a) of Rule 68B-35.003, F.A.C., is amended to differentiate licensing requirements for commercial harvest of pompano from those regarding permit, referring to new proposed Rule 68B-35.005. Paragraph (2)(b) of Rule 68B-35.004, F.A.C., is amended to limit the applicability of existing allowable gear provisions to state waters. A new subsection (3) is added to the rule to limit possession of any pompano together with any gill or entangling net to persons with a saltwater products license with restricted species and pompano endorsements, which persons have harvested the pompano in allowed designated areas of federal waters. A procedure is included to allow the executive director of the Commission to designate new areas upon a showing that a fishery exists in the area. Paragraph (b) of the subsection also allows possession of pompano together with a gill or entangling net by persons with a Special Activity License, issued pursuant to proposed new Rule 68B-35.005, for the establishment of a federal waters fishery for pompano. These provisions allowing the possession of pompano together with gill or entangling nets do not apply to any person stopping in state waters to fish such gear or persons otherwise violating Section 370.092, Florida Statutes. Subsection (4) is added to the rule to provide specifications for the net gear used to prosecute the federal pompano fishery.

Subsection (1) of proposed new Rule 68B-35.005 establishes criteria for issuance of a pompano endorsement on the saltwater products license. Subsection (2) establishes criteria for the issuance of a pompano Special Activities License to those seeking to show that a federal waters fishery for the species exists. Subsection (3) establishes a pompano daily commercial harvest and landing limit in state waters of 300 pounds.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Prior to the net limitation amendment pompano fishing occurred in state waters, generally near the surf line of beaches, using gill nets. Since the ban on the use of gill nets in state waters, fishers have explored fishing sand bars and rocky shallows in federal waters to net pompano. The proposed rule would limit pompano fishing with gill nets in federal waters by establishing paperwork requirements to possess a gill net and pompano in state waters. The proposal balances the need to aid law enforcement in stopping illegal pompano fishing in state waters and the procedure to document viable regional fisheries in federal waters. The rule establishes one such area in Southwest Florida, a procedure to document other areas, establishment language so the Executive Director may designate new regions, and prohibits pompano fishing with gill nets in Northwest and Northeast Florida. The rule will create additional paperwork, the rule will create additional agency costs, and the rule may affect small businesses and small local governments.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, May 23-25, 2001

PLACE: Doubletree Hotel, 4431 PGA Boulevard, Palm Beach Gardens, Florida

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

All written material received by the Commission 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 COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF 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 BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-35.003 Size and Bag Limits; Prohibition of Sale.

(1) No change.

(2) Bag Limits –

(a) Except for persons harvesting permit pursuant to a valid saltwater products license with a restricted species endorsement or pompano pursuant to Rule 68B-35.005, no person shall harvest in or from state waters more than a total of 10 pompano or permit per day, in any combination of species, nor possess while in or on state waters more than 10 such fish. No more than one (1) of such fish shall exceed 20 inches length.

(b) Each harvester of African pompano is subject to a bag limit of 2 African pompano per day, however, no more than 2 African pompano shall be possessed aboard any vessel while in or on state waters at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-89, Amended 1-1-96, Formerly 46-35.003, Amended _____.

68B-35.004 Gear Specifications and Prohibited Gear.

(1) No change.

(2)(a) The harvest or attempted harvest of any African pompano or permit in or from state waters, by or with the use of any gear other than a hook and line gear is prohibited.

(b) The harvest or attempted harvest of any pompano in state waters by or with the use of any gear other than a beach or haul seine, a cast net, or hook and line gear is prohibited.

(3) Except as provided in this subsection, no person shall simultaneously possess aboard any vessel in state waters any pompano together with any gill or entangling net.

(a) Such possession is allowed by persons who have harvested pompano in adjacent federal Exclusive Economic Zone (EEZ) waters and who possess a valid saltwater products license with a restricted species endorsement and a pompano endorsement issued pursuant to Rule 68B-35.005(1), in the following areas of state waters:

1. In the area of state waters between 25°09' North Latitude and 25°00' North Latitude, between Cape Sable and Hurricane Pass.

2. In state waters of any county, upon designation by the Executive Director of the Commission, after it has been established by a person taking pompano pursuant to a Special Activity License issued pursuant to Rule 68B-35.005(2), that on two different trips within a one month period, no less than

1,000 pounds of pompano per trip was harvested with a gill or entangling net in federal EEZ waters adjacent to such county on each trip.

(b) Such possession is allowed by persons who have harvested pompano in adjacent federal EEZ waters and who possess a valid Special Activity License issued pursuant to Rule 68B-35.005(2).

(c) Paragraphs (a) and (b) shall not apply to any person or vessel returning from federal EEZ waters that stops to fish in state waters or otherwise fails to meet all requirements of Section 370.092, Florida Statutes.

(4) Each pompano gill or entangling net possessed in state waters or used in federal EEZ waters pursuant to subsection (3) shall meet the following specifications:

(a) Such net shall not be less than 400 yards in length, along the cork line and along the leadline.

(b) Such net shall be at least 100 meshes deep at its shallowest point.

(c) Such net shall have a mesh size of at least 4 1/2 inches stretched mesh, throughout the net.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.004, Amended _____.

68B-35.005 Commercial Pompano Harvest Requirements: Pompano Endorsement Criteria; Pompano Special Activity License Criteria; State Waters Pompano Daily Harvest Limits.

(1) POMPANO ENDORSEMENT – No person shall be issued a pompano endorsement on their saltwater products license without first meeting each of the following criteria:

(a) The applicant must possess and have commercially registered a vessel or airboat no smaller than 22 feet in documented length, except in the case of a vessel with the primary power mounted forward of the center point of the vessel, in which case the vessel shall not be smaller than 25 feet in documented length.

(b) The applicant must demonstrate an average annual harvest of pompano of at least 1,000 pounds during each of the 1997-1998, 1998-1999, and 1999-2000 license years.

(c) No applicant shall receive a pompano endorsement who has been charged with violating any provision of Article X, Section 16 of the State Constitution, Section 370.092 or Section 370.093, Florida Statutes, or Rule 68B-4.0081(2), F.A.C., and who has received a judicial disposition other than acquittal or dismissal on such charges.

(2) POMPANO SPECIAL ACTIVITY LICENSE - The Fish and Wildlife Conservation Commission intends to issue Pompano Special Activity Licenses to qualifying commercial fishers to allow them to use gill and entangling nets to harvest pompano in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, for the sole purpose of establishing that a federal waters fishery exists in specific areas. No person shall be issued a Pompano Special Activity License without first meeting each of the following criteria and conditions:

(a) The applicant must possess and have commercially registered a vessel or airboat no smaller than 22 feet in documented length, except in the case of a vessel with the primary power mounted forward of the center point of the vessel, in which case the vessel shall not be smaller than 25 feet in documented length.

(b) The applicant must demonstrate an average annual harvest of pompano of at least 2,000 pounds during each of the 1997-1998, 1998-1999, and 1999-2000 license years.

(c) No applicant shall receive a Pompano Special Activity License who has been charged with violating any provision of Article X, Section 16 of the State Constitution, Section 370.092 or Section 370.093, Florida Statutes, or Rule 68B-4.0081(2), F.A.C., and who has received a judicial disposition other than acquittal or dismissal on such charges.

(d) The applicant must agree to either take a Commission observer aboard or be observed by personnel of the Commission's Division of Law Enforcement from another vessel, during each trip taken to fish under the Pompano Special Activity License. The license will contain a condition requiring notification of the Commission's Division of Marine Fisheries at least 48 hours prior any trip to allow placement of an on board observer on the vessel or notification of the Division of Law Enforcement, together with submission of a float plan, at least 24 hours prior to such trip. The licensee shall provide a trip report to the Division of Marine Fisheries within 72 hours of completion of any such trip.

(e) The applicant must agree to surrender the Pompano Special Activity License if no trips have been taken within 6 months of issuance of the license.

(f) The applicant must acknowledge that violation of any of the conditions of the license may result in the revocation of the license.

(3) STATE WATERS DAILY COMMERCIAL HARVEST LIMITS – Persons harvesting pompano in state waters pursuant to a saltwater products license with a restricted species endorsement, shall be subject to a daily harvest and landing limit of 300 pounds of pompano. Such persons are subject to the gear limitations of Rule 68B-35.004(2)(b).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2001

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Manatees

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Manatees	68C-22
RULE TITLES:	RULE NOS.:
Brevard County Zones	68C-22.006
Turkey Creek Zones Established	68C-22.018
Manatee Cove Zone Established	68C-22.021

PURPOSE AND EFFECT: The purpose of the proposed rule is to revise the existing motorboat speed and operation zones and safe haven zones to improve manatee protection in Brevard County and to consolidate the existing three rules into a single rule. The net effect would be an increase in the amount of area where motorboat speed and operation are regulated for manatee protection. An existing zone in Mosquito Lagoon would be removed and several existing zones in the Indian and Banana rivers would be reduced in size, while new or more restrictive zones would be added in other parts of these rivers as well as in the Canaveral Barge Canal, Sykes Creek, and Newfound Harbor. Permits for commercial fishing and professional fishing guide activities would continue to be available.

SUMMARY: Some of the existing manatee protection zones would be revised while new zones would be added in several areas. Rules 68C-22.018 and 68C-22.021 would be repealed, with the zones that are set forth in each of these rules being incorporated into Rule 68C-22.006. The existing Slow Speed zone in 68C-22.018 would be revised slightly. The existing 30 MPH zone in Mosquito Lagoon would be removed, the existing Slow Speed zones in the Indian River between Titusville and the NASA Parkway would be reduced in size, and a small section of the existing Slow Speed zone north of State Road 528 would be removed. The existing Slow Speed zones in the Banana River between State Road 528 and State Road 520 would be reduced in size as would the existing Slow Speed zones on the east side of the river in the Cocoa Beach area and on the west side of the river north of State Road 404. In Mosquito Lagoon, the existing 30 MPH zone in the Intracoastal Waterway (ICW) channel would be changed to 25 MPH and a small Slow Speed zone that includes the ICW would be added at the northeast entrance to Haulover Canal. The ICW in the Indian River north of Titusville would also be regulated at 25 MPH as would two short stretches farther to the south (at NASA Parkway and near the Brevard County/Indian River County line). With the exception of the areas described above and a small Slow Speed zone at the southwest entrance to Haulover Canal, the ICW in the Indian River would not be regulated. New Slow Speed zones would be added in the Indian River in the southern portion of Turnbull Basin, along the eastern shoreline opposite the power plants, and along most of the shorelines between State Road 528 and Grant. All of the Canaveral Barge Canal and Sykes Creek would become Slow

Speed zones. An Idle Speed zone would be added in the Banana River just south of State Road 528. New Slow Speed zones would be added in the Banana River north of State Road 528, along the western shoreline south of State Road 520, in Newfound Harbor, and north of State Road 404. A 25 MPH zone would be added in the main Banana River channel south of State Road 404, while the existing year-round and seasonal 25 MPH access channels throughout the Banana River would be removed. All areas that are currently identified as being eligible for commercial fishing and professional fishing guide permits would continue to be eligible and most of the new Slow Speed zones would also be eligible.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

SPECIFIC AUTHORITY: 370.12(2)(f),(k),(m),(n) FS.

LAW IMPLEMENTED: 370.12(2)(d),(f),(j),(k),(m),(n) FS.

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

TIME AND DATE: 4:00 p.m. – 9:00 p.m., Thursday, May 3, 2001

PLACE: Hilton Melbourne Airport, 200 Rialto Place, Rialto Ballroom, Melbourne, Florida

People wishing to speak do not need to be present at the start of the hearing, nor do they need to stay for the entire duration of the hearing. Written comments will also be accepted. Written comments received by the Commission on or before the date of the final public hearing will be considered and made a part of the rulemaking record.

THE FINAL PUBLIC HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION, WHICH IS SCHEDULED FOR THE DATE AND LOCATION SHOWN BELOW:

DATES: Wednesday, May 23, 2001 through Friday, May 25, 2001

PLACE: Doubletree Hotel, 4431 PGA Boulevard, Palm Beach Gardens, Florida

Please refer to the Commission’s agenda for the specific day and time when this item will be addressed.

If accommodation for a disability is needed to participate in either of the above hearings, please notify the contact person listed below at least seven days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330.

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 68C-22.006 follows. See Florida Administrative Code for present text.)

68C-22.006 Brevard County Zones.

(1) The Commission hereby designates the waters within Brevard County, as described below, as areas where manatee sightings are frequent and where it can be assumed that manatees inhabit on a regular, periodic or continuous basis. The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas. The primary purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. A secondary purpose is to protect manatee habitat. In balancing the rights of fishers, boaters, and water skiers to use these waterways for recreational and commercial purposes (as applicable under 370.12(2)(j), F.S.) with the need to provide manatee protection, the Commission has examined the need for unregulated areas or higher speed travel corridors through regulated areas. Such areas or corridors are provided in those locations where the Commission determined, on the basis of all available information, (1) there is a need for the area or corridor and (2) the area or corridor will not result in serious threats to manatees or their habitat. Unregulated areas or higher speed corridors are not provided in locations where both of the above findings were not made.

(2) The following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded. As used in this rule, ICW means the Intracoastal Waterway. Access to the NO ENTRY and MOTORBOATS PROHIBITED zones designated in paragraphs (2)(a) and (b) will be provided in accordance with procedures set forth in subsection (4), hereunder, and applicable provisions of Rule 68C-22.003.

(a) NO ENTRY (November 15 – March 31)

1. Indian River, Reliant Corporation Delespine Power Plant Area: All waters within the discharge canal of the Reliant Corporation Delespine power plant, and; All waters southerly of a line extending eastward from and following the same bearing as the southernmost seawall of the power plant discharge canal, with said line bearing approximately 70°, westerly of a line 250 feet east of and parallel to the western shoreline of the Indian River, and northerly of the jetty on the north side of the power plant intake canal.

2. Indian River, FPL Frontenac Power Plant Area: All waters in the vicinity of the Florida Power and Light (FPL) Frontenac power plant southerly of a line connecting the northern guy wires of the power poles immediately north of the FPL Unit 2 discharge area from the western shoreline of the Indian River to the third power pole east of the western

shoreline (approximately 1,650 feet east of the shoreline), and westerly of a line running from said third power pole to the easternmost point (approximate latitude 28° 28' 07" North, approximate longitude 80° 45' 19" West) of the jetty on the north side of the FPL intake canal.

(b) MOTORBOATS PROHIBITED (All Year, except as noted)

1. Indian River, Reliant Corporation Delespine Power Plant Area: All waters in the vicinity of the Reliant Corporation Delespine power plant southerly of a line bearing 90° from a point (approximate latitude 28° 29' 41" North, approximate longitude 80° 46' 35" West) on the western shoreline of the Indian River 95 feet north of the northernmost seawall of the power plant discharge canal, westerly of a line 250 feet east of and parallel to the western shoreline of the Indian River, and northerly of a line extending eastward from and following the same bearing as the southernmost seawall of the power plant discharge canal, with said line bearing approximately 70°. This zone is in effect from November 15 through March 31.

2. C-54 Canal: All waters of the C-54 Canal (South Florida Water Management District Canal 54) east of the spillway (approximate latitude 27° 49' 50" North, approximate longitude 80° 32' 24" West) and west of a line drawn perpendicular to the northern shoreline of the C-54 Canal at a point (approximate latitude 27° 49' 55" North, approximate longitude 80° 32' 00" West) on the northern shoreline 2,500 feet east of the spillway.

(c) IDLE SPEED (All Year, except as noted)

1. Indian River, Power Plant Area: All waters west of the western boundary of the ICW channel, south of a line bearing 90° from a point (approximate latitude 28° 30' 13" North, approximate longitude 80° 46' 48" West) on the western shoreline of the Indian River approximately three-fourths of a mile north of the Delespine power plant discharge canal, and north of a line bearing 90° from a point (approximate latitude 28° 27' 27" North, approximate longitude 80° 45' 43" West) on the western shoreline of the Indian River approximately three-fourths of a mile south of the Frontenac power plant discharge canal, except as otherwise designated under (2)(a) and (b)1. This zone is in effect from November 15 through March 31.

2. Banana River, Cape Canaveral Area: All waters north of a line bearing 270° from the southwesternmost point (approximate latitude 28° 23' 29" North, approximate longitude 80° 37' 10" West) of Long Point in Cape Canaveral to a point (approximate latitude 28° 23' 29" North, approximate longitude 80° 37' 49" West) in the Banana River approximately 3,500 feet west of Long Point, and east of a line bearing 331° from said point in the Banana River to a point (approximate latitude 28° 24' 16" North, approximate longitude 80° 38' 19" West) on the State Road 528 Causeway (west of State Road 401).

3. Banana River, Manatee Cove Area: All waters of Manatee Cove (on the east side of the Banana River, just south of State Road 520) east of a line at the mouth of the cove running between a point (approximate latitude 28° 21' 21" North, approximate longitude 80° 36' 52" West) on the northern shoreline and a point (approximate latitude 28° 21' 09" North, approximate longitude 80° 36' 51" West) on the southern shoreline.

4. Turkey Creek: All waters of Turkey Creek north and east (downstream) of Melbourne-Tillman Drainage District structure MS-1 and south and west of a line at the mouth of Turkey Creek that runs from the southeasternmost point (approximate latitude 28° 02' 21" North, approximate longitude 80° 34' 48" West) of Castaway Point to the northeasternmost point (approximate latitude 28° 02' 14" North, approximate longitude 80° 34' 43" West) of Palm Bay Point.

5. Sebastian Inlet Area: All waters of the cove on the northern side of Sebastian Inlet (commonly known as Campbell Cove) northwest of a line running between the two rock jetties at the entrance to the cove.

6. Sebastian River Area: All waters of the North Prong of Sebastian River, and; All waters of the North Fork Sebastian River (also known as Sebastian Creek) and the C-54 Canal west of a north-south line from a point (approximate latitude 27° 50' 08" North, approximate longitude 80° 31' 02" West) on the northern shoreline of the North Fork Sebastian River at the intersection of the river and the North Prong and east of a line drawn perpendicular to the northern shoreline of the C-54 Canal at a point (approximate latitude 27° 49' 55" North, approximate longitude 80° 32' 00" West) on the northern shoreline 2,500 feet east of the spillway.

(d) SLOW SPEED (All Year)

1. Mosquito Lagoon: All waters west of the ICW channel, south of the Volusia County/Brevard County line, and north of ICW channel marker "43," and; All waters of Mosquito Lagoon (including the ICW channel) south of ICW channel marker "43," southwest of a line commencing at ICW channel marker "43" and then running to ICW channel marker "45" and then on a bearing of 132° for a distance of 1,000 feet to the line's terminus at a point in Mosquito Lagoon (approximate latitude 28° 44' 35" North, approximate longitude 80° 44' 35" West), and north of a line running from said point in Mosquito Lagoon on a bearing of 221° to the western shoreline of Mosquito Lagoon.

2. Indian River, Turnbull Basin Area: All waters south and east of a line commencing at a point (approximate latitude 28° 44' 36" North, approximate longitude 80° 46' 19" West) on the eastern shoreline of Turnbull Basin (about one mile north of Haulover Canal) and then bearing 193° to a point 1,500 feet northwest of the ICW channel, then running in a southwesterly direction 1,500 feet northwest of and parallel with the ICW channel to a point (approximate latitude 28° 41' 22" North, approximate longitude 80° 49' 05" West) 1,500 feet northwest

of ICW channel marker "12," and then running in a southerly direction 1,500 feet west of and parallel with the ICW channel to the Florida East Coast Railroad Bridge, including all waters west of the ICW channel and south of an east-west line 1,500 feet north of the point where the Florida East Coast Railroad Bridge crosses over the ICW, but excluding the ICW channel as designated under (2)(e)2.

3. Indian River, Titusville Area: All waters south of the Florida East Coast Railroad Bridge, east of the ICW channel, and north of an east-west line 1,200 feet south of the point where the Florida East Coast Railroad Bridge crosses over the ICW, and; All waters west of the ICW channel south of the Florida East Coast Railroad Bridge and north of the State Road 402 Bridge and Causeway.

4. Indian River, State Road 402 (Max Brewer Causeway) to State Road 405 (NASA Parkway): All waters within 2,000 feet of the general contour of the western shoreline of the Indian River, excluding the ICW channel where the channel is less than 2,000 feet from the western shore; All waters within one mile of the general contour of the eastern shoreline of the Indian River south and east of a point (approximate latitude 28° 36' 04" North, approximate longitude 80° 44' 44" West) on the western shoreline of Peacock's Pocket (northwest of Banana Creek), and; All waters south of an east-west line 3,400 feet north of the point where the State Road 405 Bridge crosses over the ICW, excluding the ICW channel as designated under (2)(e)3.

5. Indian River, State Road 405 (NASA Parkway) to State Road 528 (Bennett Causeway): All waters north of an east-west line 3,000 feet south of the point where the State Road 405 Bridge crosses over the ICW, excluding the ICW channel as designated under (2)(e)3.; All waters west of the ICW channel and north of the overhead power transmission line that crosses the western shoreline of the Indian River approximately 1,200 feet north of State Road 528, excepting those areas otherwise designated for seasonal regulation under (2)(a), (b)1., and (c)1. when said seasonal zones are in effect; All waters south of said overhead power transmission line and west of a north-south line running through the second power pole east of the western shoreline; All waters within one-half mile of the eastern shoreline of the Indian River north of a point (approximate latitude 28° 25' 47" North, approximate longitude 80° 43' 24" West) on the eastern shoreline of the Indian River 1,500 feet south of the canal on the southern side of Meadow Lark Lane, including all waters of Rinkers Canal, and; All waters east of the ICW channel and south of the overhead power transmission line that crosses the eastern shoreline of the Indian River approximately 3,900 feet north of State Road 528.

6. Indian River, State Road 528 (Bennett Causeway) to State Road 518 (Eau Gallie Causeway): All waters within 1,000 feet of the general contour of the western shoreline of the Indian River; All waters south of State Road 528 and within

500 feet of the State Road 528 Causeway, within 500 feet of the State Road 520 Causeway, within 500 feet of the State Road 404 Causeway, and north of State Road 518 and within 500 feet of the State Road 518 Causeway; All waters within 1,000 feet of the general contour of the eastern shoreline of the Indian River between State Road 528 and State Road 520; All waters east of the ICW channel from State Road 520 to an east-west line 300 feet south of the southernmost point (approximate latitude 28° 19' 22" North, approximate longitude 80° 42' 00" West) of the spoil island east of ICW channel marker "80," and; All waters within 500 feet of the general contour of the eastern shoreline of the Indian River south of the aforementioned east-west line and north of State Road 404 (Pineda Causeway).

7. Indian River, State Road 518 (Eau Gallie Causeway) to Cape Malabar: All waters within 1,000 feet of the general contour of the eastern shoreline of the Indian River; All waters south of State Road 518 and within 500 feet of the State Road 518 Causeway and within 500 feet of the State Road 192 Causeway; All waters within 1,000 feet of the general contour of the western shoreline of the Indian River south of State Road 518 and north of the easternmost point (approximate latitude 28° 02' 24" North, approximate longitude 80° 34' 48" West) of Castaway Point (including all waters of the Eau Gallie River and Crane Creek), and; All waters south of said easternmost point of Castaway Point, north of Cape Malabar, and west of a line commencing at a point (approximate latitude 28° 02' 29" North, approximate longitude 80° 34' 38" West) in the Indian River 1,000 feet northeast of said easternmost point of Castaway point, then bearing 130° to the westernmost point (approximate latitude 28° 02' 15" North, approximate longitude 80° 34' 19" West) of the spoil site west of ICW channel marker "14," then bearing 153° to the westernmost point (approximate latitude 28° 01' 32" North, approximate longitude 80° 33' 55" West) of the spoil site southwest of ICW channel marker "15," then bearing 138° to the line's terminus at a point (approximate latitude 28° 01' 12" North, approximate longitude 80° 33' 35" West) in the Indian River approximately 2,400 feet northeast of Cape Malabar.

8. Indian River, Cape Malabar to Grant: All waters within 1,000 feet of the general contour of the eastern shoreline of the Indian River south of Cape Malabar and north of a point (approximate latitude 27° 55' 59" North, approximate longitude 80° 30' 30" West) on the eastern shoreline of the Indian River (north of Mullet Creek); All waters south of Cape Malabar, north of the spoil island between ICW channel markers "25" and "27," and west of a line commencing at a point (approximate latitude 28° 01' 12" North, approximate longitude 80° 33' 35" West) in the Indian River approximately 2,400 feet northeast of Cape Malabar, then bearing 157° to the easternmost point (approximate latitude 28° 00' 26" North, approximate longitude 80° 33' 13" West) of the spoil site between ICW channel markers "16" and "17," then bearing 152° to the easternmost point (approximate latitude 27° 59' 21"

North, approximate longitude 80° 32' 35" West) of the spoil island west of ICW channel marker "22," then bearing 166° to the line's terminus at the easternmost point (approximate latitude 27° 57' 50" North, approximate longitude 80° 32' 10" West) of the spoil island between ICW channel markers "25" and "27;" All waters within 1,000 feet of the general contour of the western shoreline of the Indian River south of said spoil island between ICW channel markers "25" and "27," and north of ICW channel marker "35," and; All waters west of the ICW channel between ICW channel markers "35" and "38."

9. Indian River, Grant to the Indian River County Line: All waters west of the ICW channel between ICW channel marker "38" and the Brevard County/Indian River County line, including those waters east of the centerline of the U.S. 1 Bridge over the Sebastian River, and; All waters within 1,500 feet of the general contour of the eastern shoreline of the Indian River, south of a point (approximate latitude 27° 55' 59" North, approximate longitude 80° 30' 30" West) on the eastern shoreline of the Indian River (north of Mullet Creek) and north of an east-west line running through ICW channel marker "59" (approximate latitude 27° 51' 38" North, approximate longitude 80° 28' 57" West), including those waters within 1,500 feet west of the westernmost edge of the Mullet Creek Islands, within 1,500 feet west of the westernmost edge of the islands south of Mathers Cove, within 1,500 feet west of the westernmost edge of Long Point, and within 1,500 feet west of the westernmost extensions of Campbell Pocket south to said east-west line running through ICW channel marker "59," and; All waters of the Indian River and Sebastian Inlet east of the ICW channel, south of said east-west line running through ICW channel marker "59," north of the Brevard County/Indian River County line, and west of a line 200 feet southwest of and parallel with the centerline of the State Road A1A Bridge, except as otherwise designated under (2)(c)5. and excluding the marked Sebastian Inlet channel.

10. Sebastian River Area: All waters of the Sebastian River (including waters also known as San Sebastian Bay), the South Fork San Sebastian River (also known as St. Sebastian River, Sebastian River and Sebastian Creek), and the North Fork Sebastian River (also known as Sebastian Creek) within Brevard County west of the centerline of the U.S. 1 Bridge and east of a north-south line from a point (approximate latitude 27° 50' 08" North, approximate longitude 80° 31' 02" West) on the northern shoreline of the North Fork Sebastian River at the intersection of the river and the North Prong of Sebastian River.

11. Canaveral Barge Canal: All waters of the Canaveral Barge Canal east of the general contour of the eastern shoreline of the Indian River and west of the general contour of the western shoreline of the Banana River.

12. Sykes Creek and Kiwanis Basin: All waters of Sykes Creek and Kiwanis Basin south of the Canaveral Barge Canal and north of the centerline of State Road 520.

13. Newfound Harbor: All waters south of State Road 520 and within 1,000 feet of the State Road 520 Bridge and Causeway; All waters within 1,000 feet of the general contour of the western shoreline of Newfound Harbor north of the runway for the Merritt Island Airport (approximately one mile south of State Road 520), and; All waters within 1,000 feet of the general contour of the eastern shoreline of Newfound Harbor and an extension of said shoreline to a point 1,000 feet south of Buck Point.

14. Banana River, North of State Road 528: All waters within 1,500 feet of the general contour of the western shoreline of the Banana River south of a point (approximate latitude 28° 26' 10" North, approximate longitude 80° 39' 35" West) on the shoreline near Kars Park on the boundary of the federal No Motor zone; All waters south of an east-west line running through the westernmost point (approximate latitude 28° 24' 42" North, approximate longitude 80° 38' 34" West) of the first spoil island north of the Canaveral Locks (commonly known as Ski Island), including those waters in Port Canaveral west of State Road 401, and; All waters east and south of a line commencing at the northernmost point (approximate latitude 28° 24' 44" North, approximate longitude 80° 38' 32" West) of Ski Island, then running to the southernmost point (approximate latitude 28° 24' 55" North, approximate longitude 80° 38' 31" West) of the second spoil island north of the Canaveral Locks, then following the eastern shoreline of said spoil island to its northernmost point, then bearing 6° to a point (approximate latitude 28° 25' 09" North, approximate longitude 80° 38' 29" West) in the Banana River underneath the overhead power transmission line south of the third spoil island north of Canaveral Locks, then following said transmission line (which is the boundary of the federal No Motor zone) in an easterly direction to the line's terminus at a point (approximate latitude 28° 25' 16" North, approximate longitude 80° 36' 13" West) on the eastern shoreline of the Banana River.

15. Banana River, State Road 528 to State Road 520: All waters south of State Road 528 and north of an east-west line 1,000 feet south of the point where the State Road 528 Bridge crosses over the main Banana River channel, except as otherwise designated under (2)(c)2.; All waters west of a line running from a point (approximate latitude 28° 24' 16" North, approximate longitude 80° 39' 30" West) on the State Road 528 Causeway east of the western State Road 528 Relief Bridge to a point (approximate latitude 28° 21' 26" North, approximate longitude 80° 39' 32" West) on the State Road 520 Causeway approximately 1,200 feet west of the water storage tanks, and; All waters south of a line bearing 270° from the southwesternmost point (approximate latitude 28° 23' 29" North, approximate longitude 80° 37' 10" West) of Long Point in Cape Canaveral to a point (approximate latitude 28° 23' 29" North, approximate longitude 80° 37' 49" West) in the Banana River approximately 3,500 feet west of Long Point, and east of a line bearing 174° from said point in the Banana River to a point (approximate latitude 28° 21' 28" North, approximate

longitude 80° 37' 35" West) on the State Road 520 Causeway approximately 1,000 feet west of Cape Canaveral Hospital Complex.

16. Banana River, Cocoa Beach Area: All waters south of State Road 520 and within 1,000 feet of the State Road 520 Causeway, excluding the main Banana River channel; All waters within 1,000 feet of the general contour of the western shoreline of the Banana River, south of State Road 520 and north of Buck Point and an extension of said shoreline to a point 1,000 feet south of Buck Point, excluding the main Banana River channel where the channel is less than 1,000 feet from the western shoreline, and; All waters east of a line commencing at a point (approximate latitude 28° 21' 25" North, approximate longitude 80° 38' 30" West) on the State Road 520 Causeway (approximately 2,000 feet east of the State Road 520 Bridge over the main Banana River channel), then bearing 190° to a point (approximate latitude 28° 19' 15" North, approximate longitude 80° 38' 55" West) in the Banana River approximately 1,900 feet west of the northwesternmost point of the Cocoa Beach Municipal Park, then bearing 270° to a point (approximate latitude 28° 18' 38" North, approximate longitude 80° 38' 55" West) in the Banana River approximately 1,700 feet west of the southwesternmost point of the Cocoa Beach Municipal Park, then bearing 171° for approximately 3,000 feet to a point (approximate latitude 28° 18' 07" North, approximate longitude 80° 38' 50" West) in the Banana River east of channel marker "15," then bearing 124° to a point (approximate latitude 28° 16' 52" North, approximate longitude 80° 36' 45" West) in the Banana River 1,000 feet west of the eastern shoreline of the Banana River, then heading in a southerly direction 1,000 west of and parallel with the eastern shoreline of the Banana River to the line's terminus at a point (approximate latitude 28° 15' 51" North, approximate longitude 80° 36' 38" West) in the Banana River near the northern boundary of Patrick Air Force Base.

17. Banana River, South of Cocoa Beach to State Road 404 (Pineda Causeway): All waters south of an east-west line running through the southernmost point (approximate latitude 28° 16' 19" North, approximate longitude 80° 39' 25" West) of the more southerly of the two islands east of Macaw Way (on Merritt Island) and west of a line bearing 162° from said southernmost point to State Road 404; All waters south and east of the overhead power transmission line in the Banana River adjacent to Patrick Air Force Base, and; All waters north of the centerline of State Road 404 and within 2,000 feet of the State Road 404 Bridges and Causeway, excluding the main Banana River channel as designated under (2)(e)5.

18. Banana River, South of State Road 404 (Pineda Causeway): All waters south of the centerline of State Road 404, including those waters east of a line bearing 270° from the southernmost point (approximate latitude 28° 08' 32" North, approximate longitude 80° 36' 15" West) of Merritt Island

(commonly known as Dragon Point) to the Eau Gallie Causeway, excluding the main Banana River channel as designated under (2)(e)5.

(e) 25 MPH (All Year)

1. Mosquito Lagoon: All waters in the ICW channel south of the Volusia County/Brevard County line and north of ICW channel marker "43" (north of Haulover Canal).

2. Indian River, Turnbull Basin and Titusville Area: All waters in the ICW channel southwest of ICW channel marker "1" (southwest of Haulover Canal) and north of an east-west line 1,200 feet south of the point where the Florida East Coast Railroad Bridge crosses over the ICW.

3. Indian River, State Road 405 (NASA Parkway) Area: All waters in the ICW channel south of an east-west line 3,400 feet north of the point where the State Road 405 Bridge crosses over the ICW and north of an east-west line 3,000 feet south of the point where the State Road 405 Bridge crosses over the ICW.

4. South Indian River Area: All waters in the ICW channel south of ICW channel marker "59" and north of the Brevard County/Indian River County line.

5. South Banana River Area: All waters in the main Banana River channel south of a point in the channel 2,000 feet north of the State Road 404 Bridge, and north of a point (approximate latitude 28° 09' 15" North, approximate longitude 80° 36' 32" West) in the channel on the northern boundary of the local Idle Speed zone approximately 1,900 feet north of the Mathers Bridge.

(3) Commercial Fishing and Professional Fishing Guide Permits: The following provisions pertain to the issuance of permits to allow individuals engaged in commercial fishing and professional fishing guide activities to operate their vessels in specified areas at speeds greater than the speed limits

established under subsection (2) above. Procedures related to the application for and the review and issuance of these permits are as set forth in 68C-22.003, Florida Administrative Code.

(a) Permits shall be limited as follows:

1. Permits shall only be available for the zones or portions of zones described under (2)(d)1. through (2)(d)9., and (2)(d)13. through (2)(d)18.

2. Permits shall not apply on weekends or on the holidays identified in s. 110.117, F.S.

(b) Permit applications may be obtained at the Commission's Law Enforcement office at 1-A Max Brewer Memorial Parkway in Titusville or by contacting the Commission at Mail Station OES-BPS, 620 South Meridian Street, Tallahassee, Florida 32399 (850-922-4330).

(4) Access to the NO ENTRY and MOTORBOATS PROHIBITED zones is allowed for Reliant Corporation employees or their authorized agents (for the zones designated under (2)(a)1. and (b)1.) and for Florida Power and Light Company employees or their authorized agents (for the zone designated under (2)(a)2.) provided that entry into the zones is necessary to conduct activities associated with power plant maintenance, emergency operations or environmental monitoring. The Commission must receive notification of the activity prior to its commencement. In the event of an emergency activity, the Commission shall be notified no more than one week after the activity has been commenced. All vessels used in the operation or associated with the activity shall be operated at no greater than Idle Speed while within the zones and must have an observer on board to look for manatees.

(5) The zones described in 68C-22.006(2) are depicted on the following maps, labeled "Brevard County Manatee Protection Zones." The maps are intended as depictions of the above-described zones. In the event of conflict between the maps and descriptions, the descriptions shall prevail.

(INSERT MAP – 1 OF 6)

(INSERT MAP – 2 OF 6)

(INSERT MAP – 3 OF 6)

(INSERT MAP – 4 OF 6)

(INSERT MAP – 5 OF 6)

(INSERT MAP – 6 OF 6)

Specific Authority 370.12(2)(f),(k),(m),(n) FS. Law Implemented 370.12(2)(d),(f),(j),(k),(m),(n) FS. History–New 3-19-79, Formerly 16N-22.06, Amended 12-20-89, 8-28-90, 7-25-91, 8-18-92, Formerly 16N-22.006, Amended 10-12-94, 12-29-98, Formerly 62N-22.006, Amended

68C-22.018 Turkey Creek Zones Established.

Specific Authority 370.12(2)(f) FS. Law Implemented 370.12(2)(f)14. FS. History–New 11-23-83, Formerly 16N-22.18, 16N-22.018, 62N-22.018, Repealed

68C-22.021 Manatee Cove Zone Established.

Specific Authority 370.021(2) FS. Law Implemented 370.12(2)(k)2. FS. History–New 12-4-85, Formerly 16N-22.21, 16N-22.021, 62N-22.021, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. David Arnold, Chief of the Bureau of Protected Species Management, Florida Fish and Wildlife Conservation Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Bradley J. Hartman, Director of the Office of Environmental Services, Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

RULE CHAPTER TITLE: The Florida Artificial Reef Program

RULE TITLES:	RULE NOS.:
Introduction and Scope	68E-9.001
Definitions	68E-9.002
Artificial Reef Program Application	68E-9.003
Program Criteria for Allocating Funds	68E-9.004
Project Application Review and Ranking	68E-9.005
Project Funding	68E-9.006
Forms and Instructions	68E-9.007

PURPOSE AND EFFECT: The proposed new rules implement Section 370.25, F.S., transferred to FWC on July 1, 2000. The FWC grants-in aid program, provides technical assistance and federal and state funds to coastal local governments and non-profit corporations to develop and monitor artificial reefs.

SUMMARY: The proposed new rules govern the development and funding of state and federally funded artificial reefs, the review and ranking of project applications eligible for funding, and the administration of funds.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution, Sections 370.25(2),(4) FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution, Section 370.25 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, May 23-25, 2001
PLACE: DoubleTree Hotel, 4431 PGA Boulevard, Palm Beach Gardens, Florida

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF 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 BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

CHAPTER 68E-9

THE FLORIDA ARTIFICIAL REEF PROGRAM

68E-9.001 Introduction and Scope.

(1) It is the intent of the Florida Fish and Wildlife Conservation Commission pursuant to statutory authority under section 370.25, Florida Statutes to establish a program to provide grant funding and technical assistance to coastal local governments and nonprofit corporations qualified under section 501 (c)(3) of the U. S. Internal Revenue Code for the development of artificial reefs and the monitoring and evaluation of their recreational, economic, and biological effectiveness in the predominantly marine waters of Florida and adjacent federal waters. The program is intended to accomplish the following objectives: 1) promote coordinated and effective efforts to develop artificial reefs; 2) locally enhance fishery resources; 3) increase hard bottom reef fish habitat where appropriate; 4) increase saltwater fishing and diving opportunities, and 5) facilitate artificial reef related research and monitoring.

(2) The purpose of this rule is to govern the development of state and federally funded artificial reefs, the review and ranking of project applications eligible for funding, and the administration of funds from the Florida Artificial Reef Program.

Specific Authority 370.25(2),(4) FS. Law Implemented Article IV, Section 9, Florida Constitution, 370.25 FS. History--New _____.

62E-9.002 Definitions.

(1) "Applicant" means a local coastal governmental entity or an eligible nonprofit organization qualified under s. 501(c)(3) of the U.S. Internal Revenue Code submitting a written grant application or proposal for financial assistance.

(2) "Artificial reef" for purposes of this rule means one or more manufactured or natural objects intentionally placed on the bottom in predominantly marine waters to provide conditions believed to be favorable in sustaining, or enhancing the spawning, breeding, feeding, or growth to maturity of Florida's managed reef associated fish species as well as to increase the productivity of other reef community resources which support fisheries. Included in this definition are artificial reefs developed with one or more of the following additional objectives: enhancement of fishing and diving opportunities, fisheries research, and fisheries conservation/preservation purposes.

(3) "Coastal local government" means any local governing body which is duly constituted under the laws of Florida and whose geographical jurisdiction covers, includes or borders the Atlantic Ocean, Gulf of Mexico, estuaries, or other predominantly marine waters.

(4) "Commission" means the Florida Fish and Wildlife Conservation Commission.

(5) "Development" for the purposes of this rule shall mean the process of creating a plan for a reef project or reef program, project site selection, obtaining permits, securing or fabricating reef materials, and transportation, and placement of artificial reef materials for the purpose of constructing an artificial reef.

(6) "Division" means the Division of Marine Fisheries in the Florida Fish and Wildlife Conservation Commission.

(7) "Evaluation" for purposes of this rule means the objective and accurate measurement of various characteristics of the artificial reef and its associated environmental related fishery and user benefits, for the purpose of judging whether the artificial reef is meeting the objectives specified for it by the grantee. Evaluation is synonymous with assessment.

(8) "Live bottom" for purposes of this rule shall mean an area that contains varying biological assemblages of perennial algal species and/or such invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, or corals living upon and attached to naturally occurring permanent or ephemeral hard or rocky formations with rough, broken or smooth topography and of variable vertical relief. Live bottom

is a subset of hard bottom which also includes living natural reefs such as tropical coral reefs, Oculina coral reefs, oyster reefs, and worm reefs, as well as artificial reefs.

(9) "Monitoring" for the purposes of this rule means the process of making technical and scientific observations at a reef site, as a means of gathering data according to a predetermined study plan in order to detect physical, biological, or recreational use patterns and changes.

(10) "Nonprofit corporation" for purposes of this rule means an organization that is a not-for-profit charitable, scientific or educational organization under 501(c)(3) of the Internal Revenue Service Code and is in full compliance with the regulations defining and governing that organization.

(11) "Permitted site" means an area with discrete boundaries inside of which one or more artificial reefs may be located and for which all required permits and authorizations have been obtained. These permits and authorizations include: artificial reef permits issued by the Florida Department of Environmental Protection and/or the Army Corps of Engineers and other permits, licenses, or authorizations required by any governing body.

(12) "Pollution" for purposes of this rule means any substances released into the waters of the state and adjacent federal waters resulting in a man-made alteration of the chemical, physical, biological, or radiological integrity of the water in quantities or levels which are potentially harmful or injurious to human health or welfare, animal or plant life, or property, including outdoor recreation.

(13) "Predominantly marine waters" means surface waters in which the chloride concentration at the surface is greater than or equal to 1,500 milligrams per liter.

(14) "Prefabricated modules" means structures specifically designed and built for use as artificial reefs and which meet the environmental safety, durability, and stability requirements of this rule, as well as providing complexity and texture which are suitable as habitat for fishes and for colonization by encrusting marine organisms.

(15) "Program" means the Florida Artificial Reef Program.

(16) "Project" means an artificial reef project involving procurement of services and/or goods which has been granted money from the Artificial Reef Program.

(17) "Project Managers" means those individuals designated to act on behalf of the applicant and the Commission on matters relating to any subsequent grant agreement.

(18) "Research" for the purposes of this rule means investigation or experimentation aimed at the discovery and interpretation of facts which may lead to improved methods for the design, construction, placement, and use of artificial reefs as fishery management tools.

(19) "Staging area" means a land-based holding area for artificial reef material where such material is stored and prepared for transportation to an approved artificial reef site.

Specific Authority 370.25(2),(4) FS. Law Implemented Article IV, Section 9, Florida Constitution, 370.25 FS. History--New

68E-9.003 Artificial Reef Program Application.

(1) Applicant Eligibility. Program financial assistance is available only to coastal local governments as defined in Section 68E-9.002(3) and nonprofit corporations as defined in 68E-9.002(10), F.A.C. To meet project funding eligibility requirements, a nonprofit corporation must also:

(a) State in its articles of incorporation or bylaws that one of its objectives is the development or monitoring of artificial reefs;

(b) Demonstrate coordination with the appropriate coastal local government, including conceptual project approval by the local government;

(c) Have written authorization from the permit holder to use a permitted site if the permit holder is an entity other than the nonprofit corporation; and,

(d) Have filed Articles of Incorporation with the Department of State prior to applying for financial assistance under this grant program and furnish the Commission with a valid letter of authorization or similar documentation of 501(c)(3) status from the Internal Revenue Service.

(2) A coastal local government or qualified nonprofit corporation interested in applying for financial assistance under the program must submit to the Commission a completed construction and/or monitoring application together with all required attachments. The construction grant application is listed as FWCC-AR01 and the monitoring grant application is listed as FWCC-AR02 in Section 68E-9.007, F.A.C. An applicant may submit no more than one construction project application and one monitoring application per grant cycle.

(3) For complex projects beyond the scope of the standard applications, a formal project proposal is required which includes but is not limited to a detailed project description and relevant application data as provided by the application forms listed in 68E-9.007 and in 68E-9.005(3), F.A.C. In order to meet program strategic plan objectives, or complete federal grant tasks, the Commission may elect to solicit grant applications on specific topics by advertising requests for proposals in the Florida Administrative Weekly and by contacting interested parties in writing at least two months prior to the closing date for program application.

(4) Application Process. The Division shall send out a call for applications to all prospective project applicants in the first week of January. The call for applications shall include both construction and monitoring project application forms and other information as required. The application receipt deadline

shall be the third Friday in March. This does not preclude the Division from providing funds for additional projects after the deadline if additional uncommitted funds become available.

Specific Authority 370.25(2),(4) FS. Law Implemented Article IV, Section 9, Florida Constitution, 370.25(2) FS. History--New

68E-9.004 Program Criteria for Allocating Funds.

The following criteria establish minimum standards for the funding of artificial reef development and monitoring projects.

(1) Project Activity Eligibility. The following activities are eligible for funding under the program: engineering activities, transportation of artificial reef material, cost of project advertising, purchase or construction prefabricated modules, materials preparation, monitoring or evaluation of artificial reefs, development or updating of local, regional or state artificial reef plans, and associated studies or research needed to gather and analyze data necessary for the development or revision of such plans or to improve artificial reef management processes in Florida.

(a) Engineering activities. No more than \$5,000 or 10% (whichever is less) of project funds granted under the program may be expended for engineering services. Any funds required in excess of this amount must be provided by the applicant. For purposes of this program, engineering activities may include but need not be limited to the following:

1. Post deployment mapping of the orientation and position of the reef materials in relation to each other;

2. Observation of deployment operations including observation vessel charter, camera film and film development, video and video media, and duplication;

3. Material stability analysis; and

4. When necessary to assure accurate placement of material, costs of anchors, chain, shackles, temporary buoys, line, etc.

(b) Transportation of artificial reef materials, for purposes of this program includes:

1. Transportation of artificial reef construction material to a staging area;

2. Water transportation of material from the staging area to the artificial reef site; and

3. Rental of cranes, forklifts, or other equipment for handling material at construction, staging and artificial reef sites.

(c) Costs of advertising includes costs associated with all forms of publicity to announce bid specifications and secure vendors;

(d) Cost of purchasing natural rock and prefabricated modules which may include design and construction of the latter material;

(e) Reef material preparation costs include cleaning and any necessary inspections or laboratory analyses requiring special expertise to identify and insure removal of polluting

material any necessary welding, cutting, or other modifications necessary to insure human and environmental safety; or, to enhance the habitat quality of the material;

(f) Physical monitoring, mapping, and evaluation of artificial reefs to determine the relative merit of the material and the stability and durability of the artificial reef; biological monitoring to describe the reef community and track reef community trends; evaluations to compare two or more reefs for purposes of comparing reef biological or physical characteristics;

(g) Establishment or updating of comprehensive local government, regional, or state artificial reef management plans to guide local reef development activities; and,

(h) Associated applied research, planning, economic, user, or harvest studies needed to provide documentation for the management direction to be provided in local, regional or state artificial reef plans.

(2) Reef Construction Project Eligibility. Only those artificial reef construction projects which are proposed for placement on permitted sites with permits, valid throughout the project period, designed to be in compliance with all permit terms and conditions, and whose primary objectives for development are included in the definition of an artificial reef (68E-9.002(2)) shall be eligible for program funding. Proposed project activities must be consistent with adopted local, state, and national artificial reef plans, and other applicable local, state and federal regulations and fishery management plans. Although a variety of coastal structures are recognized to create hard bottom habitat, projects not eligible for program funding are those whose primary objective is:

(a) Shoreline or inlet stabilization, bridge, pier, jetty or dock construction;

(b) Wave or current attenuation (breakwaters);

(c) Solid waste or dredge spoil disposal;

(d) Mitigation for damaged or destroyed habitat resulting from a specific human activity for which another party is liable;

(e) Placement of artificial reef material for the purpose of subsequently removing the material and/or its associated reef community as part of an aquaculture project;

(f) To serve as an underwater art form, novelty or entertainment/media event.

(3) Acceptable artificial reef construction locations. Only construction projects with locations that meet all of the following criteria will be considered qualified for program funding. The proposed reef location must:

(a) Be at least 150 feet from the boundary of the permitted site to provide a buffer area if some movement of materials occurs, or if problems with placement precision arise;

(b) Be no closer than 150 feet from submerged aquatic vegetation, live bottom, coral and other natural reef structures, and

(c) Be on substrate firm enough to support the artificial reef materials proposed for deployment so that loss of reef function through subsidence will be minimized. Documentation of substrate compatibility shall include, at a minimum, identification of the specific substrate type.

(4) Artificial reef construction materials eligible for program funding. All program funded projects must demonstrate either through prior documented observation and/or based upon an engineering assessment acceptable to the Division, projected durability and stability in a 20 year return interval storm event at the depth placed. Under these conditions the permitted reef should not move off the permitted site or substantially break up with resultant loss of habitat value. Funded artificial reefs are expected to serve as an effective artificial reef for a minimum of 20 years. No artificial reef structures will be funded that consist of low density long-lived component parts that may disassociate and become prone to movement as the reef breaks down over time. Artificial reef materials must not cause pollution. The materials that will be funded in Commission artificial reef projects include clean concrete or rock, clean steel boat hulls, other clean, heavy gauge steel products with a thickness of 1/4 inch or greater, and prefabricated structures that are concrete or a mixture of clean concrete and heavy gauge steel.

Specific Authority 370.25(2),(4) FS. Law Implemented Article IV, Section 9, Florida Constitution, 370.25 FS. History--New _____.

68E-9.005 Project Application Review and Ranking Application Review.

The review of project applications will be conducted by a three person application review team designated by the Division Director. The review process will be as follows:

(1) Reef Construction Project Ranking. The application review team will competitively rank eligible artificial reef construction projects according to the following factors based upon information provided by the Applicant:

(a) Project site selection and environmental assessment.

1. Submit a bottom survey and discuss these results (up to four points);

2. An environmental assessment that justifies the project and project site based upon minimum environmental impact (up to five points);

3. Discussion of the range of wave height, current velocity, temperature, salinity, visibility, tidal range, and other physical oceanography conditions and how those factors may affect the project (up to four points);

4. Availability of relevant prior biological, or environmental data associated with the proposed reef site or general site vicinity (up to five points);

(b) Local demand for artificial reefs based upon:

1. Demonstrated public support for the proposed artificial reef project, based upon written letters or resolutions of support less than six months old; (up to five points);

2. Numbers of recreational boats 16 feet long or longer registered in the affected county (data provided by Division); (up to five points);

3. Number of one year resident and nonresident recreational fishing license holders in the affected county (data provided by Division) (up to five points); and

4. Number of charter/head boats in the affected county (data provided by the Division) (up to five points).

(c) Access. The presence of at least one navigable inlet access point regardless of location that is within 20 nautical miles of the project site (three points).

(d) Financial. Except in the case of funding steel hulled vessels pursuant to 68E-9.004(4), providing cash match funds is not a requirement for the applicant. However the commitment of the applicant to provide funds to help construct the proposed artificial reef will be ranked in proportion to the percentage match of the project. (Up to 4 points)

(e) Supply.

1. Estimated percent coverage of natural hard bottom in the multi-county area (more points allotted to lesser coverage) (data provided by Division) (up to eight points);

2. The number of existing artificial reefs within a .25 nautical mile radius of the proposed project (more points awarded for fewer reefs) (up to four points).

(f) The applicant included specific, well defined and measurable objectives to gauge the success of the project (up to five points);

(g) The applicant's plan to measure the success of project objective achievement; (up to five points);

(h) Availability of a five year local artificial reef management plan which shows a linkage with the proposed project (up to five points);

(i) Availability of a written artificial reef monitoring and assessment plan (up to five points);

(j) The applicant's project plan that addresses logistics, coordination, and staging area availability and location material (up to five points);

(k) Reef design and configuration; habitat complexity, interstitial spaces, surface area, material placement and positioning (up to 10 points);

(l) The project is an innovative project or designed to provide future monitoring potential (up to five points);

(m) Project practicality. The extent to which the project is physically and economically feasible based upon the project description and the available funding (up to five points);

(n) Demonstrated durability and stability of the reef material at the depth proposed for placement based on prior field evaluations or stability analyses (four points);

(o) Assurance of the availability of reef material for the proposed project (three points);

(p) Demonstrated involvement of a marine advisory board (two points);

(q) The applicant's historic ability of timely project completion, and compliance with grant agreement terms and conditions based upon the most recent grant agreement performance (up to five points);

(r) Number of staff and percentage of time available to undertake administrative and field aspects of project, including subsequent monitoring and assessment (up to five points);

(s) First time participation in the program by the applicant (five points);

(t) The applicant is located in an economically depressed rural coastal county (Division provides data) (five points); and

(u) Overall quality of application preparation and accuracy (up to four points).

(2) Monitoring Project Evaluation. The review of project applications will be conducted by a three person application review team designated by the Division Director. The review process will be as follows:

(a) The proposed project collects useful data that will be of value to the Commission and the applicant in determining an artificial reef's effectiveness in meeting the objectives for which the reef was constructed (up to 5 points);

(b) Clearly stated project monitoring or assessment objectives (up to 5 points);

(c) The methods of data collection are clearly presented and are scientifically acceptable and proven field methods and appropriate for the specific monitoring objectives stated (up to 5 points);

(d) Final deliverables are clearly described in the application (up to 5 points);

(e) The data to be collected is transferrable to the Commission in an acceptable format (up to five points);

(f) The applicant's historic commitment to timely project completion, and in compliance with grant agreement terms and conditions based upon the most recent monitoring grant agreement performance (up to five points);

(g) The qualifications, training and experience of the individuals performing the data collection and data analysis (up to five points);

(h) The project's cost effectiveness in relation to the quantity, quality, and type of data expected to be collected (up to five points);

(i) The procedures to be used to check on the quality of the data as it is collected and handled (quality assurance/quality control); (up to five points);

(j) Are a continuation of an ongoing multi-year project effort which has provided reliable and useful data and demonstrated high compliance with prior grant agreement terms and conditions (up to three points);

(k) Are endorsed by the local government reef coordinator whose county has a written artificial reef monitoring plan in place and who will provide multi-year monitoring (two points);

(1) Project proposals that address unresolved scientific issues or provide data relevant to artificial reef management (up to five points)

(3) Ranking of other complex planning, research, and evaluation projects. These projects will be funded based upon ability of the project to meet state or local artificial reef planning and management needs, availability of funds, and likelihood of successful completion of the project objectives. These project applications will include a detailed formal proposal that includes but is not limited to:

- (a) Purpose of the project and specific measurable objective(s);
- (b) Detailed scope of work;
- (c) Complete explanation of how funds are to be spent;
- (d) A description of sampling methodologies and statistical analyses;
- (e) A time table; and
- (f) Qualifications of investigators.

Specific Authority 370.25(2),(4) FS. Law Implemented Article IV, Section 9, Florida Constitution, 370.25(2) FS. History–New _____.

68E-9.006 Project Funding.

Project funding limits. The Commission may provide up to \$60,000 per state fiscal year for an artificial reef project, based on the criteria set forth in Section 68E-9.003, F.A.C. above. During any given funding year the combined funding available to all the applicants applying from a given county shall not exceed twenty percent of the total artificial reef project funds available. The Commission may consider project funding in excess of \$60,000 for a single project depending on the availability of funds, the total number of applications received, and the nature and scope of project applications which provide the following:

- (1) Expanded economic opportunities, particularly in depressed areas;
- (2) Research and evaluation projects on traditional or new artificial reef materials or designs;
- (3) Experimental artificial reef construction designed to:
 - (a) Provide improvements in habitat quality, durability or stability over that of conventional reuse material;
 - (b) Provide reefs which enhance the conservation/preservation of fisheries resources through design and placement resulting in reduction of directed fishing pressure and over fishing.
- (4) Development of local or regional artificial reef management plans and supporting studies; and
- (5) Multi-county regional reef construction or assessment projects.

Specific Authority 370.25(2),(4) FS. Law Implemented Article IV, Section 9, Florida Constitution, 370.25(2) FS. History–New _____.

68E-9.007 Forms and Instructions.

(1) Project Administration Forms. Information required by the Commission must be placed on the prescribed forms, titles and numbers of which are listed below. Such forms and instructions may be obtained without cost by writing: Florida Fish and Wildlife Conservation Commission, Division of Marine Fisheries, 620 South Meridian Street, Box MF-MFM, Tallahassee, Florida 32399-1600.

(2) This list of forms includes:

- (a) FWCC-AR01 Artificial Reef Program Construction Grant Application.
- (b) FWCC-AR02 Artificial Reef Program Monitoring Grant Application.

Specific Authority 370.25(2),(4) FS. Law Implemented 370.25(2) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Palmer, Division of Marine Fisheries, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 16, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

RULE CHAPTER TITLE: Spiny Lobster Trap Certificate Program

RULE TITLES:	RULE NOS.:
Definitions	68E-18.002
Spiny Lobster Trap Tags	68E-18.004
Transfer of Certificates	68E-18.005
Trap Reduction	68E-18.007
Re-allotment of Reverted Certificates	68E-18.009

PURPOSE AND EFFECT: The spiny lobster trap reduction program was begun in 1992 with the object of reducing the number of lobster traps used in the commercial fishery to the lowest number that will maintain or increase overall catch levels, while simultaneously promoting economic efficiency and conserving natural resources. Management concerns addressed by the program include overcapitalization, the mortality of sublegal lobsters used as attractants, the impact of lost traps, and environmental damage caused by traps. The purpose of these rule amendments is to make the technical changes necessary to conform trap certificate program implementation rules originally adopted by the Department of Environmental Protection, Division of Marine Resources, to new rule provisions being proposed elsewhere by the Fish and Wildlife Conservation Commission, to change the spiny

lobster trap reduction program to a passive-active trap reduction regime. The goal is to reduce the present number of trap certificates from 542,704 to a level of 400,000. Until now, trap and certificate reduction has been entirely active. The effect these rules together with continued trap reductions in the spiny lobster fishery will be to further reduce mortality on sublegal lobsters and the environmental damage caused by traps.

SUMMARY: Subsection (10) of Rule 68E-18.002, F.A.C., is amended to include a half sister and half brother within the meaning of the term "immediate family." Subsection (16) of the rule is amended to conform the definition of the terms "standardized trap reduction" and "annual trap reduction" to the 4% annual trap reduction schedule set in proposed amended Rule 68B-24.009. Subsection (21) of the rule is amended to clarify slightly the definition of the terms "trap tag" or "lobster trap tag" to conform with proposed amendments to Rule Chapter 68B-24.

A new subsection (1) is added to Rule 68E-18.004, F.A.C., to require trap tags to be firmly affixed by specified means to spiny lobster traps. Subsequent subsections are renumbered.

Subsection (6) of Rule 68E-18.005, F.A.C., is amended to exempt persons selling all of their trap certificates from the requirement that all commercial harvesters have a restricted species endorsement in addition to the C-number and Saltwater Products License and to specify that transfer fees will only be assessed on received trap certificates, after reduction.

Subsection (1) of Rule 68E-18.007, F.A.C., is amended to restate the 400,000 trap goal of the trap reduction program. Subsection (2) of the rule is amended to apply the one certificate minimum reduction on all trappers, not just those with 10 or fewer certificates. Subsection (3) of the rule is amended to delete obsolete language referring to "standardized trap reduction." Subsection (5) is amended to apply active reductions to certificates allocated but not issued.

Rule 68E-18.009, F.A.C., which contains obsolete provisions governing re-allotment of reverted certificates, is proposed to be repealed.

The citations of specific authority and law implemented in each of the rules proposed to be amended are themselves being amended to cite to Article IV, Section 9 of the Florida Constitution, the Commission's general constitutional authority.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, May 23-25, 2001

PLACE: DoubleTree Hotel, 4431 PGA Boulevard, Palm Beach Gardens, Florida

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

All written material received by the Commission 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 COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF 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 BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

THE FULL TEXT OF THE PROPOSED RULES IS:

68E-18.002 Definitions.

(1) through (9) No change.

(10) "Immediate Family" for purposes of the Lobster Trap Certificate Program means mother, father, sister, brother, spouse, son, daughter, step-son, step-daughter, step-father, ~~or~~ step-mother, half sister, or half brother of the individual certificate holder.

(11) through (15) No change.

(16) "Standardized trap reduction" and "annual trap reduction" means the 4 number or percent of ~~number or percent of~~ annual trap reduction ~~reductions~~ established from time to time by the FWC

pursuant to Rule 68B-24.009, F.A.C. ~~The reduction will be applied evenly, in whole numbers of traps, to all trap certificate allocations.~~

(17) through (20) No change.

(21) "Trap tag" or "lobster trap tag" is a physical, durable, annual lobster trap identification and authorization label, furnished annually by the Commission to the certificate holder. One trap tag may be obtained by the certificate holder for each trap certificate held. The trap tag must be firmly affixed to the lobster trap each fishing season in order to place the trap in the water and use the trap to aid in the taking of lobster.

Specific Authority Art IV, Sec. 9, Fla. Const. 370.142(6) FS; Law Implemented Art IV, Sec. 9, Fla. Const. 370.142 FS; History-New 5-16-95, Formerly 62R-18.002, Amended _____.

68E-18.004 Spiny Lobster Trap Replacement Tags.

(1) No lobster trap shall be used on or in the waters of the state without a current year trap tag firmly affixed thereto. Traps with tags that are not firmly affixed by nails, staples, or otherwise securely fastened as may be provided by the Commission, shall be considered untagged for enforcement purposes.

~~(2)(4)~~ Lost or damaged tags may be replaced upon proper verification of loss, as defined in (3) below, and payment of the replacement tag fee designated for that year have been made. Damaged tags must be turned in to the Commission. Payment for replacement tags must be made before the replacement tags are issued to the certificate holder.

~~(3)(2)~~ Cost of replacement tags will reasonably reflect the actual cost charged to the Commission by the vendor manufacturing the tags, plus a fee of three dollars per order to cover processing and handling.

~~(4)(3)~~ Notification of lost or damaged tags shall be a written report made to the Commission of the tag numbers lost or damaged ("Spiny Lobster Trap Tag Replacement form"), Form No. FWC 30-203, September 1995, hereby incorporated by reference, may be obtained by contacting the local Division of Law Enforcement Office. In addition, a report must be filed concurrently with the local Division of Law Enforcement Office stating the location of where the traps were lost and the circumstances of the loss.

Specific Authority Art IV, Sec. 9, Fla. Const. 370.06(8), 370.142(6) FS; Law Implemented Art IV, Sec. 9, Fla. Const. 370.142 FS; History-New 5-16-95, Amended 2-11-96, Formerly 62R-18.004, Amended _____.

68E-18.005 Transfer of Certificates.

(1) through (5) No change.

(6) The transferee shall have a valid SPL and a current C-number before any transfer will be authorized ~~considered and any other licenses endorsements or other authorizations.~~ A certificate holder who intends to close their trap certificate account by transfer of all certificates to another person's account, and who is not eligible for the restricted species endorsement, shall be exempt from the requirements of 68B-24.0055, F.A.C., for purposes of completing the transfer.

However, the transferor shall not be issued a crawfish endorsement on an actual saltwater products license without the restricted species endorsement. The transferee is responsible for ensuring that all transfer/surcharge fees are paid to the Commission. Transfer fees and surcharges will be assessed only on those trap certificates actually received from the transferor by the transferee.

Specific Authority Art IV, Sec. 9, Fla. Const. 370.142(6) FS; Law Implemented Art IV, Sec. 9, Fla. Const. 370.142 FS; History-New 5-16-95, Amended 4-7-99, Formerly 62R-18.005, Amended _____.

68E-18.007 Trap Reduction.

(1) Beginning July 1, 2001, and in each subsequent year until such time as only 400,000 trap certificates are available to the fishery, the number of trap certificates shall be reduced pursuant to Rule 68B-24.009, F.A.C. The trap reduction for the 1993-94 and each subsequent regular spiny lobster season, as provided by Section 370.142, F.S., and Rule 68B-24, F.A.C., shall take place following the close of the transfer period on March 1.

(2) If the percentage reduction results in a fractional number, that partial trap represented in the fraction will be rounded off. For example, a calculation of an annual or standardized reduction percentage times the certificate allocation yields the product 18.5; in this application, the certificate allocation would be reduced by 18 certificates. If a calculation of an annual or standardized reduction percentage times the certificate allocation yields the product 18.6; in this application, the certificate allocation would be reduced by 19 certificates. For all certificate holders ~~that have ten (10) or less certificates,~~ any ~~annual~~ reduction will never be less than one (1) certificate.

(3) Any certificate allocation reduced to zero trap certificates will be deleted from the Commission's active certificate allocation records. The certificate allocation may only be reduced to zero by standardized trap reduction, sale or transfer of certificates out of the certificate holder's allocation, forfeiture, or other lawful process.

(4) During trap reduction, B-certificates will be reduced prior to the reduction of any A-certificates.

(5) Certificates allocated but not issued shall be included in an active reduction, should an active reduction be necessary in a given year pursuant to Rule 68B-24.009 ~~the standard reduction in a given year.~~ Each allocation will be reduced whether the tags are purchased and issued or not.

(6) Failure to pay certificate fees and other charges in any year will not exempt a certificate holder from having their certificates reduced as part of the annual reduction. All charges and fees on active and inactive certificates must be paid, including charges and fees on certificates lost to reduction.

12A-1.0091	Cleaning Services	The proposed rules were noticed for a rule development workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45, pp. 5223-5250). The workshop was held on November 28, 2000. No one appeared at the workshop to testify; no written comments were received by the Department.
12A-1.010	Receipts from Sales by Barber Shops and Beauty Shops	
12A-1.011	Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business	The proposed amendments were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 653-681). A hearing was conducted on March 13, 2001. In response to comments received from the Joint Administrative Procedures Committee, a Notice of Change to revise the proposed amendments to Rules 12A-1.0011 and 12A-1.0955, F.A.C., has been filed for publication in the Florida Administrative Weekly.
12A-1.013	Credit for Taxes Paid in Error	
12A-1.014	Refunds and Credits for Sales Tax Erroneously Paid	
12A-1.018	Trade and Cash Discounts	
12A-1.037	Occasional or Isolated Sales or Transactions Involving Tangible Personal Property or Services	
12A-1.041	Sales by Photographers, Photofinishers and Photostat Producers, Photoengravers, Wood Engravers and Public Officials of Public Records	DEPARTMENT OF REVENUE Sales and Use Tax NOTICE OF CABINET AGENDA ON MAY 15, 2001 The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments and proposed repeals to the following rule sections in Rule Chapter 12A-1, F.A.C.:
12A-1.044	Vending Machines	
12A-1.048	Sale of Agricultural Products	
12A-1.056	Tax Due at Time of Sale; Tax Returns and Regulations	RULE NOS.: RULE TITLES:
12A-1.0565	Waiver of Electronic Data Interchange Sales and Use Tax Return Filing Requirements	12A-1.008 Newspapers, Community Newspapers, Shoppers, Magazines, and Other Periodicals
12A-1.058	Trade Stamps	12A-1.027 Printing of Tangible Personal Property
12A-1.060	Registration	12A-1.028 Sales to Persons Engaged in Printing
12A-1.064	Sales in Interstate and Foreign Commerce; Sales to Nonresident Dealers; Sales to Diplomats	12A-1.030 The Printing of Promissory Notes, Securities and Checks
12A-1.069	Sales by Governmental Agencies and Instrumentalities and Exempt Institutions	12A-1.031 The Printing of Lawyers' Briefs and Accountants' Reports
12A-1.080	Concession Prizes; The Sale of Food, Drink, and Tangible Personal Property at Concession Stands	12A-1.034 Promotional Materials Exported from this State
12A-1.087	Partial Exemption for Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes	12A-1.062 Information Services
12A-1.091	Use Tax	The proposed rule amendments and proposed rule repeals were noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45, pp. 5250-5258). The workshop was held on November 28, 2000. In addition to comments received at the rule development workshop, written comments were received by the Department. In response to these comments, changes were made to the proposed substantial rewording of Rule 12A-1.008, F.A.C., to clarify the exemption provided for shoppers and community newspapers, to correct the exemption requirements for inserts distributed with publications, and to clarify that news information and photo services are not subject to tax. Changes were also made to Rule 12A-1.062, F.A.C., to
12A-1.0935	Authority to Issue Subpoenas and Subpoenas Duces Tecum	
12A-1.0955	Revocation of Sales Tax Certificates of Registration	
12A-1.096	Industrial Machinery and Equipment for Use in a New or Expanding Business	
12A-1.097	Public Use Forms	
12A-1.105	Service Warranties	

clarify that news information and photo services are not subject to tax. These changes were incorporated into the Notice of Proposed Rulemaking.

The proposed rule amendments and proposed rule repeals were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 682-690). A rule hearing was conducted on March 13, 2001. In response to public comments received at the rule hearing, written comments received by the Department, and comments received from the Joint Administrative Procedures Committee, a Notice of Change to revise the proposed amendments to Rules 12A-1.008, 12A-1.027 and 12A-1.062, F.A.C., has been filed for publication in the Florida Administrative Weekly.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.0011	Schools Offering Grades K through 12; Parent-Teacher Associations; and Parent-Teacher Organizations
12A-1.0955	Revocation of Sales Tax Certificates of Registration

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed creation of Rule 12A-1.0011, F.A.C., and the proposed amendments to Rule 12A-1.0955, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 7, pp. 653-681, February 16, 2001, issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee.

In response to written comments received by the Department regarding the proposed creation of Rule 12A-1.0011, F.A.C., subparagraphs 1. through 4. have been removed and paragraph (e) of subsection (4), has been changed, so that, when adopted, paragraph (5)(e) will read as follows:

(e) Admission charges, dues, and membership fees to an event or program sponsored by a school, parent-teacher association, or parent-teacher organization that qualifies as a not-for-profit entity under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, are exempt.

In response to written comments received by the Department regarding the proposed amendments to Rule 12A-1.0955, F.A.C., subsection (2), has been changed, so that, when adopted, that subsection will read as follows:

(2) The Department ~~will~~ ~~may~~ commence a revocation action through issuance of a Preliminary Notice of Revocation (~~Form DR-1PN~~) to the last known address of record furnished by the dealer. This Notice informs the dealer that:

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.008	Newspapers, Community Newspapers, Shoppers, Magazines, and Other Periodicals
12A-1.027	Printing of Tangible Personal Property
12A-1.062	Information Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed substantial rewording of Rules 12A-1.008 and 12A-1.027, F.A.C., and to the proposed amendments to Rule 12A-1.062, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 7, pp. 682-690, February 16, 2001, issue of the Florida Administrative Weekly. These changes are in response to comments received at the public hearing conducted on March 13, 2001, and in response to comments received from the Joint Administrative Procedures Committee.

In response to written comments received by the Department regarding the proposed substantial rewording of Rule 12A-1.008, F.A.C., paragraph (4)(b), has been changed, so that, when adopted, that paragraph will read as follows:

(b) Inserts are exempt from tax when:

1. The inserts are either printed by the publisher of the newspaper, community newspaper, shopper, or magazine or delivered directly to the publisher by any other printer for inclusion in a distributed newspaper, community newspaper, shopper, or magazine; and

2. The inserts are labeled as part of the designated newspaper, community newspaper, shopper, or magazine in the masthead, logo, gang logo, or supplement line of the newspaper, community newspaper, shopper, or magazine to which they are inserted; and

3. If the purchaser of the insert acquires the insert from a dealer other than the publisher of the periodical, the purchaser must present to the selling dealer a copy of the purchaser's Annual Resale Certificate (form DR-13) or an exemption certificate, as provided in Rule 12A-1.038, F.A.C., stating that the publication is exempt from tax pursuant to s. 212.08(7)(w), F.S.

In response to written comments received by the Department regarding the proposed substantial rewording of Rule 12A-1.027, F.A.C., paragraph (2)(b) has been changed, so that, when adopted, that paragraph will read as follows:

(b) Charges for postage paid to the United States Postal Service that are separately stated on a customer's invoice, bill, or other tangible evidence of sale are not subject to tax.

Based on comments received at the public hearing conducted on March 13, 2001, and written comments received by the Department regarding the proposed amendments to Rule

12A-1.062, F.A.C., the proposed rule has been changed, so that, when adopted, the proposed amendments will read as follows:

12A-1.062 Information Services.

(1) No change.

(2) The charge for information services furnished to newspapers, such as news research services, including photo and news services, and, radio and television stations is are exempt.

(3)(a) “Information services Services” means and includes the services of collecting, compiling or analyzing information of any kind of nature, or furnishing reports thereof to other persons. The charge for furnishing information services, such as newsletters, tax guides, research publications, and other written reports of compiled information, which are not produced for and provided exclusively to a single customer, is taxable.

(b) The term “information services” does not include the furnishing of information, including a written report to a person of a personal or individual nature, that is not or may not be substantially incorporated in reports furnished to other persons.

(4) The charge for news research and information services, such as press clipping services, is exempt, even though the charge may be based on the number of clippings provided and the per clipping charge may be separately stated from the charge for providing the research and information service.

(4) through (5) renumbered (5) through (6) No change.

~~Cross Reference Rule 12A-1.001(17), F.A.C.~~

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON MAY 15, 2001

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed substantial rewording of Rule 12A-1.035, F.A.C. (Funerals; Related Merchandise and Services), and the proposed repeal of Rule 12A-1.026, F.A.C. (Monuments and Tombstones), and Rule 12A-1.035, F.A.C. (Cemetery Organizations). The proposed rule amendments and rule repeals were noticed for the first Rule Development Workshop in the Florida Administrative Weekly on December 24, 1998 (Vol. 24, No. 52, pp. 6911-6913). A rule development workshop was held on January 27, 1999. Changes were made to the proposed substantial rewording of Rule 12A-1.035, F.A.C., and a revised proposed rule was noticed for workshop in the Florida Administrative Weekly on June 30, 2000 (Vol. 26, No. 26, pp. 3061-3063). A second rule development workshop was held on July 19, 2000. Changes were made to the proposed substantial rewording of Rule 12A-1.035, F.A.C., and presented at the second rule development workshop, and a revised proposed rule was noticed for workshop in the Florida Administrative

Weekly on September 8, 2000 (Vol. 26, No. 36, pp. 4157-4159). A third rule development workshop was held on September 26, 2000.

The proposed repeal of Rules 12A-1.026 and 12A-1.052, F.A.C., and the proposed substantial rewording of Rule 12A-1.035, F.A.C., Funerals; Related Merchandise and Services, were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 692-695). A rule hearing was conducted on March 13, 2001. The comments received at the public hearing were those of agreement with the provisions as provided in the proposed text of Rule 12A-1.035, F.A.C. No further comments were received by the Department.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON MAY 15, 2001

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), proposed substantial rewording of Rule 12A-1.107, F.A.C. (Enterprise Zone and Florida Neighborhood Revitalization Programs). The proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on December 22, 2000 (Vol. 26, No. 51, pp. 5845-5849). A rule development workshop was held on January 9, 2001. No one appeared at the workshop to provide comments; no written comments were received by the Department.

The proposed rules were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 695-698). A rule hearing was held on March 13, 2001. No one appeared at the workshop to provide comments on these rule changes. In response to comments received from the Joint Administrative Procedures Committee, a Notice of Change to revise the proposed amendments to Rules 12A-1.097 and 12A-1.107, F.A.C., has been filed for publication in the Florida Administrative Weekly. Technical changes were also made to the law implemented section of Rule 12A-1.097, F.A.C.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.097	Public Use Forms
12A-1.107	Enterprise Zone and Florida Neighborhood Revitalization Programs

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments of Rule 12A-1.097, F.A.C., and to the proposed substantial rewording of Rule 12A-1.107, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 7, pp. 695-698, February 16, 2001,

issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee.

In response to written comments received by the Department regarding the proposed amendments to Rule 12A-1.097, F.A.C., subsections (9) and (10), have been changed, so that, when adopted, those subsections will read as follows:

- (2) through (9)(c) No change.
- (d) DR-15JZ Florida Enterprise Zone Jobs Credit Certificate of Eligibility Application for the Credit Against Sales Tax Effective July 1, 1996 For Job Creation (r. 04/01 40/88) _____ 08/92
- (e) DR-15JEZ Application for the Exemption of Electric Energy Used in an Enterprise Zone Effective July 1, 1995 (r. 04/01 6/87) _____ 08/92
- (f) through (j) No change.
- (k) EZ-E Florida Enterprise Zone Program-Business Equipment Sales Tax Refund Application For Eligibility (r. 06/00) _____
- (l) EZ-M Florida Enterprise Zone Program-Building Materials Sales Tax Refund Application for Eligibility (r. 06/00) _____
- (10) No change.

In response to written comments received by the Department regarding the proposed substantial rewording of Rule 12A-1.107, F.A.C., paragraph (2)(b) has been changed, so that, when adopted, that paragraph will read as follows:

(2) BUILDING MATERIALS USED IN THE REHABILITATION OF REAL PROPERTY LOCATED IN AN ENTERPRISE ZONE.

(a) How to Claim the Refund. An application that includes the information required by s. 212.08(5)(g)1., F.S., must be filed with the Enterprise Zone Development Agency for the enterprise zone where the building materials are used, to claim a refund of tax paid on building materials used in the rehabilitation of real property located in an enterprise zone. Form EZ-M, Florida Enterprise Zone Program-Building Materials Sales Tax Refund Application for Eligibility (incorporated by reference in Rule 12A-1.097, F.A.C.), is prescribed by the Department for this purpose. For the applicant to be eligible to receive a refund, the Enterprise Zone Coordinator for the enterprise zone where the building materials are used must certify, using form EZ-M, that the applicant meets the criteria provided in s. 212.08(5)(g), F.S. The Enterprise Zone Coordinator will certify form EZ-M, including the required attachments, and return the form and

attachments to the applicant. The applicant is responsible for attaching the certified form EZ-M and the required attachments to form DR-26 and forwarding the package to the Department of Revenue.

In response to written comments received by the Department regarding the proposed substantial rewording of Rule 12A-1.107, F.A.C., paragraph (3)(a) has been changed, so that, when adopted, that paragraph will read as follows:

(3) BUSINESS EQUIPMENT USED IN AN ENTERPRISE ZONE.

(a) How to Claim the Refund. An application that includes the information required by s. 212.08(5)(h)2., F.S., must be filed with the Enterprise Zone Development Agency for the enterprise zone where the business is located to obtain a refund of tax paid on business property used in an enterprise zone. Form EZ-E, Florida Enterprise Zone Program-Business Equipment Sales Tax Refund Application for Eligibility (incorporated by reference in Rule 12A-1.097, F.A.C.), is prescribed by the Department for this purpose. For an applicant to be eligible to receive a refund, the Enterprise Zone Coordinator for the enterprise zone where the business property is used must certify, using form EZ-E, that the applicant meets the criteria set forth in s. 212.08(5)(h), F.S. The Enterprise Zone Coordinator will certify form EZ-E, including the required attachments, and return the form and attachments to the applicant. The applicant is responsible for attaching the certified form EZ-E, and the required attachments, to form DR-26 and forwarding the package to the Department of Revenue.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON MAY 15, 2001

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed creation of Rule 12A-1.0141, F.A.C., Equipment Used to Deploy Broadband Technologies in a Florida Network Access Point; Refund Procedures. The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 20, 2000 (Vol. 26, No. 42, pp. 4802-4804). The workshop was held on November 9, 2000. In addition to comments received at the rule development workshop, written comments were received by the Department. In response to these comments, changes were made to the proposed rule and incorporated into the Notice of Proposed Rulemaking.

The proposed rule was noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 690-692). A rule hearing was conducted on March 13, 2001. No one attended the workshop regarding the proposed creation of this rule. In response to written comments received by the Department from the Joint Administrative Procedures Committee, a technical change to the law implemented section of the rule has been made.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON MAY 15, 2001

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12A-12.001, F.A.C. (New Tire Fee), Rule 12A-12.0011, F.A.C. (Battery Fee), and Rule 12A-12.004, F.A.C. (Reporting and Remitting Fees). The proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45, pp. 5258-5259). The workshop was held on November 28, 2000. No one provided comments at the workshop and no written comments were received by the Department.

The proposed amendments were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 698-700). A rule hearing was held on March 13, 2001. No one attended the workshop regarding these proposed rule changes; no written comments were received by the Department.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON MAY 15, 2001

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to the following rule sections in Rule Chapter 12A-15, F.A.C.:

RULE NOS.:	RULE TITLES:
12A-15.002	Surtax Sales Brackets
12A-15.003	Imposition and Payment of Tax
12A-15.010	The Sale of Food, Drink, and Tangible Personal Property at Concession Stands
12A-15.011	Coin-Operated Amusement and Vending Machines, and Other Devices
12A-15.012	Alcoholic and Malt Beverages
12A-15.015	Public Use Forms

The proposed rule amendments were noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45 pp. 5259-5267). The workshop was held on November 28, 2000. No one provided comments at the workshop and no one submitted written comments. The Department announced at the workshop that the charts provided in the proposed rule amendments to paragraphs (2)(b), (3)(c), (4)(c), and (5)(a) of Rule 12A-15.002, F.A.C., Surtax Sales Brackets, were incorrectly published in the Florida Administrative Weekly.

The proposed rule amendments were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 700-708). A rule hearing was held on March 13, 2001. No one attended the workshop regarding these proposed rule changes; no written comments were received by the Department.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON MAY 15, 2001

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12A-16.004, F.A.C. (Registration), Rule 12A-16.005, F.A.C. (Exemption Permits, Certificates, and Affidavits), and Rule 12A-16.008, F.A.C. (Public Use Forms), and the proposed repeal of Rule 12A-16.003, F.A.C. (Exemptions). The proposed rule amendments and proposed rule repeal were noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45, pp. 5267-5268). The workshop was held on November 28, 2000. No one provided comments at the workshop and no written comments were received by the Department.

The proposed amendments and proposed rule repeal were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 708-710). A rule hearing was held on March 13, 2001. No one attended the workshop regarding these proposed rule changes. In response to written comments received by the Department from the Joint Administrative Procedures Committee, a technical change was made to the law implemented section of Rule 12A-16.008, F.A.C.

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-8.010	Reimbursement Contract
19-8.029	Insurer Reporting Requirements

NOTICE OF CHANGE TO FORMS INCORPORATED INTO RULES

NOTICE IS HEREBY GIVEN by the Florida State Board of Administration of changes in the forms incorporated into proposed amended Rule 19-8.010, F.A.C. and proposed amended Rule 19-8.029, F.A.C. The proposed amendments to these rules and forms were noticed in the Florida Administrative Weekly, Vol. 27, No. 7, issued February 16, 2001, and a Rule Hearing was held on March 14, 2001. The additional changes to the forms, as noticed herein, are based on comments made by the Joint Administrative Procedures Committee and on comments made on the record of the public hearing held on March 14, 2001. The changes noticed are numbered 1. through 8., below.

19-8.010 Reimbursement Contract.

1. Reimbursement Contract, Article V, paragraph (15) is stricken and replaced with the following language:

Fund Balance as of 12/31

This term means the "Fund balance: Unrestricted" as indicated on the unconsolidated FHCF Balance Sheets for the then current Contract Year, to which is added: reported FHCF losses (including loss adjustment expense) for the then current Contract Year, whether paid or unpaid by FHCF, as of December 31, and from which is subtracted:

any reinsurance recovered prior to, or recoverable as of, December 31; any obligations paid or expected to be paid with bonding proceeds or receipts from emergency assessments.

2. Reimbursement Contract, Article X(4)(b)1. The second and third sentences in that paragraph have been stricken and replaced with the following: "Section 215.555(4)(e)1., Florida Statutes, provides that if Companies demonstrate to the SBA that the immediate receipt of monies from the SBA is likely to prevent the Company from becoming insolvent due to the occurrence of one or more Covered Events, the SBA shall advance, at market interest rates, up to 50 percent of the SBA's estimate of the reimbursement due to the Company from FHCF."

3. Reimbursement Contract, Article XIII, paragraph (1): The requirement that Insurers retain copies of declarations pages and policy applications has been amended to require that the Insurers retain the information contained in the declarations pages and policy applications. An insurer can do this by retaining a copy of the application and declaration page or by preserving the information contained in those documents in electronic format.

19-8.029 Insurer Reporting Requirements.

4. Form FHCF-MOD, "Clasic Data Format™ for Excess Insurance, Version 1.1, rev. 12/22/94," incorporated into proposed amended Rule 19-8.029(2)(c), F.A.C., has been amended. In the Introduction to the form, the reference to "high deductible (defined as over \$50,000)" has been stricken. In addition, the reference to "multiple location policies" in the introduction has been reworded to read "including policies with multiple locations in Florida."

5. Form FHCF-D1A, at page 3 and Form FHCF-DIB, at page 2, have been amended to include the aggregate covered exposure figures which are underlined below:

Section II: Exposure information for excess insurance policies (as defined on page 21). Your company's aggregate FHCF covered exposure under these types of policies must be at least \$70 million at the 45% coverage level, \$42 million at the 75% coverage level, or \$35 million at the 90% coverage level to report Section II data. Aggregate Section II exposures less than the applicable threshold must be reported under Section I in accordance with Section I formatting specifications.

6. Form FHCF-D1A, at page 13 and Form FHCF-DIB, at page 12, have been amended as indicated by the underlining and strikeouts below:

Construction Type

No change to first paragraph.

If you do not use ISO or FHCF construction codes to rate policies, provide the Administrator with construction type descriptions (used for rating policies) mapped to the most similar description of construction types as defined on pages 25-27 prior to your submission of data. This will

help you avoid a subsequent resubmission(s) due to improper construction reporting. The Administrator will review your method of mapping construction codes and determine if the mapping between your codes and the FHCF's codes match is ~~acceptable~~. Once the Administrator has notified you in writing that your mapping matches ~~approved your mapping in writing~~, you must complete the actual mapping so that only FHCF constructions are reported in your FHCF data submission.

Note: Even if your company had a mapping previously reviewed ~~approved~~, the mapping for this contract year must be resubmitted and reviewed ~~approved~~ by the Administrator prior to your submission of June 30, 2001 data so as to ensure changes to the FHCF construction types have not affected the previously approved mapping.

7. Form FHCF-D1A, at page 18 and Form FHCF-DIB, at page 16, have been amended as indicated by the underlining and strikeouts below:

Additional Windstorm Mitigation Devices: If your company provides a windstorm mitigation credit to its policyholders for any mitigation devices not listed above, and if your company wishes to include that credit in its FHCF composite windstorm mitigation credit code determination, ~~the FHCF Administrator must review and approve your proposal to include such credits.~~ Provide the Administrator with a description of the credits in question prior to your company's submission of data.

8. Form FHCF-D1A, at page 23 and Form FHCF-D1B, at page 21, in paragraph (a)3., contain language identical to the language in Article V, paragraph (8)(a)3. of the Reimbursement Contract. As set forth above, this language in the Reimbursement Contract has been amended; therefore, identical amendments have been made to the language contained in paragraph (a)3. on page 23 of Form FHCF-D1A and on page 21 of Form FHCF-D1B.

DEPARTMENT OF CORRECTIONS

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

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. 27, No. 4, January 26, 2001, issue of the Florida Administrative Weekly:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) No change.

(2) In addition to the standards set forth in (1), all male employees shall comply with the following grooming standards:

(a) No change.

~~(b) Sideburns shall not extend below the bottom of the ear, shall not be flared, and shall not connect with a mustache.~~

~~(b)(e) No change.~~

~~(c)(4) Beard Policy~~

~~1. Security staff shall be clean shaven, however, security staff are permitted to wear a neatly trimmed 1/4 inch beard for bona fide medical or religious reasons to the extent that it is not inconsistent with the state's interest in safety, security, esprit de corps, or uniformity. Requests for security staff to wear facial hair shall be submitted in writing and shall be considered on a case by case basis, based upon the above criteria. The face will be clean shaven other than the wearing of an acceptable mustache or sideburns. Beards and goatees are prohibited.~~

~~2. Non-security staff are permitted to wear beards, however, beards must be neatly trimmed and groomed.~~

~~(d)(e) The only exception to the shaving policy shall be based on medical need. Any employee who cannot adhere to the shaving policy based on a medical diagnosis must provide a statement from a dermatologist or other skin specialist stating the medical condition, describing proposed treatment, and stating whether it is a temporary or permanent condition. If the physician indicates that it is a temporary condition and facial hair growth is prescribed, the physician's statement shall be forwarded through the chain of command for review, comment and recommendation to the appropriate Assistant Secretary or Deputy Secretary. The Deputy Secretary or Assistant Secretary may grant a temporary exemption to the shaving policy for medical reasons for a three to six month period. At the end of a period of temporary exemption, the employee shall be re-evaluated by his physician or a physician chosen by the department. Further temporary exemption periods of up to 12 months each may be granted under the foregoing criteria and procedures. If the physician states that the medical condition is permanent with no likelihood of improvement, a permanent exemption will be approved by the regional director, assistant secretary, or deputy secretary. Facial hair in cases of exemption shall be neatly trimmed to 1/4 inch.~~

~~(3) No change.~~

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

~~(a) No change.~~

~~(b) Class B Uniform. The correctional officer class B uniform shall consist of brown poly cotton trousers with a black stripe and white uniform shirt for lieutenant and above and silver tan uniform shirt for correctional officer and sergeant. The class B uniform, or the class C uniform, or the~~

class D uniform, at the option of the employee will be worn for general institutional duties. The class B, C, or D uniform will not be worn for court appearances.

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

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

~~(e) through (g) No change.~~

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

~~1. through 17. No change.~~

~~18. E.R.T. pin will be issued to C.E.R.T., emergency response teams and canine teams for wear with class A, B and C uniforms. The E.R.T. pin shall be worn centered on the military crease between the bottom of the badge and the top of the left pocket one half inch above the left shirt pocket and centered on the military crease. Drill instructor pins (for basic training program officers only) will be worn one half inch above the left shirt pocket and centered on the military crease. If worn along with the E.R.T. pin, the drill instructor pin will be worn one half inch above the E.R.T. pin. K-9 or other squad pins will no longer be worn on the uniform.~~

~~19. through 28. No change.~~

~~(i) through (5) No change.~~

(6) Correctional officers assigned to the Wellness recreation department shall wear the class D uniform, with the Hi-tech or light weight law enforcement type boots, supplied by the employee. These officers will be allowed to wear black athletic shoes while engaged in officiating athletic events full uniforms to and from work, but shall be allowed to change into recreational attire during regular duty hours.

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

(a) Correctional officers assigned to supervise boot camp facilities or the basic training program shall wear the class C uniform. The jump boots will be furnished by the department. Correctional officers assigned to supervise boot camp facilities shall be authorized to wear military style drill instructor hats which shall be provided by the department.

(b) through (11) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.060
 RULE TITLE: Dental Services
 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. 27, No. 12, March 23, 2001, issue of the Florida Administrative Weekly.

Dental Handbook, UPDATE LOG:	Jan 2001 – <u>Revised Handbook Replacement Pages</u>
Dental Handbook, Page 1-1	Dental services are governed by Title 42, Code of Federal Regulations (C.F.R.), Parts 440.100, 440.50, 440.120, and 440.30, <u>and</u> 447.54.
Dental Handbook, Page 1-2	Dental providers must meet all <u>state licensure requirements pursuant to the guidelines set forth in Chapter 466, F.S. and 64B5, F.A.C. applicable local and state licensure requirements</u> in order to participate in the Medicaid program.
Dental Handbook, Page 1-5	² <u>Current Appropriate</u> medical history;
Dental Handbook, Chapter 2	Replaced all January 2000 footer dates with January 2001 footer dates for consistency.

Dental Handbook, Page 3-1	The procedure codes listed in this chapter are Health Care Financing Administration Common Procedure Coding System (HCPCS) Levels 1, 2, and 3. <u>HCPCS include CDT-3 and CPT procedure codes.</u> Dental codes are based on the Current Dental Terminology, Third Edition, (CDT-3) book. Level 1 codes are based on the Current Procedural Terminology, Fourth Edition, (CPT) book. <u>Dental procedure codes are CDT-3 codes, which The CDT-3 includes identifying alphanumeric codes and descriptions for reporting dental services and procedures. CDT-3 codes and descriptions and other data only are copyright 1999 by the American Dental Association. All rights reserved.</u> <u>CPT procedures The CPT book includes identifying numeric codes and descriptions for reporting medical services and procedures. CPT codes and descriptions are copyright 2000 by the American Medical Association. All rights reserved.</u> <u>Diagnosis codes to be used are found in the International Classification of Diseases, 9th Edition, Clinical Modifications (ICD-9-CM).</u> A diagnosis code is required on the HCFA-1500 claim form for all dental procedures and on the Dental 111 for the oral and maxillofacial surgery procedures. Use the most specific code available. Fourth and fifth digits are required when available.
Dental Handbook, Appendix C	Replaced all July 2001 footer dates with January 2001 footer dates.
Dental Handbook, Pages D-1, D-2, E-1, F-1 and G-1	Replaced all January 2000 footer dates with January 2001 footer dates.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.110
 RULE TITLE: Hearing Services
 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. 27, No. 12, March 23, 2001, issue of the Florida Administrative Weekly.

Hearing Handbook, Update Log	Update log was missing from the Handbook. The Update Log is enclosed.
Hearing Handbook, page 3-1, middle of the page	<p>The procedure codes listed in this chapter are Health Care Financing Administration Common Procedure System (HCPCS) Level 1, 2 and 3 codes. <u>HCPCS include CPT procedure codes. Level 1 codes are based on the <i>Physician's Current Procedural Terminology (CPT)</i> book. Level 3 procedure codes are locally assigned codes that have been approved by HCFA.</u></p> <p><u>CPT procedures include identifying numeric codes and descriptions for reporting services and procedures. CPT codes and descriptions are copyright 2000 by the American Medical Association. All rights reserved. The CPT includes the HCPCS descriptive terms and numeric identifying codes and modifiers for reporting services and procedures.</u></p> <p><u>Diagnosis codes to be used are found in the International Classification of Diseases, Clinical Modifications, (ICD-9-CM). A diagnosis code is required on the HCFA 1500 claim form. Use the most specific code available. Fourth and fifth digits are required when available.</u></p>

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.210
 RULE TITLE: Optometric Services
 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. 27, No. 12, March 23, 2001, issue of the Florida Administrative Weekly.

Optometric Handbook, Page 2-8, Home Visits	(Effective September 1, 2000)
Optometric Handbook, Page 3-1 Source of Procedure Codes	<p>The procedure codes listed in this chapter are Health Care Financing Administration Common Procedure System (HCPCS) Levels 1, 2, and 3 codes. <u>HCPCS include CPT procedure codes.</u></p> <p><u>CPT procedures include identifying numeric codes and descriptions for reporting services and procedures. CPT codes and descriptions are copyright 2000 by the American Medical Association. All rights reserved. The CPT includes the HCPCS descriptive terms and numeric identifying codes and modifiers for reporting services and procedures.</u></p> <p><u>Diagnosis codes to be used are found in the International Classification of Diseases, 9th Edition, Clinical Modifications, (ICD-9-CM). A diagnosis code is required on the HCFA 1500 claim form. Use the most specific code available. Fourth and fifth digits are required when available.</u></p>

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-16.005
 RULE TITLE: Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 6, February 11, 2000, Florida Administrative Weekly has been withdrawn.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NOS.:	RULE TITLES:
61G19-7.003	Registration of Training Program Providers
61G19-7.005	Qualifications of Program Instructors and Trainers for OJT

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 26, No. 41, October 13, 2000, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THESE RULES IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0771

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.:	RULE TITLE:
61G19-9.003	Registration of Course Provider

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 6, February 9, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee and comments received at the board meeting held on March 28, 2001. The rule shall now read as follows:

61G19-9.003 Registration of Course Providers.

(1) Registration for Course Providers is required May 31 of every odd year. All providers are required to register with the Board, before providing continuing education courses, on Board-approved registration form DBPR/BCAI/10 Rev. 04/01. The instructions and form, entitled Provider Approval Application, which is hereby incorporated by reference and will be effective _____, may be obtained from the Board office.

(2) Registration forms shall include the provider's name, address, and phone number, and the names, addresses, and phone numbers of each person or entity with an ownership interest in the provider or who are entitled to receive a percentage of revenues from the course provider.

(3) The Board shall maintain a list of all registered course providers.

(4) Course providers shall notify the Board in writing within thirty (30) days of the effective date of any changes in information required to be listed on the initial registration.

(5) The provider must comply with the requirements stated in Rule 61-6.016(5) as a condition of approval as a course provider.

(6) The course provider shall not offer any continuing education courses if the provider status has expired, or if the provider fails to renew or is disciplined.

(7) No provider may allow a licensed instructor to conduct any course or seminar offered by the provider if the instructor's license has been disciplined and has not been released from the terms of the final order in the disciplinary case. Upon receipt of notice that the instructor is under discipline, the provider shall, within seven (7) days, write to the Board office and confirm that the instructor is no longer conducting any course or seminar offered by the provider. For the purposes of this subsection, a letter of guidance or a reprimand shall not constitute "under discipline."

(8) If the course provider has been disciplined by the Department for anything other than not renewing the license, the provider cannot reapply to the Division for two (2) years from the date of the Final Order.

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NOS.:	RULE TITLES:
64B5-15.009	Fee for Reactivation of Inactive License
64B5-15.010	Fee for Inactive Status
64B5-15.012	Change of Status Processing Fee

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Dentistry hereby gives notice of an additional public hearing on the above-referenced rules to be held on April 28, 2001, at 8:00 a.m., or thereafter, at the Embassy Suites Hotel, 3974 NW South River Drive, Miami, Florida 33142. These rules were originally published in Vol. 27, No. 11, of the March 16, 2001, Florida Administrative Weekly. The Board will discuss withdrawing these rules due to the possible fiscal impact.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please

contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-45.006
 RULE TITLE: Continuing Education on HIV/AIDS

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 37, September 15, 2000 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Sections (1)(a) and (2) shall now read as follows:

64B8-45.006 Continuing Education on HIV/AIDS.

(1)(a) Applicants for initial licensure shall confirm completion of a three-hour course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS). The HIV/AIDS course must have been completed within the two years immediately preceding the submission of the application for licensure.

(2) For each renewal of licensure, licensees must complete a one-hour HIV/AIDS course within the 24-month period prior to the expiration date of the license.

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-56.002
 RULE TITLE: Equipment and Devices; Protocols for Laser and Light-based Devices

THIRD NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 24, of the June 16, 2000, issue of the Florida Administrative Weekly. The Board, at its meeting of March 30, 2001, in Jacksonville, Florida, voted to make a change to subsection (2)(d) of the rule to resolve an inconsistency with the Second Notice of Change. When changed subsection (2)(d) shall read as follows:

(d) Are operating under the direct supervision and responsibility of a physician properly trained in hair removal and licensed pursuant to the provisions of Chapter 458, Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER NO.: 64E-10
 RULE CHAPTER TITLE: Sanitary Facilities for Building Serving the Public

RULE NOS.: 64E-10.001, 64E-10.002
 RULE TITLES: General, Establishments Subject to Provision

NOTICE OF WITHDRAWAL

Notice is hereby given the above rule, as noticed in Vol. 26, No. 43, October 27, 2000, Florida Administrative Weekly, have been withdrawn. Questions may be addressed to Ken Widergren at 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710. Ken Widergren can be reached by phone at (850)245-4444, Ext. 2453.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE CHAPTER NO.: 68D-23
 RULE CHAPTER TITLE: Uniform Waterway Markers in Florida Waters

RULE NOS.: 68D-23.003, 68D-23.101, 68D-23.102, 68D-23.103, 68D-23.104, 68D-23.105, 68D-23.106, 68D-23.107, 68D-23.108, 68D-23.109
 RULE TITLES: Placement of Regulatory Markers in Waters of the State, Intent, Scope, Definitions, Placement of Markers, Criteria for Approval, Permit Conditions, Federal System Adopted Specifications for Markers, Additional Specifications for Information and Regulatory Markers

68D-23.110 Triennial Inspection
 68D-23.111 Enforcement
 68D-24.112 Exemptions

NOTICE OF DEFERRED MEETING

The Florida Fish and Wildlife Conservation Commission announces that it has deferred consider the above rules until its next regularly scheduled meeting. This rule was noticed for rule development in the December 22, 2000 issue of the FAW. The notice of proposed rulemaking was published in the January 26, 2001 (Vol. 27, No. 4), issue of the FAW on pages 377 through 385.

DATES AND TIMES: 8:30 a.m., each day, May 23-25, 2001
 PLACE: DoubleTree Hotel, 4431 PGA Boulevard, Palm Beach Gardens, Florida

THIS MEETING IS OPEN TO THE PUBLIC

Section 286.0105, Florida Statutes, provides that, if any person decides to appeal any decision with respect to any matter considered at the above meeting, he or she will need a record of the proceedings, and that, for such purposes, 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.

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 five calendar days before the meeting by contacting Terry Mara, (850)487-3796. If hearing or speech impaired, please contact the agency by calling (850)488-9542.

**Section IV
 Emergency Rules**

NONE

**Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received an Petition for Waiver on April 2, 2001, from Volusia County and the City of New Smyrna Beach. The petitioner seeks a waiver of a portion of Rule 9K-4.002, Fla. Admin. Code, for Florida Communities Trust Project #00-059-P10, the Wards Motel project site.

A copy of the Petition, which has been assigned the number DCA01-WAI-062, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Daryl Shone on April 10, 2001, a petition for Waiver of Rule 11B-27.002(3), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that an officer be employed within four years of completing a Basic Recruit Training Program.

Comments on this Petition should be filed with the Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel Grace A. Jaye.

A copy of the Petition may be obtained by contacting Assistant General Counsel Grace A. Jaye at the above address, or by calling (850)410-7676.

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that on April 6, 2001, the Florida Department of Transportation issued an order dismissing the Petition for 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. 01-030. 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 for Waiver was received by the Department and filed by the Clerk of Agency Proceedings on February 21, 2001. The Department published its notice of receipt of the Petition for Waiver in the March 9, 2001, edition of the *Florida Administrative Weekly*. The Department dismissed the Petition for Waiver because the Precision Traffic Counting, Inc., d/b/a Buckholz Traffic withdrew its Petition for Waiver.

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, (850)414-5393.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the Petitions for variance from or waiver of Rule 25-6.049(5)(a), Florida Administrative Code, filed October 9, 2000 by Sundestin International Homeowners Association, Inc. and Dunes of Panama Owners Association, Inc., in Dockets Nos. 001543-EU and 001544-EU, were considered at the February 20, 2001, Agenda Conference. The rule requires that all occupancy units in condominiums, for which construction was commenced after January 1, 1981, be individually metered by the utility. The waiver of Rule 25-6.049(5)(a), Florida Administrative Code, was granted by

the Commission at the Agenda Conference. Order No. PSC-01, issued March , 2001, memorialized the decision. Notice of the petition was published in the FAW on November 22, 2000.

A copy of the Order can be obtained from either the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770, or the Commission's homepage at <http://www.floridapsc.com>.

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the Petition for variance from or waiver of Rule 25-6.049(5)(a), Florida Administrative Code, filed October 9, 2000 by Dunes of Panama Owners Association, Inc. (Dunes), in Docket No. 001544-EU, was considered at the February 20, 2001, Agenda Conference. The rule requires that all occupancy units in condominiums, for which construction was commenced after January 1, 1981, be individually metered by the utility.

The waiver of Rule 25-6.049(5)(a), Florida Administrative Code, was granted by the Commission at the Agenda Conference. The Commission decision will allow Dunes to convert their existing individual meters to master meters, which will measure usage for all of the units. Order No. PSC-01-0626-PAA-EU, issued March 14, 2001, memorialized the decision. Order No. PSC-01-0888-CO-EU, issued April 9, 2001, makes Order No. PSC-01-0626-PAA-EU effective and final and closes Docket No. 001544-EU.

Notice of the petition was published in the Florida Administrative Weekly on November 22, 2000.

A copy of the Order can be obtained from either the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770, or the Commission's homepage at <http://www.floridapsc.com>.

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District hereby gives notice that it received a petition on March 2, 2001, from Thomas H. Warlick, Esq., representing Lighthouse Cove Development, seeking a variance of Rule 40C-4.302(1)(c), F.A.C., and the associated portion of the Applicant's Handbook: Management and Storage of Surface Waters, including Section 12.2.5, with respect to the Environmental Resource Permit Application to relocate an already authorized 1780.34 square foot fishing pier in a portion of the Indian River which is categorized as Class II waters which are classified by the Department as conditionally restricted for shellfish harvesting.

Comments on this petition should be filed with Sandy Bertram, District Clerk, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, within 14 days of publication of this notice.

For additional information, contact: Thomas I. Mayton, Jr., Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, or telephone (386)329-4108.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on March 29, 2001, a petition from City of Punta Gorda seeking an emergency variance under section 120.542 of the Florida Statutes from the requirement for a public water system to supply drinking water that meets all secondary drinking water standards contained in Rule 62-550.320, and sodium, a primary drinking water standard under Rule 62-550.310, Florida Administrative Code, because the extreme drought conditions have resulted in the source water from Shell Creek and Prairie Creek exceeding chloride, total dissolved solids, sulfate, and may exceed sodium in the future. The petition has been assigned OGC case number 01-0548.

Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Cynthia Christen. Comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on March 30, 2001, a petition from MAS TEC, INC., f/k/a Burnup and Sims TelCom of Florida, Inc. for a waiver pursuant to subsection 376.3071(12)(e), F.S. The petition has been assigned OGC case number 98-1535 and is for the site located at 2269 North Indian Road, West Palm Beach, Florida, FDEP Facility #508630743.

Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Lisa Randolph. Comments must be received no later than 14 days from the date of publication of this notice.

The Department announces receipt of a petition filed March 27, 2001, pursuant to Section 120.542, Florida Statutes, from Environmental Services, Inc., to obtain a variance from certain Department rules regarding the Dominex facility in St. Johns County. The petitioner has requested a variance from unspecified Department rules that prohibit disposal of solid waste without a Department permit.

The Petition for Variance is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Solid Waste

Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Requests for copies or inspection should be made to Mary Jean Yon, Environmental Administrator at the above address.

The Department announces receipt of a petition filed March 26, 2001, pursuant to Section 120.542, Florida Statutes, from Hartman and Associates, Inc., to obtain a variance from certain Department rules regarding DeLand Landfill, Inc., in Volusia County. The petitioner has requested a variance from Rule 62-701.340(4)(c), Florida Administrative Code, which requires the minimum horizontal separation between waste deposits in a landfill and the landfill property boundary to be 100 feet.

The Petition for Variance is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Requests for copies or inspection should be made to Mary Jean Yon, Environmental Administrator at the above address.

The Department of Environmental Protection gives notice of its intent to issue a variance from the provisions of Rule 62-4.244(5)(c), F.A.C. (File No. 0181889-002-EV) to the Town of Longboat Key, C/O Leonard A. Smally, P.E., Director of Public Works, 501 Bay Isles Road, Longboat Key, Florida 34228, to establish a temporary mixing zone greater than 150 meters within an area of Class III Waters of the Gulf of Mexico. This variance is sought in conjunction with a joint coastal permit (Permit No. 582830959) which was issued in 1996. The permitted activity is beach nourishment of approximately 9.2 miles of shoreline through the periodic placement of sand on the beach using material obtained from borrow areas located approximately 6 to 7 miles offshore.

The Longboat Key Beach Restoration Project is located in Sections 15, 22, 23, 25, 26, and 36 of Township 35 South, Range 16 East; Section 31, Township 35 South, Range 16 East; and Sections 6, 7, 8, 16, 17, 21, 27, 28, of Township 36 South, Range 17 East.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. Under Rule 62-110.106(4), Florida Administrative Code, a

person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Rules 28-106.111(2) and 62-110.106(3)(a)1., F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific

facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the DEP, Office of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201.

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, May 9, 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 a 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.

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 May 9, 2001 immediately following the meeting of the Historic Pensacola Preservation Board, which will begin, 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 a 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.

DEPARTMENT OF LEGAL AFFAIRS

The Legislative Advocacy Committee of the **Florida Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: May 4, 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.

The **Florida Elections Commission** announces a meeting. Parts of the meeting are confidential.

DATES AND TIME: Wednesday, May 9, 2001; Thursday, May 10, 2001, 8:30 a.m. – 5:00 p.m.

PLACE: Hyatt Regency Orlando International Airport, Meeting Room (tentatively Mirabel), 9300 Airport Boulevard, Orlando, Florida 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes, and to the late filing of campaign treasurer's reports.

For a copy of the agenda call Patsy Rushing, (850)922-4539.

If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made.

If you need an accommodation because of disability in order to participate, please call Patsy Rushing, at least 48 hours before the meeting.

DEPARTMENT OF BANKING AND FINANCE

The Florida **Board of Funeral and Cemetery Services** announces a public Board Meeting and all persons are invited to attend.

DATES AND TIMES: May 24, 2001, 10:00 a.m. – 5:00 p.m.; May 25, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Room 116, Knott Building, Ground Floor, 415 St. Augustine St., Tallahassee, FL

PURPOSE: Regular Board Business; Certificate of Authority renewals; Board Chairman and Vice-Chairman election.

To obtain further information contact: Gladys Hennen, Administrative Assistant II, Division of Finance, 101 East Gaines St., Fletcher Bldg., Room 624P, Tallahassee, FL 32399-0350, (850)410-9898.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Gladys Hennen, (850)410-9898, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Gladys Hennen via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Fertilizer Materials Assessment Advisory Group to which all persons are invited:

DATE AND TIME: May 31, 2001, 10:00 a.m. – 12:30 p.m.

PLACE: Florida Department of Agriculture and Consumer Services, AES Conference Room, Bldg. 8, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-9095

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Advisory Group.

A copy of the agenda may be obtained by contacting: Ms. Leigh Humphreys, Chairperson, Fertilizer Materials Assessment Advisory Group, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 7, Tallahassee, Florida 32399-1650.

If special accommodations are needed to attend this meeting because of a disability, please contact Leigh Humphreys, as soon as possible.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: May 15, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Steinbrenners Ramada Inn and Conference Center, Intersection of I-75 and US 27, Ocala, Florida

PURPOSE: This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the DACS Marketing Division to discuss and approve the Council's business plans and budget for Fiscal Year 2001-02. Additional information may be obtained by writing: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650 or by calling Vicki O'Neil, (850)921-8001.

Pursuant to 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 in advance by contacting Ms. O'Neil at the number above.

DEPARTMENT OF EDUCATION

The public is invited to a telephone conference call meeting of the Florida **Board of Regents**.

DATE AND TIME: May 4, 2001, 9:00 a.m.

PLACE: Florida Education Center, Conference Room, 15th Floor, Tallahassee, Florida

PURPOSE: To consider legislative issues and updates; and other matters pertaining to the State University System.

A copy of the agenda may be obtained by writing: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 325 West Gaines Street, Tallahassee, Florida 32399-1950.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The **Foundation for Florida's Community Colleges**, Investment Committee announces the following conference call to which all persons are invited.

DATE AND TIME: May 3, 2001, 9:30 a.m. – 11:30 a.m.

PLACE: Turlington Building, Room 1314, 325 West Gaines Street, Tallahassee, Florida 32399-0400, Phone Number To Call: (850)921-6433 or Suncom 291-6433

PURPOSE: The Foundation for Florida's Community Colleges, Investment Committee will be discussing issues before them.

NOTE: If you need special services to attend the meeting or need additional information, write: Division of Community Colleges, 1314 Turlington Building, Tallahassee, Florida 32399-0400.

The **State Board of Community Colleges** announces the following public meetings of the Board to which all persons are invited.

DATE AND TIME: May 11, 2001, 9:00 a.m.

PLACE: Indian River Community College (Mueller Campus-Richardson Center), 6155 College Lane, Vero Beach, Florida 32966

PURPOSE: Regular business meeting of the Board.

COMMITTEE: EA/EO Advisers

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

COMMITTEE: Foundation for Florida's Community Colleges

DATE AND TIME: May 10, 2001, 11:00 a.m. – 12:00 Noon

Meeting of the State Board of Community Colleges to discuss Policy; Program, Economic Development and Equity; and Finance issues on May 10, 2001, 1:00 p.m. – 4:15 p.m., at the same location and address as stated above.

NOTE: If you need special services to attend the meeting or need additional information, write: Division of Community Colleges, 1314 Turlington Building, Tallahassee, Florida 32399-0400.

The **Florida Institute of Phosphate Research** announces the quarterly meeting of the Board of Directors to which all persons are invited.

DATE AND TIME: Friday, April 27, 2001, 8:30 a.m. – 4:30 p.m.

PLACE: Southwest Florida Water Management District Conference Room, 170 Century Drive, Bartow, FL 33830

PURPOSE: To consider funding of research proposals and other business pertaining to the operation of the Institute.

DEMONSTRATION: Board members will also convene Thursday, April 26, 2001, 10:00 a.m. at Cargill Fertilizer, Inc. in Bartow, to view a demonstration of the Rail-Veyor Unit Train (FIPR Project #98-01-152S).

A copy of the minutes of the January 19, 2001, Board Meeting may be obtained by writing: Paul R. Clifford, Executive Director, Florida Institute of Phosphate Research, 1855 West Main Street, Bartow, Florida 33830.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 2 announces a public hearing to which all persons are invited.

DATE AND TIME: May 17, 2001, 7:00 p.m.

PLACE: Mandarin High School, Chorus Room, 4831 Greenland Road, Jacksonville, Duval County, 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 Financial Project ID Number 2133471, Federal-Aid Number 0955(245)I, otherwise known as Old St. Augustine Road/Interstate 95 (I-95, SR 9) Interchange Project Development and Environment (P D & E) Study. This project is located in Jacksonville, Duval County, Florida. The limits of the study area along I-95 are from 4,000 feet south to 2,500 feet north of the Old St. Augustine Road overpass. The limits of the study area along Old St. Augustine Road are from 800 feet west to 1,500 feet east of I-95.

A copy of the agenda may be obtained by writing: Mr. Aage Schroder, District Secretary, Florida Department of Transportation, District 2, Post Office Box 1089, Lake City, Florida 32056-1089.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given or call (386)758-3725 or 1(800)749-2967. Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of public meetings of the Florida Commission on Hurricane Loss Projection Methodology to which all persons are invited.

DATES AND TIMES: Thursday, May 10, 2001, 9:00 a.m. – 5:00 p.m. (Eastern Standard Time); Friday, May 11, 2001, 8:30 a.m. – 1:00 p.m. (Eastern Standard Time)

PLACE: Both meetings referenced above will be held in the Hermitage Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

TELEPHONE PARTICIPATION: Persons who wish to "attend" telephonically may call (850)488-3676, on the date and at the time indicated for access to the meeting.

PURPOSE: These two meetings are regular business meetings of the Commission to review computer models under the standards and acceptability process for 2000 and to discuss the general business of the commission.

Anyone wishing to be placed on the Commission's mailing list to receive copies of notices and agendas by mail or wishing a copy of the agenda for the meeting noticed above, should contact Donna Sirmons, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodations to attend any of these meetings is requested to call Donna Sirmons, (850)413-1349, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATE AND TIME: Wednesday, May 16, 2001, 9:00 a.m. – 12:00 Noon (E.S.T.)

PLACE: The Hermitage Centre, Hermitage Conference Room, Room 116, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: Update on the Reimbursement Premium Formula, discuss the May bonding estimates, review proposed Advisory Council procedural handbook and to engage in the general business of the Council.

Anyone wishing a copy of the agenda should contact: Patti Elsbernd, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, any person needing special accommodations to attend the meeting is requested to contact Patti Elsbernd by mail, at the address given immediately above or by telephone (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: May 1, 2001, 1:00 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purposes of addressing legislative issues regarding changes to Chapter 601, Florida Statutes. Please note this meeting may not be necessary, but is being noticed due to time restraints. Information regarding the status of the meeting may be obtained by contacting Mia McKown, (863)499-2500.

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.

The **Department of Citrus** announces a public meeting of the Citrus Harvesting Research Advisory Council to which all persons are invited.

DATE AND TIME: Thursday, May 10, 2001, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update on budget, update on mechanical harvesters, update on Dr. Roka's field studies and other business that might come before the council for consideration.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 2, 2001, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C, Third Floor, Tallahassee, Florida

PURPOSE: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, telephone (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing to be held in the following dockets 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.

DATES AND TIME: May 7-9, 2001, 10:00 a.m.

PLACE: Clarion Hotel Banquet Room, 1300 Ponce DeLeon Blvd., St. Augustine, Florida

PURPOSE: To permit parties to present testimony and exhibits relative to the application for original certificates to operate a water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation, and the application for

certificates to operate a water and wastewater utility in Duval and St. Johns Counties by Intercoastal Utilities, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on April 16, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Customer testimony will be taken on May 7, 2001, 10:00 a.m. and 7:00 p.m.

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

The Florida **Public Service Commission** announces a hearing to be held in the following dockets to which all interested persons are invited.

Docket No. 981609-WS – Emergency petition by D. R. Horton Custom Homes, Inc. to eliminate authority of Southlake Utilities, Inc. to collect service availability charges and AFPI charges in Lake County.

Docket No 980992-WS – Complaint by D. R. Horton Custom Homes, Inc. against Southlake Utilities, Inc. in Lake County regarding collection of certain AFPI charges.

DATES AND TIME: May 10-11, 2001, 10:00 a.m.

PLACE: Jenkins Auditorium, 691 Montrose Street, Clermont, Florida

PURPOSE: To permit parties to present testimony and exhibits relative to the emergency petition by D. R. Horton Custom Homes, Inc. to eliminate authority of Southlake Utilities, Inc. to collect service availability charges and AFPI charges in Lake County, and the complaint by D. R. Horton Custom Homes, Inc. against Southlake Utilities, Inc. in Lake County regarding collection of certain AFPI charges, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on April 30, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Customer testimony will be taken on May 10, 2001, 10:00 a.m. and 6:00 p.m.

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

REGIONAL PLANNING COUNCILS

The **Central Florida Regional Planning Council** announces a Table-Top Exercise of the District 7, Local Emergency Planning Committee for Hazardous Materials to which all persons are invited.

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

PLACE: Highlands County Cooperative Extension Service, 4509 West George Boulevard, Sebring, Florida

PURPOSE: District 7, LEPC, Table-Top Exercise.

For more information concerning either the table-top exercise or the full-scale exercise, contact: Burt McKee, Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831, (863)534-7130, Ext. 104.

If any person desires to appeal any decision with respect to any matter considered at the above cited event, such persons will need a record of the proceeding.

For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** announces a public meeting of the District 7, Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, Exercise Sub-Committee and Risk Management Program Sub-Committee to which all persons are invited.

DATE AND TIME: Wednesday, May 9, 2001, 9:00 a.m.

PLACE: Southwest Florida Water Management District, Conference Room, 170 Century Boulevard, Bartow, Florida 33830

PURPOSE: Regular Bi-Monthly Meeting of the LEPC and Special Sub-Committee Meetings.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 7, 2001, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

PURPOSE: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Proposed Local Government Comprehensive Plan

Amendment for Pompano Beach; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendment for North Miami Beach; Any adopted Local Government Comprehensive Plan received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD) if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **South Florida Regional Planning Council** announces the following Clean Cities Coalition meetings to which all persons are invited.

First Meeting: Clean Cities Coalition Market Development Subcommittee

DATE AND TIME: Monday, May 21, 2001, 9:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

Second Meeting: Clean Cities Coalition Steering Committee Meeting

DATE AND TIME: Monday, May 21, 2001, 10:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

PURPOSE: The Gold Coast Clean Cities Coalition consists of Broward, Martin, Miami-Dade, Monroe and Palm Beach Counties. The Coalition was formed through Governor's Executive Order to accelerate the widespread use of cleaner, alternatively fueled fleet vehicles in the Florida Gold Coast area. The purpose of these meetings is to discuss relevant Coalition issues.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, he 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.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152 (TDD) if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following Projects Committee Briefing and Boat Tour:

Projects Committee Briefing

DATE AND TIME: Friday, April 27, 2001, 8:00 a.m.

PLACE: The Hilton, Downtown Jacksonville, Seminole Conference Room, 1201 Riverplace Blvd., Jacksonville, FL followed by a boat tour on the St. Johns River

PURPOSE: To discuss Lower St. Johns River Projects and for visual inspection on the St. Johns River.

A copy of the agenda can be obtained by writing: Attention: Sonia Kuecker, St. Johns River Water Management District, P. O. Box 1429 Palatka, FL 32178-1429 or by calling Sonia Kuecker, Business Resource Specialist IV, Department of Water Resources, (904)312-2330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

NOTE: This meeting is for information only.

The **St. Johns River Water Management District** announces a Central Region Recreation Advisory Council Meeting to which all persons are invited. The meeting is scheduled for:

DATE AND TIME: Tuesday, May 2, 2001, 9:30 a.m. – 3:00 p.m.

MEETING: Central Region Recreation Advisory Council, 9:30 a.m. – 12:00 Noon

TOUR: Lake Jesup Conservation Area, 1:00 p.m. – 3:00 p.m., Bring Bag Lunch, (386)329-4404, if you will be attending the tour.

PLACE: Geneva Wilderness Area Education Center, North of Oviedo on CR 426, Oviedo, Florida

PURPOSE: To discuss recreation on District lands in the Central Region.

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

If, due to disability, you require a special accommodation to participate in this public meeting, contact Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD) at least five work days before the date of the meeting.

The **St. Johns River Water Management District** announces a Land Acquisition and Management Committee Meeting and tour to which all persons are invited. The meeting is scheduled for:

DATE AND TIME: Thursday, May 3, 2001, 10:00 a.m. – 3:00 p.m.

TOUR: Land Acquisition and Management Committee, Tour of Hal Scott Regional Preserve and Park, Tour 10:00 a.m. – 12:00 Noon

PLACE: Meet at Ranger Drainage District, 10:00 a.m.

MEETING: Land Acquisition and Management Committee Meeting, 1:00 p.m. – 3:00 p.m.

PLACE: Ranger Drainage District, 19950 Nugent St., Orlando, FL 32833, (407)568-5502 for directions

PURPOSE: To review land management and land acquisition activities.

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

If, due to disability, you require a special accommodation to participate in this public meeting, contact Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD) at least five work days before the date of the meeting.

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

GREEN INDUSTRY ADVISORY COMMITTEE

DATE AND TIME: Thursday, May 3, 2001, 12:00 Noon

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

ENVIRONMENTAL ADVISORY COMMITTEE

DATE AND TIME: Wednesday, May 9, 2001, 6:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Monday, May 21, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: SFWMD Headquarters, B-1 Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33416

PURPOSE: Technical Oversight Committee meeting: tentative agenda includes:

1. Water quality conditions reporting, including a discussion of several issues on 2000 water quality data and compliance that have come up in the last several months;
2. Update on mercury conditions in the EPA and STAs;
3. Changes in water quality sampling in WCA-2A;
4. Updates on items from the 2/9/01 TOC meeting: C-111, EAA load calculations, topics to be covered in the 2001 Everglades Consolidated Report.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact Dr. Garth Redfield, (561)682-6611 or email: gredfiel@sfwmd.gov.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Finance, Auditing and Program Performance (FAPP) Committee to which all persons are invited.

DATE AND TIME: Thursday, May 10, 2001, 9:30 a.m. – 12:00 Noon

PLACE: 2740 Centerview Drive, Rhyne Building, Room 308, Tallahassee, Florida, (850)488-6036

PURPOSE: To review and approve, if necessary, minutes from the previous meeting, bonding scope of services, possible rate standardization scope of services, updated or newly created procedures, budget submittal, new TDTF allocations (if passage of SB 256 and HB 79) and receive an update on the APR review.

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 **Peace River/Manasota Regional Water Supply Authority** announces the following public meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, May 2, 2001, 10:00 a.m.

PLACE: DeSoto County Administration Building, 201 East Oak Street, Arcadia, FL

PURPOSE: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Notice is hereby given by the **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes** of a workshop to be conducted to discuss any issues related to the filing of offering documents for timeshare plans and whole unit residential condominiums pursuant to Chapters 718 and 721, Florida Statutes, and related rules. The workshop in Orlando is primarily intended to address timeshare filing issues. The workshop in Fort Lauderdale is primarily intended to address condominium filing issues.

DATE AND TIME: May 16, 2001, 1:00 p.m. – 3:00 p.m.

PLACE: Zora Neale Hurston Building, 400 W. Robinson Street, South Tower, Conference Rooms A and B, Orlando, Florida

DATE AND TIME: May 17, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Broward County Public Library – Main Branch, 100 S. Andrews Avenue, Room 8C, Fort Lauderdale, Florida

PURPOSE: The workshops will address filing issues raised by the public. The Division will raise mainly procedural issues and answer any questions about the Division's reorganization and any resulting filing-related changes. Participants are encouraged to write, fax, call or email Laura Glenn with advance notice of any topics of interest. However, advance notice is not required.

AGENCY CONTACT PERSON: Laura Glenn, Chief, Bureau of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1032, (850)487-2753, Fax (850)921-5448, Email: laura.glenn@dbpr.state.fl.us.

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 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, May 9, 2001, 4:00 p.m.; Thursday, May 10, 2001, 8:00 a.m.; Friday, May 11, 2001, 8:00 a.m.

PLACE: Sheraton Ft. Lauderdale Airport, 182 Griffin Road, Dania, Florida 33004

PURPOSE: Committee, Disciplinary Actions and General Session meetings of the Board.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Lee Young, (904)727-3680, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Board of Funeral Directors and Embalmers** announces the following meetings to which all parties are invited to attend.

DATE AND TIME: May 16, 2001, 2:00 p.m. or soon thereafter

PURPOSE: Finance Committee, Rules Committee, immediately followed by Probable Cause Panel meeting, which portions may be closed to the public

DATE AND TIME: May 17, 2001, 9:00 a.m. or soon thereafter

PURPOSE: General Board and Business Meeting.

PLACE: Sheraton Suites, Tampa Airport, 4400 West Cypress Street, Tampa, Florida

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Funeral Directors and Embalmers, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-8690, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Engineers Management Corporation** announces a public telephone conference call which all persons are invited.

DATE AND TIME: Friday, May 4, 2001, 10:00 a.m.

PLACE: Conference Call Number: 1(800)479-7008

PURPOSE: To discuss general business of the Corporation.

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 Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Tuesday, May 8, 2001, 10:00 a.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301

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 Educational Advisory and Application Review Committees which all persons are invited.

DATE AND TIME: Wednesday, May 9, 2001, 9:00 a.m.

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32304

PURPOSE: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

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 telephone conference call which all persons are invited.

DATE AND TIME: Tuesday, May 22, 2001, 2:00 p.m.

PLACE: Conference Call Number: 1(800)682-5640

PURPOSE: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

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 **Board of Professional Surveyors and Mappers** announces a Probation Committee, Continuing Education Committee, Application Review Committee and a General Business Meeting. All interested parties are invited to attend at the address listed below.

DATES AND TIMES: May 30, 2001, 9:00 a.m., Continuing Education meeting and then an Application Review Committee meeting; May 31, 2001, 9:00 a.m., Probation Committee meeting followed by a General Business meeting; June 1, 2001, 9:00 a.m., General Business meeting if necessary

PLACE: Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32202

PURPOSE: 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).

The **Department of Business and Professional Regulation** announces the following meeting(s) to be conducted by the **Building Code Administrators and Inspectors Board** (Board) to which all persons are invited to attend.

MEETING: Building Code Administrators and Inspectors Board

DATES AND TIME: May 17, 2001; May 18, 2001, 8:00 a.m.

PLACE: The World Golf Village Renaissance Resort, 500 South Legacy Trail, St. Augustine, FL 32092, (904)940-8000

PURPOSE: To conduct an official meeting of the Building Code Administrators and Inspectors Board (Board).

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, (850)921-6500, at forty eight (48) hours prior to the meeting. If you are hearing or speech impaired, please call Glenda Albritton, Building Code Administrators and Inspectors Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Wednesday, May 2, 2001, 7:00 p.m. (EDT)

PLACE: Edward Ball Wakulla Springs State Park, Wakulla Lodge Terrace, 550 Wakulla Park Drive, Wakulla Springs, Florida 32305

PURPOSE: To present the proposed land management plan for Edward Ball Wakulla Springs State Park to the public.

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.

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 calling Sandy Cook, Park Manager, Edward Ball Wakulla Springs State Park, (850)224-5950. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

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: Thursday, May 3, 2001, 9:00 a.m. (EDT)

PLACE: Wakulla Lodge, Edward Ball Conference Room, 550 Wakulla Park Drive, Wakulla Springs, Florida 32305

PURPOSE: To present and review the proposed land management plan for Edward Ball Wakulla Springs State Park with the park Advisory Group.

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 Sandy Cook, Park Manager, Edward Ball Wakulla Springs State Park, (850)224-5950. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

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, May 3, 2001, 7:00 p.m. (CDT)
 PLACE: Bay Middle School, 118 Gilmore Road, Point Washington, Florida 32454

PURPOSE: To present the proposed land management plan for Eden Gardens State Park to the public.

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 Eric Keifer, Park Manager, Eden Gardens State Park, (850)231-4214. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

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, May 4, 2001, 9:00 a.m. (CDT)
 PLACE: South Walton Tourist Development Council Building, 2577 South U.S. Highway 331, Santa Rosa Beach, Florida 32459

PURPOSE: To present and review the proposed land management plan for Eden Gardens State Park with the park Advisory Group.

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 Eric Keifer, Park Manager, Eden Gardens State Park, (850)231-4214. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

DEPARTMENT OF JUVENILE JUSTICE

The **Department of Juvenile Justice** announces a meeting of Secretary W. G. "Bill" Bankhead, Juvenile Justice Circuit Board Chairs, and Juvenile Justice Circuit Managers to which all interested persons are invited.

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

PLACE: The meeting will be held by video teleconference. The meeting will be broadcast at the Department of Management Services video teleconference facilities located in Tallahassee, Ft. Lauderdale, Ft. Myers, Jacksonville, Miami, Orlando, Pensacola, Tampa, West Palm Beach and Daytona Beach.

PURPOSE: The primary agenda item will be a wrap-up report on the 2001 Legislative Session, including the substantive and budget issues.

Information about the specific location in the various cities will be available through the Department of Juvenile Justice from the circuit board and council coordinators or from the Bureau of Partnership and Volunteer Services.

For more information contact the Bureau of Partnership and Volunteer Services, (850)488-3302 or Suncom 278-3302.

The Florida **Department of Juvenile Justice**, Juvenile Justice and Delinquency Prevention State Advisory Group (JJDP) will hold its quarterly meeting.

DATES AND TIME: May 10-11, 2001, 9:00 a.m. – 5:00 p.m.
 PLACE: Embassy Suites, Miami International Airport, Miami, FL

DEPARTMENT OF HEALTH

The Florida **Department of Health** announces a meeting of the Pesticide Exposure Surveillance Program Working Group.

DATE AND TIME: Tuesday, May 1, 2001, 10:00 a.m.
 PLACE: The Alachua County Health Department, 224 S. E. 24th Street, Gainesville, Florida

PURPOSE: The Working Group meeting offers an opportunity for participants to share information about pesticide safety and health activities in Florida. These meetings provide participants with an opportunity to offer recommendations and guidance and to collaborate with Pesticide Exposure Surveillance Program plans.

A copy of the agenda can be obtained by contacting: Alan Rowan, 4052 Bald Cypress Way, BIN #A08, Tallahassee, FL 32399-1712, (850)245-4117.

If special accommodations are needed to attend this meeting because of a disability, please contact Alan Rowan as soon as possible.

The Florida **Board of Medicine**, Quality Assurance Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, May 4, 2001, 11:00 a.m.

PLACE: The Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

PURPOSE: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Optometry**, Probable Cause Panel will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Thursday, May 10, 2001, 6:00 p.m.

PLACE: Radisson Bay Harbor Hotel, 7700 Courtney Campbell Causeway, Tampa 33607, (813)281-8900

PURPOSE: For cases previously heard by the panel.

A copy of the agenda item may be obtained by writing: Sherra Causey, Board of Optometry, 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 special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to

the meeting. If you are hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Optometry** will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Friday, May 11, 2001, 9:00 a.m.

PLACE: Radisson Bay Harbor Hotel, 7700 Courtney Campbell Causeway, Tampa 33607, (813)281-8900

PURPOSE: General board business.

A copy of the agenda item may be obtained by writing: Sherra Causey, Board of Optometry, 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 special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Health**, Bureau of Epidemiology, on behalf of the Biomedical Research Advisory Council announces a public meeting.

DATES AND TIMES: Tuesday May 1, 2001, 9:00 a.m. – 6:00 p.m.; Wednesday, May 2, 2001, 9:00 a.m. – 1:00 p.m.; Thursday, May 3, 2001, 9:00 a.m. – 6:00 p.m.; Friday, May 4, 2001, 9:00 a.m. – 1:00 p.m.

PLACE: Conference Rooms of the American Cancer Society, Florida Division, Inc., 3709 West Jetton Avenue, Tampa, Florida

PURPOSE: These meetings are being held to convene the Biomedical Research Program's peer review panels to establish scientific merit scores for the program's grant applications.

CONTACT: To ensure adequate space, observers are asked to contact Cathy Hughes, (850)245-4444, Ext. 2438, by 5:00 p.m., Wednesday, April 25, 2001, to confirm attendance or to request accommodations such as assistive listening device, large print, sign language interpretation or other accommodations for persons with disabilities.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces the next scheduled conference call meeting of the following workgroup of the Governor's Task Force on Domestic Violence. All interested people are invited to participate.

Faith Committee

DATE AND TIME: April 20, 2001, 8:30 a.m. – 10:00 a.m.

PLACE: Conference Call #: (850)921-5400, Suncom 291-5400

SUBJECT: Committee Issues.

To participate in the conference call simply dial the conference call number at the designated time. First, you will hear a tone and then will be connected to the conference call. Please identify yourself once you are connected. If you do not hear any participants' voices, it simply means no one has called in. Stay on the line to allow others to call in and connect. If you have any trouble, call (850)488-1234, and tell the operator the trouble you are experiencing and reference confirmation number 20G0129. This is not a toll-free call.

Further information may be obtained by contacting: Prevention of Domestic and Sexual Violence Section, Florida Department of Children and Family Services, (850) 414-8316, Mary Lay or Bonnie M. Flynn, (850)414-8317.

The **Department of Children and Family Services**, Sub-District 2A announces a public meeting of the Northwest Florida Community Alliance to which all persons are invited. The Alliance is composed of Bay, Calhoun, Gulf, Holmes, Jackson and Washington Counties.

DATE AND TIME: Thursday, May 3, 2001, 1:00 p.m. (Central Time)

PLACE: Chamber of Commerce, Bonifay, Florida

PURPOSE: Organizational meeting of the community based care community alliance for Sub-District 2A.

A copy of the agenda can be obtained by writing: Department of Children and Family Services, 2639 North Monroe Street, Cedars Executive Center, Suite 200A, Tallahassee, Florida 32303, Attention: Ima Brown.

Anyone requiring a special accommodation to participate in this meeting is requested to advise Ima Brown, at least 5 working days prior to the meeting, (850)488-0569 or 1(800)226-6223 (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.

Executive Committee

DATES AND TIME: May 7, 14, 21, 28, 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.

MENTAL HEALTH SUB-COMMITTEE

DATE AND TIME: May 8, 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 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: May 9, 2001; May 23, 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.

ITN SUB-COMMITTEE

DATES AND TIME: May 9, 2001; May 23, 2001, 3:00 p.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 **Florida Advocacy Committee**, District 15 announces a public meeting to which all persons are invited.

DATE AND TIME: May 15, 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: May 25, 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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

VISIT FLORIDA

The Florida Commission on Tourism announces a public meeting of the **Visit Florida**, Board of Directors Nominating Committee as follows:

DATE AND TIME: Friday April 20, 2001, 11:00 a.m.

PLACE: Visit Florida Board Room, 661 East Jefferson Street, Suite 300, Tallahassee, FL 32301, (850)488-5607

PURPOSE: The committee will discuss nominations for the officers of the board of directors and other business as necessary.

For further information contact: Susan Gale, Visit Florida, P. O. Box 1100, Tallahassee, Florida 32302-1100 or (850)488-5607, Ext. 334.

Any person requiring special accommodations at this meeting because of a disability should contact Visit Florida, at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact Visit Florida by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The Florida Commission on Tourism announces a public meeting of the Marketing Committee of the **Visit Florida**, Board of Directors to which all persons are invited as follows:

DATE AND TIME: Wednesday, May 2, 2001, 10:00 a.m. – 12:00 Noon

PLACE: SeaWorld Adventure Park, 7007 SeaWorld Drive, Orlando, FL 32809, (407)363-2251

PURPOSE: The committee will receive information relative to the Visit Florida 2001/02 Marketing Plan, and other matters as they pertain to marketing strategies.

For further information contact: Jaime Forth, Visit Florida, 661 E. Jefferson Street, Tallahassee, FL 32301 or by calling (850)488-5607, Ext. 351.

Persons requiring special accommodations at this meeting due to a disability should contact Visit Florida, at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact Visit Florida by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

NORTHEAST FLORIDA CRIMINAL JUSTICE TRAINING AND EDUCATION CENTER

The **Region V Training Council** will hold its Bi-Annual Advisory Meeting:

DATE AND TIME: May 17, 2001, 2:00 p.m.

PLACE: Northeast Florida Criminal Justice Training Center, Bldg. P., Conference Room, 4501 Capper Road, Jacksonville, FL

For an advance copy of the agenda, contact: Frank Heinze, Northeast Florida Criminal Justice Training and Education Center, (904)713-4828, Fax (904)713-4900.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has disposed of the petition for declaratory statement filed by LighTrade, Inc. on November 6, 2000. Petitioner is exempt from the requirement for certification in Section 364.33, Florida Statutes, if it only provides service to sellers and buyers of telecommunications capacity which are listed in Section 364.02(12)(a)-(f), Florida Statutes. DOCKET NO. 001672-TP.

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has disposed of the petition for declaratory statement filed by Florida Water Services Corporation on January 26, 2001. The petitioner's proposed emergency interconnect of its Flagler County Systems with St. Johns County Utilities would not constitute service transversing county boundaries which would invoke this Commission's jurisdiction pursuant to Section 367.171(7), Florida Statutes (2000). DOCKET NO. 010113-WS.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on April 5, 2001 from Michael Newell. Petitioner is seeking amendment of Rule 33-103.014(1)(a), FAC., to include a more precise definition of the term "issue" in determining whether a grievance "addresses more than one issue or complaint."

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.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the St. Johns River Water Management District received a Petition for Declaratory Statement on April 4, 2001, from Whitemark Homes, Inc. Petitioner seeks the agency's opinion as to whether its Orange County property falls within the Econlockhatchee River Hydrologic Basin riparian habitat protection zone. The protection zone is described in section 11.4.4(a) of the APPLICANT'S HANDBOOK: MANAGEMENT AND STORAGE OF SURFACE WATERS, which is published by the District and incorporated by reference in the District's rules. The petition has been assigned File of Record Number 2001-18.

A copy of the petition may be obtained by writing: Sandra Bertram, District Clerk, St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32177-1429.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Medicine has received a Petition for Declaratory Statement regarding Section 460.403(9), Florida Statutes. The Petition was filed on April 4, 2001, by Bill G. Heyser, D.C. Petitioner requests a declaratory statement from the Board with regard to whether needle electromyography is outside the scope of practice.

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.

The Board of Medicine hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed on behalf of The Federation of Physician and Dentists. The Board reviewed the petition at its meeting on December 1, 2000, in Tampa, Florida. The Board's Final Order, filed in this cause on March 27, 2001, authorizes physicians licensed under Section 458.315, Florida Statutes, to provide medical services at correctional facilities as employees of private, for-profit subcontractors if the correctional facility is approved by the State Health Officer.

The person to be contacted regarding the Declaratory Statement: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

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:

Equifax, Inc. vs. Department of Revenue; Case No.: 01-1139RP; Rule Nos.: 12A-1.001(16), 12A-1.062

Jesse Toca vs. Department of Management Services, Commission on Human Relations; Case No.: 01-1267RX; Rule Nos.: 28-106.105, 28-106.106, 28-106.107

CNA Insurance Company vs. Department of Labor and Employment Security, Division of Workers Compensation; Case No.: 01-1272RX; Rule Nos.: 38F-7.522, 38F-7.523

Legion Insurance Company vs. Department of Insurance; Case No.: 01-1164RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Roxanne Randall vs. Department of Children and Family Services; Case No.: 01-0679RP; Rule No.: 65A-4.205; Dismissed

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

INVITATION TO BID

Sealed bids shall be received by the Florida State University Purchasing Department until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Purchasing Department
Suite A1400, University Center
Florida State University
Tallahassee, FL 32306-1055

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the Purchasing Agent identified in the bid number.

K 4256-5 Shores Renovation Project
Public Bid Opening: 2:30 p.m.
Friday, May 18, 2001
Purchasing Department
Conference Room
Suite A1400, University Center
Mandatory Pre-Bid Meeting: 10:00 a.m.
Friday, May 11, 2001
Shores Building
Plans and Specification: Campus Design Section
Florida State University
Tallahassee, Florida 32306
(850)644-6801

NOTICE TO CONSTRUCTION MANAGERS

Florida State University announces that construction management services will be required for the project listed below:

Project No.: BR-243
Project and Location: Molecular Biophysics
Building Remodeling
Florida State University
Tallahassee, Florida

The project involves a complete interior remodeling including replacement of the building mechanical systems and cold rooms. Asbestos containing material will be encountered and

will be removed as well. The building electrical systems will be upgraded and modernized as necessary along with provisions of emergency power for critical systems. Limited exterior improvements will include window replacement and moisture proofing the exterior walls. The building's numerous laboratories will up completely renovated and modernized, along with the replacement of all existing fume hoods.

The estimated construction cost is \$5,149,150

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 or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 Telephone, (850)644-8351 Facsimile.

For further information on the project, contact James M. Reynolds, Project Manager, at the address and phone listed above.

Five 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 22, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida State University, State of Florida, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-299

Project and Location: Tibbals Learning Center
The John and Mabel Ringling
Museum of Art
The Florida State University
Sarasota, Florida

The objective of this project is to create the Tibbals Learning Center which will expand and improve the innovative K-12 outreach program of the Ringling Circus Museum. The Tibbals Center is intended to enhance the sense of discovery and excellence of the current program through the effective display of the renowned Tibbals circus model and other components of the Tibbals circus collection. The Center will also provide a variety of educational opportunities by introducing students to a wide range of subjects including theatre, dance, music, and art.

The Center will consist of an addition (approximately 31,000 GSF) for the existing Circus Museum Building. The design professional will be responsible for program/budget verification and all phases of design, beginning with schematic design through construction documents and for construction administration.

The featured space in the addition will be a precision environmentally controlled room for the perpetual display of the Tibbals miniature circus, a 3/4" scale model. Other spaces will house and display original photographs, posters, and costumes. These spaces will require museum quality environments.

Specialized spaces for performances and classroom instruction will also be required. These spaces will need to incorporate provisions for distance learning so that the Center can provide educational programs to schools geographically distant from the complex.

The Ringling Cultural Center, including the existing portion of the Circus Museum, is expected to remain in full operation during construction. In addition to the FSU Facilities Planning and Construction Department, the Architect will be required to work with the Ringling Cultural Center Administration and the Construction Manager to determine optimum phasing and coordination of the work.

The selected firm will provide design, construction documents and administration for the referenced project which is budgeted at \$5,424,000 for construction. The project delivery system will be Construction Management. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000, and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

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 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 seven (7) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or

consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained through our website, 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 Telephone, (850)644-8351 Facsimile.

For further information on the project, contact John Schanbacher, Project Manager, at the address and phone listed above.

Submittals must be received in the above office, by 2:00 p.m. (Local Time), Friday, May 18, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

A/E ADVERTISEMENT – BR-TBA

Parking Garage I

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of the State of Florida, Board of Regents announces that Professional Services in the discipline of Architecture, will be required for the project listed below:

Project No. BR-TBA

Project and Location: The project consists of site development and construction of a 1,000 car Parking Garage. The building will be located on Florida Atlantic University's Boca Raton Campus, on the east side of Broward Boulevard and on the north of Volusia Street.

The total Construction Budget is approximately \$8,640,000. The selected firm will provide design development, construction documents and construction administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$500,000, and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement" dated 9/99. 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 5 (five) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$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 Qualifications Supplement forms, descriptive project information and selection criteria may be obtained by contacting: Carla Capeletti, Office of the Associate Vice President to the University Architect, Florida Atlantic University, 777 Glades Road, Building T-10, Room 16, Boca Raton, Florida 33431, (561)297-2663, Fax (561)297-0224.

Submittals must be received in the Associate Vice President's Office, at the above address, by 5:00 p.m. (Local Time), Monday, May 21, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Gulf Coast University, on behalf of the State of Florida, Board of Regents announces that professional services are required in the following disciplines(s):

Plans Review for Code Compliance and Construction Inspections

Project and Location: Florida Gulf Coast University, Fort Myers, Florida

Firms applying must have State of Florida license and/or SBCCI certified personnel on staff to perform plans review and construction inspections for building, structural, mechanical, electrical and plumbing.

These services will be based on a negotiated fee schedule with each occurrence of service being authorized with a purchase order. Campus Service contracts provide that the consultant will be available on an as-needed basis. The term of agreement is for one year with the option to extend the agreement for one additional year.

Firms desiring to provide professional services shall apply in writing. Preference will be given to firms that are primarily in business of code compliance plans review and inspections. Preference will be given to firms whose personnel consist primarily of licensed and/or certified plan reviewers and inspectors. Proximity of location will be a prime factor in the selection of the firm.

Submit Five copies of the requested data bound in the order listed. Applications that do not comply with these instructions will not be considered. Application materials will not be returned.

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 Qualification Supplements, descriptive project information and selection criteria may be obtained by contacting: Mr. Jack Fenwick, Director of Facilities Planning, Florida Gulf Coast University, 10501 FGCU Blvd., South, Ft. Myers, Florida 33965-6565, (941)590-1500, Fax (941)590-1505.

Submittals must be received in the Facilities Planning Office by 3:00 p.m. (Local Time), May 21, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

WATER MANAGEMENT DISTRICTS

INVITATION TO BID

MARYMAC STREET STORMWATER SYSTEM IMPROVEMENTS

Sealed bids will be received by the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060 for:

PROJECT TITLE: Marymac Street Stormwater System Improvements

PROJECT NUMBER: RFB 00/01-034RM.

PROJECT SCOPE: The project involves raising approximately 630 feet of paved road, excavating and hauling fill, installing new drainage structures, pipes, culverts, manholes, inlets and related work. Estimated cost is \$100,000.

PROJECT LOCATION: The project is located in Live Oak, Florida

BID DOCUMENTS: Any individual or firm desiring to bid on this project may obtain a copy of the Plans, Specifications and Request for Bid by contacting:

Sandra Keiser, Administrative Assistant
 Suwannee River Water Management District
 9225 County Road 49
 Live Oak, Florida 32060
 (904)362-1001 or 1(800)226-1066, Florida only

BID DATE AND TIME: Sealed bids will be received until 4:00 p.m., Friday, May 18, 2001, at the Suwannee River Water Management District, 9225 County Road 49, Live Oak,

Florida 32060. Clearly label all bids, "Marymac Street Stormwater System Improvements, RFB 00/01-034RM". Faxed bids will not be accepted.

BID REQUIREMENTS: Bids must be submitted in full accordance with the requirements of the drawings, specifications, and bid documents. All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held 10:00 a.m., Tuesday, May 1, 2001, at the Suwannee River Water Management District office, 9225 County Road 49, Live Oak, Florida. Failure to attend the pre-bid conference will result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register. Bidders are encouraged to inspect the work sites prior to the pre-bid conference.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

**NOTICE TO ROOFING CONTRACTORS
INVITATION TO BID**

Proposals are requested from qualified roofing contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 99241100
PROJECT: REROOFING OF THE KELLER BUILDING
COMMUNITY OF LANDMARK
20000 N. W. 47TH AVENUE
OPA LOCKA, FLORIDA

PREQUALIFICATION: The Owner accepts bids from those contractors who demonstrate current licensed status with the Department of Business and Professional Regulations. The Instructions to Bidders "Bidder Qualification Requirements and Procedures" are included in the specifications under Article B-2.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: A Performance Bond and Labor and Material Payment Bond are required.

DATE AND TIME: Sealed bids will be received at the Keller Building, Room 57, May 4, 2001, until 11:00 a.m. (Local Time), at which time they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, and with a copy of the contractor's license. The contract documents may be examined and obtained from the Architect/Engineer:

MR. WILLIAM E. TSCHUMY, JR., ARCHITECT
2346 DOUGLAS ROAD
CORAL GABLES, FLORIDA 33134
TELEPHONE: (305)446-1789

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted at 11:00 a.m. (local time), May 7, 2001, at the architect's office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C., by the Owner.

FLORIDA HOUSING FINANCE CORPORATION

Request for Proposals
2001/04

Credit Underwriting, Servicing and Monitoring for the HOME Home Ownership Program and the Florida Homeownership Assistance Program

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide Credit Underwriting, Servicing and Monitoring services for the HOME Home Ownership and the Florida Homeownership Assistance Programs to submit proposals for consideration. Written, sealed proposals shall be accepted until 4:00 p.m. (Eastern Time), May 4, 2001, to the attention of: Steve Auger, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Steve Auger, (850)488-4197 or Steve.Auger@floridahousing.org.

To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Steve Auger, or you can download the Request for Proposals from the Florida Housing Finance Corporation website, <http://www.floridahousing.org/rfps.html>. Any modifications that occur to the Request for Proposals will be posted at the website and may result in an extension of the deadline.

FISH AND WILDLIFE CONSERVATION COMMISSION

INVITATION TO BID

Competitive sealed invitation to bid will be received by the Purchasing Office until the time and date shown for the following:

DATE AND TIME: May 10, 2001, 2:00 p.m.

BID NO.: FWC 00/01-87

BID TITLE: LAKE OKEECHOBEE MUCK REMOVAL

MANDATORY PRE-BID: APRIL 25, 2001, 1:00 p.m., at the INDIAN PRAIRIE CANAL LEVEE

Directions: From the City of Okeechobee, take 441 south to the SR 78/441 intersection. Make a right on SR 78 and proceed 13.3 miles to Indian Prairie Canal. Make a left onto the levee and proceed through the gate. CONTACT PERSON: Don Fox (863)462-5190.

PROPOSAL: Proposals must be submitted in full accordance with requirements of the Bidding and Contractual Conditions. Bid specifications may be obtained from the Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Purchasing Room 364, Bryant Building, Tallahassee, Florida 32399-1600. A copy of the ITB maybe obtained from the above address or by calling (850)488-3427. The Commission reserves the right to reject any and all bid/proposals.

Section XII Miscellaneous

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Section 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., May 11, 2001):

APPLICATION TO MERGE

Constituent Institutions: First State Bank, Sarasota, Florida and First State Bank of Pinellas, St. Petersburg, Florida

Resulting Institution: First State Bank

Received: April 4, 2001

DEPARTMENT OF INSURANCE

The Department of Insurance and Treasurer, Division of State Fire Marshal, pursuant to Section 791.013(1), Florida Statutes, hereby approves the following sparklers for sale from February 1, 2001 to January 31, 2002.

NAME: (No Name) Tissue paper, pink, green, white & gold

COVER: You Gotta Say it Right

BRAND:

DESCRIPTION: 33 1/2" tissue paper, multi-colored sparkler
 NAME: 2 Color Changing Morning Glory
 BRAND:
 DESCRIPTION: Five 3" Cylinders on Wooden Sticks Inside Plastic Bag
 NAME: 2 Cool You Gotta Say It Right FOA 1983
 BRAND: Red Lantern
 DESCRIPTION: 4 1/2" Multi-tube
 NAME: 3 Assorted Fountain
 BRAND: Flower Basket
 DESCRIPTION: 3 1/2" Multi-tube Cylinder
 NAME: 3 Assorted Dinosaurs Fountain/CP299
 BRAND:
 DESCRIPTION: 3 Tube Assortment of Stegasaurus, Shantungosaurus, Tyrannosaurus
 NAME: 10# Sparkling Torch Fireworks UN0336
 BRAND:
 DESCRIPTION: 11" X 2" Box of Bamboo Sparklers
 NAME: 20# Sparkling Torch Fireworks UN0336
 BRAND:
 DESCRIPTION: 20 3/4" X 2 1/4" Box of Bamboo Sparklers
 NAME: 8# Sparkling Torch Fireworks UN0336
 BRAND:
 DESCRIPTION: 8" X 1 1/2" Box of Bamboo Sparklers
 NAME: 14" Jumbo Bamboo Sparkler Gold
 BRAND: Diamond Sparklers
 DESCRIPTION: 14" X 2" Pack of five hand held sparklers
 NAME: Air Raid
 BRAND: Bald Eagle
 DESCRIPTION: 4 1/2" Cylinder with Base
 NAME: Aladdin's Lamp
 BRAND: Black Cat
 DESCRIPTION: 2 3/4" X 6" Lamp Shape Fountain
 NAME: Aladdin's Lamp
 BRAND: Black Cat
 DESCRIPTION: 4 1/2" Multi-Tube Novelty Cylinder
 NAME: Aladdin's Lamp
 BRAND: Link Triad
 DESCRIPTION: 5" Multi-Tube Novelty Cylinder
 NAME: Amazing Fountain
 BRAND: TNT
 DESCRIPTION: 1 1/2" x 4 1/2" Box with four 1 1/4" cylinders
 NAME: Amazing Fountain
 BRAND: TNT
 DESCRIPTION: 1 1/4" Cylinder
 NAME: American Jubilee/Base Fountain
 BRAND: Flaming Arrow
 DESCRIPTION: 8" Cylinder with Base
 NAME: April Showers Y02-022
 BRAND: Cannon

DESCRIPTION: 7 3/4" Multi-Tube Cylinder
 NAME: Armored Tank UN0336
 BRAND:
 DESCRIPTION: 6" X 2 1/2" Box containing 2 Armored Tanks
 NAME: Assorted Fountain/W809
 BRAND: Whale
 DESCRIPTION: 5" x 3 3/4" Display Box Containing four 4 1/2" Cylinders
 NAME: Assorted Fountains/No. HN71B
 BRAND: Red Lantern
 DESCRIPTION: 8 1/2" Multi-Tube Cylinder
 NAME: Assorted Fountains/HN31B
 BRAND: Red Lantern
 DESCRIPTION: 8 1/2" Multi-Tube Cylinder
 NAME: Assorted 7" Fountains
 BRAND: Phantom Brand
 DESCRIPTION: 7" X 7 1/2" Box containing four 7" fountains
 NAME: Atom Blaster
 BRAND: Bald Eagle
 DESCRIPTION: 4 1/2" Cylinder with Base
 NAME: Attack Vehicle Fireworks
 BRAND: Blackcat
 DESCRIPTION: 3" X 1 3/4" Tank with 4 Wheels
 NAME: Autumn Chrysanthemum
 BRAND: Red Lantern
 DESCRIPTION: 7" Cylinder with Base
 NAME: Autumn Chrysanthemum No. 0851
 BRAND: Red Lantern
 DESCRIPTION: 6 1/2" Cylinder with Base
 NAME: Baby Fountain
 BRAND: Peacock
 DESCRIPTION: 4" Cylinder
 NAME: Battle of the Fighters
 BRAND:
 DESCRIPTION: 8" Multi-Tube Cylinder
 NAME: Battle Of The Tanks
 BRAND: Phantom
 DESCRIPTION: Box of Two 3 1/2" Tank without Wheels
 NAME: Battle Star Fountain/BC-214
 BRAND: Black Cat
 DESCRIPTION: 9" Cylinder with Base
 NAME: Battle Star Fountain
 BRAND: Black Cat
 DESCRIPTION: 9" Cylinder with Base
 NAME: Battle Star Fountain "Black Cat is the Best you can Get"
 BRAND: Black Cat
 DESCRIPTION: 8 3/4" with 3" Base Cylinder
 NAME: Beautiful Fountain/BC 214
 BRAND: Black Cat

DESCRIPTION: 9" Cylinder with Base
 NAME: Beautiful Fountain
 BRAND: Black Cat
 DESCRIPTION: 9" Cylinder with Base
 NAME: Beautiful Fountain "Black Cat is the Best you can get"
 BRAND:
 DESCRIPTION: 8 3/4" with 3" Base Cylinder
 NAME: Beautiful Buds
 BRAND: Tiger-Head
 DESCRIPTION: 5" Cylinder with Base
 NAME: Bermuda Triangle
 BRAND: TNT
 DESCRIPTION: 8" Multi-Tube Triangle
 NAME: Big Bad Mudder
 BRAND:
 DESCRIPTION: 4" Cardboard Truck
 NAME: Big Gold/Base Fountain
 BRAND:
 DESCRIPTION: 10" Cylinder with Base
 NAME: Big Silver Base Fountain
 BRAND:
 DESCRIPTION: 10" Cylinder with Base
 NAME: Big Volcano/No. 0820
 BRAND: Red Lantern
 DESCRIPTION: 5 1/4" Cone Fountain
 NAME: Bigtop Fountain
 BRAND:
 DESCRIPTION: 4 3/4" Multi-tube Cylinder
 NAME: Birds Triumph
 BRAND: Tiger-Head
 DESCRIPTION: 7" Multi-Cylinder with Base
 NAME: Birthday Cake
 BRAND: Cannon Brand
 DESCRIPTION: 2 3/4" X 8" Multi-tube Cylinder
 NAME: Bizarre/APE045
 BRAND: TNT
 DESCRIPTION: 5" X 4" X 3" Rectangular Box
 NAME: Black Gold/Giant Cone Fountain
 BRAND: Longhorn
 DESCRIPTION: 9 1/2" Cone
 NAME: Black Knight Exclusive
 BRAND: TNT
 DESCRIPTION: 7 3/4" X 3 1/2" Multi Tube Cylinder
 NAME: Blazin Birthday Cake Fountain
 BRAND: Phantom
 DESCRIPTION: 2 1/4" Multi-Tube Large Cylinder
 NAME: Blaze & Blade P3010 Fireworks
 BRAND: Winda Fireworks
 DESCRIPTION: 2 1/2" Cylinder with 1" base package of 4

NAME: Blazing Rebel	DESCRIPTION: 10" Sparkler
BRAND:	NAME: Bright Gold No. 8
DESCRIPTION: 8 3/4" Multi-Tube Cylinder	BRAND: Black Cat
NAME: Blazing Rebel	DESCRIPTION: 8" Sparkler
BRAND: Horse	NAME: Bright Gold Sparklers
DESCRIPTION: 8 3/4" Multi-Tube Cylinder	BRAND: Black Cat
NAME: Blistering Sky	DESCRIPTION: 8" Sparkler
BRAND:	NAME: Bullet Train 1.4G
DESCRIPTION: 3 3/4" Multi-Tube Cylinder	BRAND: Black Cat
NAME: Blockbuster Sparkler Colored No. 10	DESCRIPTION: 8 1/4" X 2 1/2" Box Containing Train
BRAND:	NAME: Bull's Eye Cone/Giant Fountain
DESCRIPTION: 10" sparkler, 6 per container FOA1819	BRAND:
NAME: Blood of the Vampire	DESCRIPTION: 9" Cone
BRAND: Great Grizzly	NAME: Burnin Lava
DESCRIPTION: 7 3/4" X 3 1/4" Multi-tube cylinder	BRAND:
NAME: Blooming Spring/No.: GG1001-1	DESCRIPTION: 3" x 7 7/8" Cylinder
BRAND: Great Grizzly	NAME: Burnin Lava
DESCRIPTION: 7" Cylinder with Base	BRAND:
NAME: Blossoming Plum/Cone Fountain	DESCRIPTION: 8" Multi-Tube Cylinder
BRAND: Red Lantern	NAME: Butterflies
DESCRIPTION: 5" Cone	BRAND: Angel
NAME: Blue Palm Fireworks	DESCRIPTION: 4 1/2" Box
BRAND: Link Triad	NAME: Butterflies
DESCRIPTION: 6" Multi-Tube Cylinder	BRAND: Angel
NAME: Blue Palm Fireworks	DESCRIPTION: 3 3/4" Cylinder with Base
BRAND: Link Triad	NAME: Butterflies
DESCRIPTION: 3" Multi-Tube Cylinder	BRAND: Hoihing
NAME: Blue Spark Plug Fountain	DESCRIPTION: 3 1/2" Cylinder with Base
BRAND: Phantom Fireworks	NAME: Butterflies
DESCRIPTION: 1 1/4" X 1" Cylinder	BRAND: Red Lantern
NAME: Blue Stars	DESCRIPTION: 3 1/2" Cylinder with Base
BRAND: Hoihing	NAME: Butterfly "*"
DESCRIPTION: 9" Cylinder with Base	BRAND: TNT
NAME: Blue Stars/HN90	DESCRIPTION: 4" Cylinder with Base with Butterfly Wings
BRAND: Red Lantern	NAME: Butterfly & Flowers
DESCRIPTION: 9" Cylinder with Base	BRAND:
NAME: Bonnie & Clyde	DESCRIPTION: 6" Cylinder with Base
BRAND: Great Grizzly	NAME: Butterfly & Flowers/No. HH0833
DESCRIPTION: 8" Multi-Tube Cylinder	BRAND: Angel
NAME: Boom And Buzz Y02-021	DESCRIPTION: 5" Cylinder with Base
BRAND: Cannon	NAME: Butterfly & Flowers
DESCRIPTION: 7 3/4" Multi-Tube Cylinder	BRAND: Angel
NAME: Brachiosaurus	DESCRIPTION: 5" Cylinder with Base
BRAND: TNT	NAME: Butterfly & Flowers/No. HH0833
DESCRIPTION: 8" Multi-Tube Cylinder	BRAND: Hoihing
NAME: Breathless	DESCRIPTION: 5" Cylinder with Base
BRAND: Phantom	NAME: Butterfly & Flowers
DESCRIPTION: 6 1/2" Multi-Tube Box	BRAND: Hoihing
NAME: Bright Gold Sparklers	DESCRIPTION: 5" Cylinder with Base
BRAND: Black Cat	

NAME: Butterfly & Flowers/No. 0833	DESCRIPTION: 7" Cylinder with Cone on Stick
BRAND: Red Lantern	NAME: California Rocket Large
DESCRIPTION: 5" Cylinder with Base	BRAND: Peacock
NAME: Butterfly & Flowers	DESCRIPTION: 7 1/2" Cylinder on Wooden Stick
BRAND: Red Lantern	NAME: California Rocket Large
DESCRIPTION: 5" Cylinder with Base	BRAND: Peacock
NAME: Butterfly & Flowers	DESCRIPTION: 9" Cylinder on Wooden Stick
BRAND: Red Lantern	NAME: California Sunrise
DESCRIPTION: 6" Cylinder with Base	BRAND:
NAME: BXF14 Mega Fountain Eruption Boom Man	DESCRIPTION: 5" Multi-Tube Triangle
BRAND: Vulcan	NAME: Calima Sparklers/Gold No. 8
DESCRIPTION: 5" X 2 1/2" Box with Cylinder	BRAND:
NAME: BXF 16 Mega Fountain Eruption Boom Man	DESCRIPTION: 7" Sparkler
BRAND: Vulcan	NAME: Camellia Flower Fireworks
DESCRIPTION: 4 3/4" X 2 1/2" Box with Cylinder	BRAND: Flower Basket
NAME: Calif. Bottle Rocket FTN.	DESCRIPTION: 4 1/2" x 3" Package with Six 1 1/2" Ground Spinners
BRAND: Peacock	NAME: Camellia Flower Fireworks
DESCRIPTION: 2" Cylinder on Wooden Stick	BRAND: Flying Fairy
NAME: California Bottle Rocket FTN	DESCRIPTION: 4 1/2" x 3" Package with Six 1 1/2" Ground Spinners
BRAND: Peacock	NAME: Camellia Flower
DESCRIPTION: 2" Cylinder on Wooden Stick	BRAND: Flying Fairy
NAME: California Canary	DESCRIPTION: 1 1/2" Ground Spinners
BRAND: Longhorn	NAME: Camellia Flowers
DESCRIPTION: 6" with 2 Cylinders on Base	BRAND: Flower Basket
NAME: California Candle/No. 3 Handle Fountain	DESCRIPTION: 1 3/4" x 2 1/2" Package with Six 3/4" Ground Spinners
BRAND:	NAME: Camellia Flowers
DESCRIPTION: 14 1/2" Candle	BRAND: Flower Basket
NAME: California Candle (Medium)	DESCRIPTION: 1 1/2" Diameter Ground Spinner
BRAND:	NAME: Camellia Flowers
DESCRIPTION: 14" Candle	BRAND: Flower Basket
NAME: California Candle Jumbo	DESCRIPTION: 3/4" Diameter Ground Spinner
BRAND:	NAME: Cannon
DESCRIPTION: 22" Candle	BRAND: Link Triad
NAME: California Candle Spirit of '76 Jumbo	DESCRIPTION: 3 3/4" Multi-Tube with Wheels
BRAND:	NAME: Cannon Fireworks
DESCRIPTION: 21" Candle	BRAND: Link Triad
NAME: California Candle (Large)	DESCRIPTION: 3 1/2" Wheeled Cannon
BRAND:	NAME: Carmel 3 Color Fountain
DESCRIPTION: 16" Candle	BRAND: Horse
NAME: California Candle Jumbo	DESCRIPTION: 5" Cylinder with Base
BRAND: Kent	NAME: Carmel Green Fountain
DESCRIPTION: 22" Handle Fountain	BRAND: Horse
NAME: California Candle Medium	DESCRIPTION: 5" Cylinder with Base
BRAND: Longhorn	NAME: Carmel Silver Fountain
DESCRIPTION: 16" Candle	BRAND: Horse
NAME: California Candle Jumbo Spirit of '76	DESCRIPTION: 5" Cylinder with Base
BRAND: Longhorn	
DESCRIPTION: 21" Candle	
NAME: California Rocket	
BRAND: Peacock Large No. 160	

NAME: Carnival Fountain
 BRAND: TNT
 DESCRIPTION: 5" Multi-Tube Hexagon
 NAME: Carnival Pizzaz SB-19
 BRAND: Super Blast
 DESCRIPTION: 7 3/4" Multi-Tube Cylinder
 NAME: Cascade Fireworks
 BRAND: Horse
 DESCRIPTION: 2 1/2" Ground Spinner
 NAME: Cascade of Jewels/No. 50
 BRAND: Kent
 DESCRIPTION: 5" Cylinder
 NAME: Catalina Large Cone Fountain
 BRAND: Freedom
 DESCRIPTION: 7" Cone
 NAME: Caveman/APE046
 BRAND: TNT
 DESCRIPTION: 8 3/4" X 3 1/2" Multi-tube Cylinder
 NAME: Cave of Pearls No. 3
 BRAND: Longhorn
 DESCRIPTION: Cave of Pearls Cone
 BRAND: Kent
 DESCRIPTION: 5" Cone
 NAME: Cave of Pearls Cone No. 3
 BRAND: Longhorn
 DESCRIPTION: 7" Cone
 NAME: Caveman Party CP524
 BRAND: TNT
 DESCRIPTION: 5" Multi-Tube Cylinder
 NAME: Celebrating 1000 Years Fountain 2000
 BRAND: Blackcat
 DESCRIPTION: 4 3/4" X 4 1/2" Triangle
 NAME: Cheerfulness No. 0671
 BRAND: Red Lantern
 DESCRIPTION: 5" x 2" cylinder
 NAME: Chinese Brilliant No. 35
 BRAND: Longhorn
 DESCRIPTION: 7 3/4" Cylinder with Base
 NAME: Chrysanthemum Base Fountain
 BRAND: Flower Basket
 DESCRIPTION: 2 3/4" Cylinder with Base
 NAME: Chrysanthemum Fountain
 BRAND: Tiger-Head
 DESCRIPTION: 5" Cylinder with Base
 NAME: Chrysanthemum Garden Mines and Shells
 BRAND: Flower Basket
 DESCRIPTION: 3" Cylinder with Base
 NAME: Chrysanthemum Garden Base Fountain
 BRAND: Flower Basket
 DESCRIPTION: 2 3/4" Cylinder with Base
 NAME: Chrysanthemum Garden
 BRAND: Flower Basket
 DESCRIPTION: 3" Cylinder with Base
 NAME: Chrysanthemum Garden/4 Shots Fountain
 BRAND: Fireworks
 DESCRIPTION: Flower Basket
 NAME: Chrysanthemum Garden/4 Shots
 BRAND: Flower Basket
 DESCRIPTION: 3 1/2" Box
 NAME: Circus Fireworks/No. 0991
 BRAND: Red Lantern
 DESCRIPTION: 2 1/4" Spinner
 NAME: Circus Truck
 BRAND: Black Cat
 DESCRIPTION: 13 1/2" x 5" x 4" Multi-tube Truck w/6 wheels
 NAME: City Lites/No. GG1001-2
 BRAND: Great Grizzly
 DESCRIPTION: 7" Cylinder with Base
 NAME: Climbing Panda
 BRAND: Flower Basket
 DESCRIPTION: 3" Cylinder with Base with Bear
 NAME: Clustering Butterflies
 BRAND: Angel
 DESCRIPTION: 3 1/2" Cylinder
 NAME: Clustering Butterflies
 BRAND: Red Lantern
 DESCRIPTION: 4" Cylinder with Base
 NAME: Cock Crowing at Dawn
 BRAND: Link Triad
 DESCRIPTION: 3 1/2" Rooster
 NAME: Color Blast
 BRAND: Nitro
 DESCRIPTION: 8" Multi-Tube Cylinder
 NAME: Color Cuckoo Whistling
 BRAND:
 DESCRIPTION: 8" Multi-Tube Cylinder
 NAME: Colorado Echo
 BRAND: Longhorn
 DESCRIPTION: 6" with 2 Cylinders on Base
 NAME: Colored Glory Torches Block Buster/MAF 1826
 BRAND:
 DESCRIPTION: 10" Sparklers
 NAME: Colored Glory Torches Block Buster/MAF 1826
 BRAND:
 DESCRIPTION: 8" Sparklers

NAME: Colored Sparklers/Block Buster	NAME: Conic Fountain Varied Colours Fireworks
BRAND:	BRAND: Horse
DESCRIPTION: 10" Sparkler	DESCRIPTION: 4" Cone
NAME: Colorful Delight	NAME: Conoh
BRAND:	BRAND: Flower Basket
DESCRIPTION: 9" Multi-Tube Cylinder	DESCRIPTION: 3" Cone Ground Spinner
NAME: Colorful Glitter 1.4G	NAME: Crackering Ball
BRAND: Blackcat	BRAND: Red Lantern
DESCRIPTION: 6" X 2 1/2" Cone	DESCRIPTION: 1" Ball
NAME: Colorful Sparkling Torch	NAME: Cracking Palm with Blue
BRAND: Black Cat	BRAND:
DESCRIPTION: Box Containing Five 6" Cylinder on Wooden Stick	DESCRIPTION: 5" Cylinder with Base
NAME: Colorful Sparkling Torch	NAME: Crackle and Sparkler
BRAND: Black Cat	BRAND: West Lake
DESCRIPTION: 10" Multi-colored Boxes	DESCRIPTION: 5" Cylinder with Base
NAME: Coloured Changing Fountain	NAME: Cracklin' Bloom
BRAND: Tiger-Head	BRAND: Phantom Brand
DESCRIPTION: 5" Cylinder with Base	DESCRIPTION: Package of four 2 1/4" X 3/4" Cylinders
NAME: Coloured Smoke Ball "Black Cat is the Best you can get"	NAME: Cracklin Lazer Flash Crackling Strobe Effect
BRAND: Black Cat	BRAND: Phantom
DESCRIPTION: Package of 6, 1" Balls	DESCRIPTION: 1" X 3" X 2" Box Containing Six 1/2 Cylinders
NAME: Colourful Plates Spinner Fireworks	NAME: Cracklin Lazer Flash Crackling Strobe Effect
BRAND: Flower Basket	BRAND: Phantom
DESCRIPTION: 3 1/2" Multi-Tube Ground Spinner	DESCRIPTION: 1" x 3" x 2" Box Containing Six 1/2" Cylinders
NAME: Confetti Bomb	NAME: Crackling Balls F&S Company
BRAND: Blackcat	BRAND:
DESCRIPTION: 6 1/2" X 2" Cylinder	DESCRIPTION: Box of six 1" Balls
NAME: Confetti Bombs 3 Shots	NAME: Crackling Carnation with Blue
BRAND: Blackcat	BRAND:
DESCRIPTION: 6 3/4" X 4" 3 Cylinder Triangle	DESCRIPTION: 5" Cylinder with Base
NAME: Confetti Bombs 7 Shots	NAME: Crackling Chrysanthemum with Blue
BRAND: Blackcat	BRAND:
DESCRIPTION: 4 1/4" X 3 1/4" Multitube Hexagon	DESCRIPTION: 5" Cylinder with Base
NAME: Cool "You Gotta Say It Right"	NAME: Crackling Cyclone
BRAND:	BRAND: Phantom
DESCRIPTION: 4' Multi-Tube Cylinder	DESCRIPTION: 2 1/4" Wheel
NAME: Conch Fireworks Spinner	NAME: Crackling Demon Fountain GCF016
BRAND: Flower Basket	BRAND: Glorious Co.
DESCRIPTION: 3" Cone Ground Spinner	DESCRIPTION: 4 1/4" Cylinder
NAME: Conch	NAME: Crackling Glitter
BRAND: Flower Basket	BRAND: Black Cat
DESCRIPTION: 3" Cone Ground Spinner	DESCRIPTION: 6" X 2 1/2" Cone
NAME: Conic Fireworks No. 3	NAME: Crackling Tree CP633
BRAND: Horse	BRAND: TNT
DESCRIPTION: 2 3/4" Cone	DESCRIPTION: 10" Box Containing Tree
NAME: Conic Fireworks No. 2	
BRAND: Horse	
DESCRIPTION: 4" Cone	

NAME: Crackling Tree Sparklers
 BRAND: Glorious Co.
 DESCRIPTION: 10" X 2" box contains 1 sparkling tree
 NAME: Crazy Bugs Exclusive CP533A
 BRAND: TNT
 DESCRIPTION: 5" X 2 3/4" Multitube Cylinder
 NAME: Crazy Dragon 1.4G
 BRAND: Blackcat
 DESCRIPTION: 9" X 1 1/2" X 1 1/2" Dragon with 4 wheels
 NAME: Crazy Monster/CP153A
 BRAND: Monster
 DESCRIPTION: 4" Cylinder with Base (Monster)
 NAME: Creature
 BRAND: Great Grizzly
 DESCRIPTION: 2 3/4" X 7 3/4" Multi-tube Cylinder
 NAME: Crickets Fountain/CP705 Made in China
 BRAND:
 DESCRIPTION: 2 1/2" X 2 1/2" X 4" Rectangular Box
 NAME: Crystal Fountain APE 021
 BRAND:
 DESCRIPTION: 3" Box
 NAME: Cuckoo
 BRAND:
 DESCRIPTION: 7" Multi-Tube with Base
 NAME: Cuckoo
 BRAND: Angel
 DESCRIPTION: 6 1/2" Multi-Tube with Base
 NAME: Cuckoo
 BRAND: Hoihing
 DESCRIPTION: 7" Multi-Tube with Base
 NAME: Cuckoo Crackling Waterfall
 BRAND: Phantom
 DESCRIPTION: 7" Multi-Tube with Base
 NAME: Cuckoo Cuckoo
 BRAND: Phantom
 DESCRIPTION: 7" Multi-Tube with Base
 NAME: Cuckoo Willow of Jade
 BRAND: Phantom
 DESCRIPTION: 7" Multi-Tube with Base
 NAME: Cuckoo
 BRAND: Red Lantern
 DESCRIPTION: 7" Multi-Tube with Base
 NAME: Cuckoo Cuckoo
 BRAND: Angel
 DESCRIPTION: 7" Multi-Tube with Base
 NAME: Cuckoo Cuckoo
 BRAND: Hoihing
 DESCRIPTION: 7" Multi-Tube with Base
 NAME: Cuckoo Cuckoo
 BRAND: Red Lantern
 DESCRIPTION: 7" Multi-Tube with Base
 NAME: Curse of the Mummy 1.4G
 BRAND: Great Grizzly
 DESCRIPTION: 8 1/4" X 2 3/4" Multitube Cylinder
 NAME: Dancing Cat "Black Cat is the Best that you can Get"
 BRAND: Blackcat
 DESCRIPTION: 2" X 1/2" Round Spinner
 NAME: Dancing Devil/CP413
 BRAND: TNT
 DESCRIPTION: 3 1/2" Cylinder with Base with Devil
 NAME: Dancing Spinner Fireworks
 BRAND: Flower Basket
 DESCRIPTION: 2" Ground Spinner
 NAME: Dancing Fresh Flowers
 BRAND: Angel
 DESCRIPTION: 2" Ground Spinner
 NAME: Dancing Fresh Flower
 BRAND: Red Lantern
 DESCRIPTION: 2" Spinner
 NAME: Dancing Fresh Flowers
 BRAND: Red Lantern
 DESCRIPTION: 2" Ground Spinner
 NAME: Desert Blitz/APE036
 BRAND: TNT
 DESCRIPTION: 7" X 3" Multi-Tube Cylinder
 NAME: Devil's Delight
 BRAND: TNT
 DESCRIPTION: 8" Multi-Tube Cylinder
 NAME: Diamond Cutter
 BRAND:
 DESCRIPTION: 4 1/2" Cylinder
 NAME: Diamond Cutter APE017
 BRAND:
 DESCRIPTION: 5" Cylinder with Base
 NAME: Diamond Head/No. 3
 BRAND: Olde Glory
 DESCRIPTION: 7" Cone
 NAME: Diamonds & Emeralds
 BRAND: Great Grizzly
 DESCRIPTION: 6" Cylinder with Base
 NAME: Diamonds For Ever
 BRAND: West Lake
 DESCRIPTION: 5" Cylinder with Base
 NAME: Dinosaur Eggs Y02-016
 BRAND: Cannon
 DESCRIPTION: 1" Box Containing Eight 1" Cylinders with Base
 NAME: Disco Flash
 BRAND: Flower Basket

DESCRIPTION: 3 1/4" x 2 1/2" Box Containing Six 1/2" Cups
 NAME: Display Missile Fireworks
 BRAND: Flying Dragon
 DESCRIPTION: 8" Missile Cylinder
 NAME: Display Missile Fireworks
 BRAND: Flying Dragon
 DESCRIPTION: 8" x 6" Display Box with Three 8" Missile Cylinders
 NAME: Dixie Delight Fountain
 BRAND:
 DESCRIPTION: 8 1/2" Multi-Tube Cylinder
 NAME: Dixie Delight Fountain
 BRAND: TNT
 DESCRIPTION: 9" Multi-Tube Cylinder
 NAME: Dixie Melody with Stars/Whistle
 BRAND:
 DESCRIPTION: 7" Multi-Tube Cylinder with Base
 NAME: Dixie Surprise/CP125
 BRAND:
 DESCRIPTION: 6" Cone Fountain
 NAME: Dizzy Demon
 BRAND: Black Cat
 DESCRIPTION: 2" x 1/4" Ground Spinner
 NAME: Dragon
 BRAND: Keystone
 DESCRIPTION: 7" Cone
 NAME: Dragon/No. 3 Silver Vesuvius
 BRAND: Keystone
 DESCRIPTION: 7" Cone
 NAME: Dragon/No. 3 Silver Vesuvius
 BRAND: Phantom
 DESCRIPTION: 7" Cone
 NAME: Dragon Blaster/No. 3 Large Cone Fountain
 BRAND:
 DESCRIPTION: 7" Cone
 NAME: Dragon Blaster/No. 4 Giant Cone Fountain
 BRAND:
 DESCRIPTION: 9 1/2" Cone
 NAME: Dragon Blaster/No. 4 Giant Cone Fountain
 BRAND: Longhorn
 DESCRIPTION: 9 1/2" Cone
 NAME: Dragon Blaster/No. 3 Large Cone Fountain
 BRAND: Longhorn
 DESCRIPTION: 7" Cone
 NAME: Dragon Blaster/No. 3 Large Cone Fountain
 BRAND: Rainbow
 DESCRIPTION: 7" Cone
 NAME: Dragon Blaster/No. 4 Giant Cone Fountain
 BRAND: Rainbow

DESCRIPTION: 9 1/2" Cone
 NAME: Dragon Blaster
 BRAND: Nitro
 DESCRIPTION: 8 3/4" Multi-Tube Cylinder
 NAME: Dragster
 BRAND: Black Cat
 DESCRIPTION: 8" Race Car Cardboard w/wheels
 NAME: Dreamer P3006 1.4G
 BRAND: Winda Fireworks
 DESCRIPTION: 4" X 1 3/4" Multitube Cylinder
 NAME: Dust Devil
 BRAND: Longhorn
 DESCRIPTION: 12" Cone
 NAME: Dust Devil
 BRAND: Longhorn
 DESCRIPTION: 13" Cone Fountain
 NAME: Eagle Fountain APE 020
 BRAND:
 DESCRIPTION: 9" Multi-Tube Cylinder
 NAME: Eagle Wing Fountain
 BRAND: Bald Eagle
 DESCRIPTION: 4" Cylinder with Wing
 NAME: Earth Thunder M100
 BRAND:
 DESCRIPTION: 8" Multi-Tube Cylinder
 NAME: Eclipse APE 014D
 BRAND:
 DESCRIPTION: 9" Multi-Tube Cylinder with Base
 NAME: Electric Sparklers
 BRAND: Horse
 DESCRIPTION: 7" Sparkler
 NAME: Emerald Illusion
 BRAND: Bald Eagle
 DESCRIPTION: 4 3/4" Cylinder with Base
 NAME: Emerald Illusion
 BRAND: Bald Eagle
 DESCRIPTION: 3 3/4" Cylinder with Base
 NAME: Emerald Illusion
 BRAND: Bald Eagle
 DESCRIPTION: 1 3/8" Cylinder
 NAME: Erupting Volcano/Cone Fountain
 BRAND: Kent
 DESCRIPTION: 6 1/4" Cone
 NAME: Explosion of Silver/No. GG1001-4
 BRAND: Great Grizzly
 DESCRIPTION: 7" Cylinder with Base
 NAME: Extra Large California Candle
 BRAND: Black Cat
 DESCRIPTION: 20" Hand Held Candle

NAME: Fall Fantasy
 BRAND: Bald Eagle
 DESCRIPTION: 1 3/8" Cylinder
 NAME: Fall Fantasy
 BRAND: Bald Eagle
 DESCRIPTION: 4 3/4" Cylinder with Base
 NAME: Fall Fantasy
 BRAND: Bald Eagle
 DESCRIPTION: 3 3/4" Cylinder with Base
 NAME: Fancy City P3002 1.4G
 BRAND: Winda Fireworks
 DESCRIPTION: 5" X 2 3/4" Mutitube Cylinder
 NAME: Fantasy World
 BRAND: Peacock
 DESCRIPTION: 2" Cylinder
 NAME: Feast of Fire/Fountain
 BRAND: Phantom
 DESCRIPTION: 5" Multi-Tube Hexagon
 NAME: Festival Happiness
 BRAND: Whale
 DESCRIPTION: 4 1/2" Cylinder with Base
 NAME: Fiery Dragon
 BRAND: TNT
 DESCRIPTION: 2" Cylinder with Dragon
 NAME: Fiery Dragon/APE032
 BRAND: TNT
 DESCRIPTION: 6" X 3" Multi-tube Cylinder
 NAME: Fiery Fiesta Fountain "Blackcat is the best you can Get"
 BRAND: Blackcat
 DESCRIPTION: 8 3/4" with 3" base cylinder
 NAME: Fiesta
 BRAND: Great Grizzly
 DESCRIPTION: 4 3/4" 6 Tube Cylinder
 NAME: Fire Ants
 BRAND:
 DESCRIPTION: 2" Ground Spinner
 NAME: Fireants
 BRAND:
 DESCRIPTION: 2" Ground Spinner
 NAME: Fire Breathing Dragon
 BRAND: Phantom
 DESCRIPTION: Box Containing Three 5" Multi-Tube Dragons
 NAME: Fire Krackle GP594
 BRAND: Mad Dog
 DESCRIPTION: 10" box, W/Three 12" Fuse Covered Green Paper
 NAME: Firefly
 BRAND: Black Cat
 DESCRIPTION: 2 1/2" Cylinder with Base
 NAME: Fireflies at Night
 BRAND: Great Gizzly
 DESCRIPTION: 6" Cylinder with Base
 NAME: Firefly Fountain
 BRAND: Black Cat
 DESCRIPTION: 2 1/2" Cylinder with Base
 NAME: Firestorm
 BRAND: TNT
 DESCRIPTION: 5" Box
 NAME: Flaming Arrow Torch/Giant 3 Color Changing
 BRAND: Flaming Arrow
 DESCRIPTION: 18" Hand Held Candle
 NAME: Flash Light House
 BRAND: Flower Basket
 DESCRIPTION: Box of Six 3 1/4" Hexagon Lighthouse
 NAME: Flash of Color
 BRAND: Great Grizzly
 DESCRIPTION: 2 1/4" x 4" box with single cylinder
 NAME: Flash Ray Gun
 BRAND: Red Lantern
 DESCRIPTION: 2 1/2" Cylinder Attached to Gun
 NAME: Flashing Signal
 BRAND: Black Cat
 DESCRIPTION: 3 1/2" x 3 1/2" Package of 6 items
 NAME: Flashing Signal BC-213
 BRAND: Black Cat/BC
 DESCRIPTION: 6 pack 1/4" length
 NAME: Flashing Signal KY 12001
 BRAND:
 DESCRIPTION: Box of six 1" Cup Shape with Fuse
 NAME: Flashing Signal BC-213
 BRAND: Black Cat
 DESCRIPTION: 1/2" Silver Pellet with Fuse
 NAME: Flashing Signal BC-213
 BRAND: Black Cat
 DESCRIPTION: 1/2" Yellow Pellet with Fuse
 NAME: Flashing Signal BC-213
 BRAND: Black Cat
 DESCRIPTION: 1/2" Green Pellet with Fuse
 NAME: Flittler Fountain/No. 3
 BRAND: Longhorn
 DESCRIPTION: 7" Cone
 NAME: Florida Candle/Medium
 BRAND:
 DESCRIPTION: 14" Candle
 NAME: Florida Souvenir Sparklers/Green
 BRAND: Flamingo
 DESCRIPTION: 8" Sparkler

NAME: Florida Souvenir Sparklers/Red	NAME: Friendship Fireworks
BRAND: Flamingo	BRAND: Hoihing
DESCRIPTION: 8" Sparkler	DESCRIPTION: 2" Box
NAME: Florida Souvenir Sparklers /Blue	NAME: Friendship Fireworks
BRAND: Flamingo	BRAND: Red Lantern
DESCRIPTION: 8" Sparkler	DESCRIPTION: 2" Box
NAME: Flower Arbour/No. 1	NAME: Friendship Fireworks
BRAND: Link Triad	BRAND: Red Lantern
DESCRIPTION: 5" Multi-Tube Triangle	DESCRIPTION: 4" Box
NAME: Flowers Fountain	NAME: Friendship Pagoda Fireworks
BRAND: Tiger-Head	BRAND: Link Triad
DESCRIPTION: 5" Cylinder with Base	DESCRIPTION: 3 1/2" Box Containing Pagoda Ground Spinner
NAME: Font	NAME: Friendship Pagoda
BRAND: Angel	BRAND: Link Triad
DESCRIPTION: 3" Cone	DESCRIPTION: 2 1/2" Box Containing Pagoda Ground Spinner
NAME: Formula Racer Screaming Turbo Charge/contains 2 pieces	NAME: Friendship Pagoda Fireworks
BRAND: TNT	BRAND: Link Triad
DESCRIPTION: 6 1/4" X 2 1/4" Box containing two racers	DESCRIPTION: 2 1/2" Box Containing Pagoda Ground Spinner
NAME: Fountain with Stick	NAME: Friendship Pagoda
BRAND: Tiger-Head	BRAND: Silk Road
DESCRIPTION: 15" x 3" Display Box with Six 5" Cylinders on Wooden Stick	DESCRIPTION: 2 1/2" Box Containing Pagoda Ground Spinner
NAME: Fountain with Thunderclaps	NAME: Friendship Pagoda
BRAND: Red Lantern	BRAND: Silk Road
DESCRIPTION: 8" Multi-Tube Cylinder	DESCRIPTION: 2 1/2" Box Containing Pagoda Ground Spinner
NAME: Four Color	NAME: Fright Light
BRAND: Black Cat	BRAND: Longhorn
DESCRIPTION: Box Containing Eight 1" Cylinder with Base	DESCRIPTION: 7" Cone
NAME: Four Performances Fireworks	NAME: Frog Fireworks
BRAND: Red Lantern	BRAND: Flying Dragon
DESCRIPTION: 3 1/2" Box	DESCRIPTION: 4" Cylinder with Frog
NAME: Four-Seasons Flowers	NAME: Frog Fireworks W4-16 Guangxi, China
BRAND: Horse	BRAND:
DESCRIPTION: 2" Box	DESCRIPTION: 4 1/2" diagonal length
NAME: Fountain Explosion	NAME: Funny Car, Contains 4 PC Fireworks
BRAND: Firefly	BRAND: Brothers
DESCRIPTION: 9 1/2" Cylinder with Base	DESCRIPTION: 2 1/2" X 6 1/4" X 5 1/2" Box containing 4 funny cars
NAME: Freedom 76/Base Fountain	NAME: Galactic Stardust/Fountain
BRAND: TNT	BRAND: Phantom
DESCRIPTION: 7" Cylinder with Base	DESCRIPTION: 8" Multi-Tube Cylinder
NAME: Friendship Fireworks	NAME: Galaxy/Large Cone Fountain
BRAND: Angel	BRAND: Freedom
DESCRIPTION: 4" Box	DESCRIPTION: 7" Cone
NAME: Friendship Fireworks	NAME: Galaxy Delight Fountain
BRAND: Angel	BRAND: Great Grizzly
DESCRIPTION: 2" Box	DESCRIPTION: 8 1/2" Multi-Tube Cylinder
NAME: Friendship Fireworks	NAME: Garden Party Fountain
BRAND: Hoihing	BRAND: Black Cat
DESCRIPTION: 4" Box	DESCRIPTION: 4" Multi-tube Cylinder

NAME: Garden of Eden	NAME: Glory Sparklers/Colorful
BRAND: West Lake	BRAND:
DESCRIPTION: 5" Cylinder with Base	DESCRIPTION: 6" Cylinder on a Wooden Stick
NAME: Georgia Peach Fountain/FN33	NAME: Glory Torch/3 Color
BRAND: Easy-Lite	BRAND:
DESCRIPTION: 4" Multi-Tube Box	DESCRIPTION: 14" Sparkler
NAME: Ghost Duster	NAME: Glory Torch/Colorful
BRAND: Bald Eagle	BRAND:
DESCRIPTION: 7" Cone	DESCRIPTION: 14" Box Containing Multicolor Sparkler on Wooden Stick
NAME: Giant Brilliant Cone/No. 4	NAME: Glory Torch/Colorful
BRAND: Longhorn	BRAND:
DESCRIPTION: 9 1/2" Cone	DESCRIPTION: 6" Cylinder on a Wooden Stick
NAME: Giant Devil Number 4 Cone	NAME: Glory Torch/*Morning Glory
BRAND:	BRAND:
DESCRIPTION: 9" Cone Fountain	DESCRIPTION: 6" Cylinder on Wooden Stick
NAME: Giant Jumbo Cone Fountain	NAME: Gold Fountain
BRAND: Kent	BRAND: Link Triad
DESCRIPTION: 9 1/2" Cone	DESCRIPTION: 3 1/4" Cylinder with Base
NAME: Gigantic 36" Sparklers	NAME: Gold Glitter
BRAND: TNT	BRAND: Black Cat
DESCRIPTION: 36" Sparkler	DESCRIPTION: 6" x 2 1/2" Cone
NAME: Glistering Butterflies/No. 0833A	NAME: Gold Mine
BRAND: Red Lantern	BRAND: Great Grizzly
DESCRIPTION: 6" Multi-Tube Cylinder	DESCRIPTION: 3" x 1 3/8" Box with single cylinder
NAME: Glitter Green Fountain	NAME: Gold Rush
BRAND: Tiger-Head	BRAND: Bald Eagle
DESCRIPTION: 5" Cylinder with Base	DESCRIPTION: 4 3/4" Cylinder with Base
NAME: Glittering Fountain	NAME: Gold Rush
BRAND: TNT	BRAND: Bald Eagle
DESCRIPTION: 4" Box	DESCRIPTION: 3 3/4" Cylinder with Base
NAME: Glitteringtower	NAME: Gold Rush
BRAND: Red Lantern	BRAND: Bald Eagle
DESCRIPTION: 8" x 5 1/2" Box with Two 8" Towers	DESCRIPTION: 1 3/8" Cylinder
NAME: Glorious Flower	NAME: Gold Rush/No. 3
BRAND: Link Triad	BRAND: Old Glory
DESCRIPTION: 4 1/2" Cylinder with Base	DESCRIPTION: 7" Cone
NAME: Glorious Flowers	NAME: Gold Rush/No. 3
BRAND: Link Triad	BRAND: Olde Glory
DESCRIPTION: 4 1/2" Cylinder with Base	DESCRIPTION: 7" Cone
NAME: Glory Sparklers/3 Colors	NAME: Gold-Silvery Flower
BRAND: Angel	BRAND: Black Cat
DESCRIPTION: 14" Sparkler	DESCRIPTION: 7" Cylinder with Base
NAME: Glory Sparklers/Colorful	NAME: Gold-Silvery Flower
BRAND:	BRAND: Link Triad
DESCRIPTION: 14 1/4" Box with Five 6" Cylinders on Wooden Sticks	DESCRIPTION: 7" Cylinder with Base
NAME: Glory Sparklers/Colorful	NAME: Gold Silvery Shower
BRAND:	BRAND: Blackcat
DESCRIPTION: 14 1/4" Box with Six 6" Cylinders on Wooden Sticks	DESCRIPTION: 7" X 1 1/2" Tube with Base

NAME: Gold and Silver Flower	DESCRIPTION: 7" Cylinder with Base
BRAND: Phantom Brand	NAME: Golden Glittering Flower
DESCRIPTION: 7" Cylinder with Base	BRAND: Black Cat
NAME: Gold & Silver Shower/No. 126	DESCRIPTION: 7" Cylinder with Base
BRAND: Peacock	NAME: Golden Glittering Flower
DESCRIPTION: 8 1/2" Cylinder with Spike	BRAND: Link Triad
NAME: Golden Ball Fountain	DESCRIPTION: 7" Cylinder with Base
BRAND: Tiger-Head	NAME: Golden Glittering Flower
DESCRIPTION: 5" Cylinder with Base	BRAND: Phantom Brand
NAME: Golden Diamond/Maximum Load No. 3	DESCRIPTION: 7" Cylinder with Base
BRAND:	NAME: Golden Glittering Flower
DESCRIPTION: 7" Cone Fountain	BRAND: Blackcat
NAME: Golden Diamond/No. 3 Fountain	DESCRIPTION: 7" X 1 1/2" Tube with Base
BRAND:	NAME: Golden Leaves
DESCRIPTION: 7" Cone Fountain	BRAND: Whale
NAME: Golden Dragon/Maximum Load Fountain	DESCRIPTION: 4 1/2" Cylinder with Base
BRAND:	NAME: Golden Leaves Fireworks
DESCRIPTION: 10" Cone	BRAND: Whale
NAME: Golden Fan	DESCRIPTION: 4 1/2" Cylinder with Base
BRAND: Blackcat	NAME: Golden Orange Fountain
DESCRIPTION: 5 1/4" X 8" X 1/2" Fan shape with 5" Base	BRAND: Tiger-Head
NAME: Golden Flower Blossom	DESCRIPTION: 5" Cylinder with Base
BRAND: Angel	NAME: Golden Paddy Fireworks
DESCRIPTION: 7" Cylinder with Base	BRAND: Horse
NAME: Golden Flower Blossom	DESCRIPTION: 3 1/2" Cylinder with Base
BRAND: Hoihing	NAME: Golden Paddy
DESCRIPTION: 7" Cylinder with Base	BRAND: Horse
NAME: Golden Flowers Fountain	DESCRIPTION: 1 3/8" Cylinder
BRAND: Angel	NAME: Golden Paddy Fireworks/No. 2
DESCRIPTION: 3" Box	BRAND: Horse
NAME: Golden Flowers Fountain	DESCRIPTION: 3 3/4" Cylinder with Base
BRAND: Angel	NAME: Golden Paddy Fireworks
DESCRIPTION: 5 1/4" Box	BRAND: Horse
NAME: Golden Flowers Fountain	DESCRIPTION: 4 3/4" Cylinder with Base
BRAND: Hoihing	NAME: Golden Shower/No. 3
DESCRIPTION: 5 1/4" Box	BRAND: Longhorn
NAME: Golden Flowers Fountain	DESCRIPTION: 7" Cone
BRAND: Red Lantern	NAME: Golden Shower Fountain
DESCRIPTION: 5" Box	BRAND: TNT
NAME: Golden Flowers Fountain	DESCRIPTION: 5 1/4" Box
BRAND: Red Lantern	NAME: Golden Shower Cone/No. 3
DESCRIPTION: 3" Box	BRAND:
NAME: Golden Flowers Blossom	DESCRIPTION: 7" Cone
BRAND: Hoihing	NAME: Golden Showers/No. 3
DESCRIPTION: 7" Cylinder with Base	BRAND: Longhorn
NAME: Golden Flowers Blossom/HN89	DESCRIPTION: 7" Cone
BRAND: Red Lantern	NAME: Golden Silverflower
DESCRIPTION: 7" Cylinder with Base	BRAND: Hoihing
NAME: Golden Flowers Blossom	DESCRIPTION: 9" Cylinder with Base
BRAND: Red Lantern	

NAME: Golden Silverflower/HN90	NAME: Green Dazzling Comet
BRAND: Red Lantern	BRAND: Peacock
DESCRIPTION: 9" Cylinder with Base	DESCRIPTION: 5" Cylinder with Base
NAME: Golden Sparkler Tree	NAME: Green Dazling Comet
BRAND: Easy-Lite	BRAND: Peacock
DESCRIPTION: Box Containing 8" Sparkling Tree with Base	DESCRIPTION: 7" Cylinder with Base
NAME: Golden Sparkler Tree	NAME: Green Fountain
BRAND: Easy Lite	BRAND: Link Triad
DESCRIPTION: 10" Box Containing Golden Sparkler Tree	DESCRIPTION: 3 1/4" Cylinder with Base
NAME: Golden Swallow	NAME: Green Glittering Flower
BRAND: Flying Dragon	BRAND: Blackcat
DESCRIPTION: 5" Goose	DESCRIPTION: 7" Cylinder with Base
NAME: Golden Zia/Large Cone Fountain	NAME: Green Glittering Flower
BRAND: Flaming Arrow	BRAND: Blackcat
DESCRIPTION: 7" Cone	DESCRIPTION: 7" X 1 1/2" Tube with Base
NAME: Gorilla Fountain M-100	NAME: Green Glittering Flower
BRAND:	BRAND: Link Triad
DESCRIPTION: 8" Multi-Tube Cylinder	DESCRIPTION: 7" Cylinder with Base
NAME: Grand Prix Racers 2	NAME: Green Glittering Flower
BRAND: Phantom	BRAND: Phantom Brand
DESCRIPTION: 4 1/2" X 2 1/4" X 6 1/4" Box containing Two Racers	DESCRIPTION: 7" Cylinder with Base
NAME: Great Grizzly Sparklers/Brilliant Blue	NAME: Green Glitter Fountain
BRAND: Great Grizzly	BRAND: Tiger-Head
DESCRIPTION: 10" Sparkler	DESCRIPTION: 5" Cylinder with Base
NAME: Great Grizzly Sparklers/Brilliant Green	NAME: Green Ice
BRAND: Great Grizzly	BRAND: Great Grizzly
DESCRIPTION: 10" Sparkler	DESCRIPTION: 9" Cylinder with Base
NAME: Great Grizzly Sparklers/Brilliant Red	NAME: Green Jade
BRAND: Great Grizzly	BRAND: Red Lantern
DESCRIPTION: 10" Sparkler	DESCRIPTION: 3 3/4" Ground Spinner
NAME: Great Grizzly Sparklers/Brilliant Green	NAME: Green Lightning
BRAND: Great Grizzly	BRAND: Bald Eagle
DESCRIPTION: 8" Sparkler	DESCRIPTION: 5" Cylinder with Base
NAME: Great Grizzly Sparklers/Brilliant Blue	NAME: Green Spark Plug Fountain
BRAND: Great Grizzly	BRAND: Phantom Fireworks
DESCRIPTION: 8" Sparkler	DESCRIPTION: 1 1/4" X 1" Cylinder
NAME: Great Grizzly Sparklers/Brilliant Red	NAME: Green Willow
BRAND: Great Grizzly	BRAND: Hoihing
DESCRIPTION: 8" Sparkler	DESCRIPTION: 9" Cylinder with Base
NAME: Great White	NAME: Green Willow/HN90
BRAND:	BRAND: Red Lantern
DESCRIPTION: 8" Multi-Tube Cylinder	DESCRIPTION: 9" Cylinder with Base
NAME: Green & Purple Fountain	NAME: Ground Blaster
BRAND: Tiger-Head	BRAND:
DESCRIPTION: 5" Cylinder with Base	DESCRIPTION: 2" x 2 1/2" Box Containing Six Cups
NAME: Green Butterflies & Flower	NAME: Ground Bloom Flower
BRAND: Red Lantern	BRAND: Angel
DESCRIPTION: 6" Hexagon	DESCRIPTION: 2 1/2" Ground Spinner
	NAME: Ground Bloom Flower
	BRAND: Panda

DESCRIPTION: 2 1/8" Ground Spinner
 NAME: Ground Bloom Flower
 BRAND: Phantom
 DESCRIPTION: 2 1/8" Ground Spinner
 NAME: Ground Bloom Flower
 BRAND: Red Lantern
 DESCRIPTION: 2 1/8" Ground Spinner
 NAME: Ground Bloom Flower/ CP199
 BRAND: TNT
 DESCRIPTION: 2" Cylinder Ground Spinner
 NAME: Hail Fireworks
 BRAND: Flying Dragon
 DESCRIPTION: 7" Cylinder with Base
 NAME: Haley's Comet
 BRAND: Bald Eagle
 DESCRIPTION: 4 1/2" Cylinder with Base
 NAME: Hammerhead
 BRAND:
 DESCRIPTION: 9" Cylinder with Base
 NAME: Happy Birthday
 BRAND: Brothers
 DESCRIPTION: 8 1/2" X 2" Multitube Cylinder
 NAME: Happy Birthday
 BRAND:
 DESCRIPTION: 1 3/4" Multi-Tube Cake
 NAME: Happy Sound
 BRAND: Red Lantern
 DESCRIPTION: 3" X 2" box
 NAME: Happiness Fireworks
 BRAND: Flying Dragon
 DESCRIPTION: 7" Cylinder with Base
 NAME: Happy Festival
 BRAND: Angel
 DESCRIPTION: 9" Cylinder with Base
 NAME: Happy Festival
 BRAND: Red Lantern
 DESCRIPTION: 9" Cylinder with Base
 NAME: Happy Lamp
 BRAND: Link Triad
 DESCRIPTION: 4" Hexagon Spinner with Wooden Stick
 NAME: Happy Lion
 BRAND: Flower Basket
 DESCRIPTION: 3" Cylinder on Base with Lion
 NAME: Happy Lion ""*"
 BRAND: Flower Basket
 DESCRIPTION: 3" Cylinder with Base and Green Lion
 NAME: Happy Silver Flowers
 BRAND: Angel
 DESCRIPTION: 9" Cylinder with Base

NAME: Happy Sound
 BRAND: Red Lantern
 DESCRIPTION: 3 1/4" Box
 NAME: Haunted Schoolhouse
 BRAND:
 DESCRIPTION: Cardboard House with a 4 1/2" Tube
 NAME: Havana Heat
 BRAND:
 DESCRIPTION: 5 3/4" Multi-Tube Hexagon
 NAME: Hells a Poping Fountain
 BRAND: Black Cat
 DESCRIPTION: 9" Cylinder with Base
 NAME: Hellsacrackin/CP393
 BRAND: TNT
 DESCRIPTION: Bag of Six 1" Spheres
 NAME: Hen Laying Egg
 BRAND: Link Triad
 DESCRIPTION: 3" Hen
 NAME: Hen Laying Eggs
 BRAND: Link Triad
 DESCRIPTION: 2 1/2" Chicken
 NAME: Hibiscus Mutabiles Fountain
 BRAND: Tiger-Head
 DESCRIPTION: 5" Cylinder with Base
 NAME: High Sierra Showdown Fountain
 BRAND: Phantom
 DESCRIPTION: 6" Multi-Tube Hexagon
 NAME: Highway To Heaven Fountain
 BRAND: Black Cat
 DESCRIPTION: 4" Box
 NAME: Highway To Heaven Fountain
 BRAND: Black Cat
 DESCRIPTION: 1 3/4" X 4" Multi Cylinder Box
 NAME: Hissing Cobra Fountain
 BRAND: Phantom
 DESCRIPTION: 8 1/2" Multi-Tube Cylinder
 NAME: Hit Man
 BRAND: Great Grizzly
 DESCRIPTION: 8 3/4" Multi-Tube Cylinder
 NAME: Hornet's Nest/No. 35
 BRAND: Longhorn
 DESCRIPTION: 7 1/2" Cylinder with Base and Bees
 NAME: Hornet's Nest
 BRAND: TNT
 DESCRIPTION: 6 3/4" Cylinder with Base and Bees
 NAME: Hornet's Nest/APE035
 BRAND: TNT
 DESCRIPTION: 6" X 3 1/2" Multi-Tube Box
 NAME: Hot Rod
 BRAND:

DESCRIPTION: 7 1/2" Car	NAME: Jade Flowers
NAME: Hot Stuff	BRAND: Red Lantern
BRAND: Patriot	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 7" Cone	NAME: Jade Flowers
NAME: Howling Coyote/No. FN99	BRAND: Red Lantern
BRAND: Easy-Lite	DESCRIPTION: 6" Cylinder with Base
DESCRIPTION: 8" Multi-Tube Cylinder	NAME: Jades of Green
NAME: Howling Madness	BRAND: West Lake
BRAND: TNT	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 7" Multi-Tube Triangle with Base	NAME: Jasmine Fountain
NAME: Humming Bird Ape 008	BRAND: Tiger-Head
BRAND:	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 4" Multi-Tube Box	NAME: Jet Stream
NAME: Hurricane CP140	BRAND:
BRAND:	DESCRIPTION: 9" Multi-Tube Cylinder
DESCRIPTION: 5" Multi-Tube Hexagon	NAME: Jitterbug APE 016
NAME: Hurricane /CP140	BRAND:
BRAND: Made in Hunan China	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 5" X 4 1/2" Hexagon	NAME: Joyful Spectrum
NAME: Hyper8	BRAND: Peacock
BRAND: Brothers	DESCRIPTION: 7" Cylinder with Base
DESCRIPTION: 2 1/2" X 6 1/2" Box containing Two Cars with BP7022	NAME: Joyous No. 0657 Made in Hunan China
NAME: Independence Celebration/Fountain	BRAND: Red Lantern
BRAND: Black Cat	DESCRIPTION: 4 3/4" Cylinder
DESCRIPTION: 4" Multi-Tube Hexagon	NAME: Jr. Cuckoo
NAME: India Magic/No. 35	BRAND: Black Cat
BRAND: Longhorn	DESCRIPTION: 4 1/2" x 1 3/4" Cylinder on blue base
DESCRIPTION: 7 3/4" Cylinder with Base	NAME: JR Cuckoo Fireworks
NAME: Jackpot Fountains	BRAND: Link Triad
BRAND: Vulcan	DESCRIPTION: 5" x 3 1/4" Box Containing Three 5" Multi-Tube Cylinders
DESCRIPTION: 8 3/4" X 3" Multitube Cylinder	NAME: JR Cuckoo Fireworks
NAME: Jade Ape 015D	BRAND: Link Triad
BRAND:	DESCRIPTION: 4 1/2" Cylinder with Base
DESCRIPTION: 6" Multi-Tube Cylinder with Base	NAME: Jubilant Show
NAME: Jade Flower/No. F079A	BRAND: Peacock
BRAND: Angel	DESCRIPTION: 7 1/4" Cylinder with Base
DESCRIPTION: 6" Cylinder with Base	NAME: Jubliation
NAME: Jade Flower/No. 0837A	BRAND: Black Cat
BRAND: Red Lantern	DESCRIPTION: 8 1/2" Multi-Tube Cylinder
DESCRIPTION: 6" Cylinder with Base	NAME: Jubilation
NAME: Jade Flowers	BRAND: Blackcat
BRAND:	DESCRIPTION: 8 1/2" X 3" Multitube Cylinder
DESCRIPTION: 6" Cylinder with Base	NAME: Jumbo California Candle
NAME: Jade Flowers	BRAND:
BRAND: Angel	DESCRIPTION: 21" Candle
DESCRIPTION: 5" Cylinder with Base	NAME: Jumbo California Candle
NAME: Jade Flowers	BRAND: TNT
BRAND: Hoihing	DESCRIPTION: 20" Candle
DESCRIPTION: 5" Cylinder with Base	

NAME: Jumbo Candle	NAME: Kent California Candle/Medium
BRAND:	BRAND: Kent
DESCRIPTION: 20" Candle	DESCRIPTION: 14 1/2" Candle
NAME: Jumbo Carnival/Base Fountain	NAME: Kent California Candle/Handle Fountain
BRAND: Kent	BRAND: Kent
DESCRIPTION: 11 1/2" Cone with Base	DESCRIPTION: 14 1/2" Candle
NAME: Jumbo Carnival/Cone Fountain	NAME: Killer Bee
BRAND: Longhorn	BRAND: Link Triad
DESCRIPTION: 11 1/2" Cone	DESCRIPTION: 6 1/2" Cylinder with Base and Bees
NAME: Jumbo Carnival/Base Fountain	NAME: King Kong/PY-101
BRAND: Kent	BRAND: TNT
DESCRIPTION: 11 1/2" Cone	DESCRIPTION: 8" Multi-Tube Cylinder
NAME: Jumbo 20 Rocket/No. 165	NAME: King Neptune's Party
BRAND: Peacock	BRAND: Black Cat
DESCRIPTION: 5 1/2" Cylinder with Cone on Stick	DESCRIPTION: 4 3/8" X 3 3/4" Base Triangle Shape
NAME: Jumbo 20 Rocket/Fountain	NAME: Lady Bug Fireworks
BRAND: Peacock	BRAND: Phantom
DESCRIPTION: 5 1/2" Cylinder Attached to a Wooden Stick	DESCRIPTION: Box of Two 4" Lady Bug
NAME: Jumbo Starburst/Cone Fountain	NAME: Lady Bugs CP533
BRAND: Freedom Fireworks	BRAND: TNT
DESCRIPTION: 9 1/2" Cone	DESCRIPTION: 5" Multi-Tube Cylinder
NAME: Jumbo Super	NAME: Large California Rocket/Fountain Sparkling
BRAND: Keystone	BRAND: No. 160
DESCRIPTION: 9" Cone	BRAND: Peacock
NAME: Jumping Cat	DESCRIPTION: 7" Twin Cylinder with Cone on Stick
BRAND: Link Triad	NAME: Large California Rocket/Fountain Sparkling
DESCRIPTION: 1 1/2" Ground Spinner	BRAND: Peacock
NAME: Jumping Cat	DESCRIPTION: 9" Cylinder on Wooden Stick
BRAND: Link Triad	NAME: Large California Rocket/Fountain Sparkling
DESCRIPTION: 2 1/4" Ground Spinner	BRAND: Peacock
NAME: June Bugs Ape 019	DESCRIPTION: 7 1/2" Cylinder on Wooden Stick
BRAND:	NAME: Large Diamond Jubilee Fountain/Cone
DESCRIPTION: 2" Box Containing 2" Cylinder	BRAND: Kent
NAME: Jurassic Paradise	DESCRIPTION: 6 1/4" Cone
BRAND: Black Cat	NAME: Large Fountain
DESCRIPTION: 8" x 2 7/8" Multi-tube Cylinder	BRAND: Red Lantern
NAME: Kaleidoscope Cone Fountain/No. 3	DESCRIPTION: 8 3/4" Multi-Tube
BRAND: Kent	NAME: Large Nite Siren Whistling Fountain
DESCRIPTION: 6 3/4" Cone	BRAND: Angel
NAME: Karoke Fountain	DESCRIPTION: 9" Cylinder with Base
BRAND: Black Cat	NAME: Large Nite Siren Whistling Fountain
DESCRIPTION: 4 1/2" X 1 1/2" Tube with red base	BRAND: Hoihing
NAME: Karoke Fountain	DESCRIPTION: 9" Cylinder with Base
BRAND: Blackcat	NAME: Large Nite Siren Whistling Fountain
DESCRIPTION: 4 1/2" X 1 1/2" with Base Multitube	BRAND: Red Lantern
NAME: Kent California Candle/Medium Handle Fountain	DESCRIPTION: 9" Cylinder with Base
BRAND: Kent	NAME: Laser Dragon
DESCRIPTION: 14 1/2" Candle	BRAND:
	DESCRIPTION: 8" Mutil-Tube Hexagon

NAME: Laser Krackle CP604	NAME: Lotus Fireworks/No. 2
BRAND: TNT	BRAND:
DESCRIPTION: 5/8" Box Containing six 1/2" cylinders	DESCRIPTION: 1 3/4" Double Cylinder Ground Spinner
NAME: Laser Krackle Laser Strobing Crackling CP604	NAME: Lotus Fireworks
BRAND: TNT	BRAND:
DESCRIPTION: 3" X 3/4" with six 1/2" cylinders	DESCRIPTION: 2" Three Cylinder Ground Spinner
NAME: Laser Parade	NAME: Lotus Fireworks
BRAND: Peacock	BRAND: Horse
DESCRIPTION: 5" Cylinder with Base	DESCRIPTION: 1 3/4" Triple Cylinder Ground Spinner
NAME: Laser Parade	NAME: Lotus Fireworks/No. 2
BRAND: Peacock	BRAND: Horse
DESCRIPTION: 6 1/4" Cylinder with Base	DESCRIPTION: 1 3/4" Double Cylinder Ground Spinner
NAME: Laser Parade	NAME: Lotus Fireworks/No. 3
BRAND: Peacock	BRAND: Horse
DESCRIPTION: 7" Cylinder with Base	DESCRIPTION: 1 3/4" Triple Cylinder Ground Spinner
NAME: Lava Cone	NAME: Lucky Leprechaun/Fountain
BRAND: TNT	BRAND: Phantom
DESCRIPTION: 2 3/4" Cone	DESCRIPTION: 7" Multi-Tube Cylinder
NAME: Lazer Flash	NAME: M-1 Tank with Smoke
BRAND: Phantom	BRAND: TNT
DESCRIPTION: 2 3/8" x 3" Box with Six Cups	DESCRIPTION: 4 1/4" X 4 1/4" Box with 2 Camouflage Tanks
NAME: Lighthouse Fountain	NAME: M-1 Tank with Spray
BRAND: Blackcat	BRAND: TNT
DESCRIPTION: 3 1/2" Cylinder Multi-tube	DESCRIPTION: 4 1/4" X 4 1/4" Box with 2 Plain Tanks
NAME: Lighthouse Fountain	NAME: M-45 Tank
BRAND: Blackcat	BRAND: Brothers
DESCRIPTION: 3 1/2" X 1 3/4" Multitube Cylinder	DESCRIPTION: 6 3/4" X 7 3/4" Pack containing Two Tanks
NAME: Lightning	NAME: M-45 Fireworks
BRAND: Link Triad	BRAND: Brothers
DESCRIPTION: 4 1/2" Cylinder with Base	DESCRIPTION: 7 3/4" X 6 1/2" Package containing Two Tanks w/Mistles Attached
NAME: Lightning Bugs	NAME: M-100 Gorilla Fountain
BRAND: TNT	BRAND:
DESCRIPTION: 3" x 3/4" Box with five 1 3/4" Cylinders with Base	DESCRIPTION: 3 1/2" X 7 5/8" Multi-tube Cylinder
NAME: Lightning Flash	NAME: Mach III Fountain/APE-051
BRAND:	BRAND: TNT
DESCRIPTION: 2 1/2" X 3" Box with Six Cups	DESCRIPTION: 4" X 1 3/4" Multi-tube Cylinder
NAME: Lightning Flash	NAME: Machine Gun Crackers
BRAND:	BRAND:
DESCRIPTION: 2 1/2" x 3 1/4" Box with Six Cups	DESCRIPTION: 2" Cylinder
NAME: Lightning Strike	NAME: Machine Gun Kelly
BRAND: TNT	BRAND: Great Grizzly
DESCRIPTION: 6" Multi-Tube Triangle	DESCRIPTION: 8" Multi-Tube Cylinder
NAME: Lion Warrior CP537	NAME: Mad Dog CP595
BRAND: Monster Fireworks	BRAND: TNT
DESCRIPTION: 8" Multi-Tube Cylinder	DESCRIPTION: 7 3/4" Multi-tube cylinder
NAME: Locomotive Breath Fountain	NAME: Mad Dog Fire Krackle CP594
BRAND: Phantom	BRAND: TNT
DESCRIPTION: 8" Multi-Tube Hexagon	DESCRIPTION: 14" Cylinder

NAME: Mad Dog Fountain	DESCRIPTION: 9" Cylinder with Base
BRAND: TNT	NAME: Malibu Madness
DESCRIPTION: 7 5/8" X 3 1/2 " Multi-tube cylinder	BRAND:
NAME: Mad Magician	DESCRIPTION: 8" Multi-Tube Cylinder
BRAND: Peacock	NAME: Mammoth Niagara Falls/Base Fountain
DESCRIPTION: 7 1/4" Cylinder with Base	BRAND: Kent
NAME: Magic Ball	DESCRIPTION: 10" Cylinder with Base
BRAND: Red Lantern	NAME: Mandarin Duck/Disporting Water
DESCRIPTION: 2" Ground Spinners	BRAND: Link Triad
NAME: Magic Box	DESCRIPTION: 3" Multi-Tube Ground Spinner
BRAND: Brothers	NAME: Mandarin Duck/Disporting Water Fireworks
DESCRIPTION: 4 1/2" X 2 1/4" Multitube Box	BRAND: Link Triad
NAME: Magic Mountain	DESCRIPTION: 3" Ground Spinner
BRAND:	NAME: Mandarin Duck Fountain
DESCRIPTION: 7" Multi-Tube Cylinder	BRAND: Tiger-Head
NAME: Magic Sparklers	DESCRIPTION: 5 1/4" Cylinder with Base
BRAND: Easy-Lite	NAME: Mardi Gras
DESCRIPTION: 11" Multi-Color Sparkler on Wooden Stick	BRAND: TNT
NAME: Magic Stick Fountain Golden Flower	DESCRIPTION: 8" Multi-Tube
BRAND:	NAME: Mars Fountain
DESCRIPTION: 20 3/4" Cylinder	BRAND: Black Cat
NAME: Magic Stick Fountain Red & Green Flower Rain	DESCRIPTION: 6" Multi-Tube Cylinder
BRAND:	NAME: Mega Flash
DESCRIPTION: 20 3/4" Cylinder	BRAND:
NAME: Magic Stick Fountain Silvery Glittering	DESCRIPTION: 3 1/4" x 2 1/2" Box Containing Six 1/2"
BRAND:	NAME: Mega Flash
DESCRIPTION: 20 3/4" Cylinder	BRAND:
NAME: Magic Whip	DESCRIPTION: 2" disc
BRAND: Red Lantern	NAME: Mega Flash Bright Strobe
DESCRIPTION: 10 1/2" Box Containing Six 30" Fuses	BRAND:
NAME: Magnum Flasher	DESCRIPTION: 3 1/4" X 3/4" Box with Six 1/4" Cylinders
BRAND: Black Cat	NAME: Mega Smoke Blue
DESCRIPTION: 3 3/4" X 1/2" Box 5 pieces/ 1/2" Cylinder Single	BRAND:
NAME: Magnum Flasher	DESCRIPTION: 5" Cylinder
BRAND: Blackcat	NAME: Mega Smoke Yellow
DESCRIPTION: 2 1/2" X 3 3/4" Box with 1/4" Cylinders 5 to the box	BRAND:
NAME: Magpie Plays Plumblossom	DESCRIPTION: 5" Cylinder
BRAND: Red Lantern	NAME: Mega Smoke White
DESCRIPTION: 8" Multi-Tube Cylinder	BRAND:
NAME: Majestic Candle/Jumbo Size	DESCRIPTION: 5" Cylinder
BRAND: Easy-Lite	NAME: Mega Smoke 3 Color Changing
DESCRIPTION: 15" Cylinder	BRAND:
NAME: Majestic Geyser Fountain/H-105	DESCRIPTION: 5" Single Tube Cylinder
BRAND: Phantom	NAME: Mega Smoke Blue
DESCRIPTION: 3" Multi-Tube Hexagon	BRAND:
NAME: Mako Shark	DESCRIPTION: 4 7/8" X 1 1/4" Cylinder
BRAND:	NAME: Mega Smoke Yellow
	BRAND:
	DESCRIPTION: 4 7/8" X 1 1/8" Cylinder

NAME: Meltdown
 BRAND: Bald Eagle
 DESCRIPTION: 7" Cone

NAME: Meteor Shower/WG016
 BRAND:
 DESCRIPTION: 4 3/4" Multi-Tube Rectangle

NAME: Meteoric Storm Maximum Load
 BRAND: Kent
 DESCRIPTION: 14 1/2" Multi-tube cylinder on base

NAME: Meteorites/Fireworks
 BRAND: Phantom
 DESCRIPTION: Box of Four 2" Cylinder with Base

NAME: Mini Cuckoo
 BRAND: Hoihing
 DESCRIPTION: 4 1/2" Multi-Tube Cylinder with Base

NAME: Mini Cuckoo
 BRAND: Red Lantern
 DESCRIPTION: 4 1/2" Multi-Tube Cylinder with Base

NAME: Mini Geyser Fountain
 BRAND: Black Cat
 DESCRIPTION: 4 piece box 2 3/4" X 7/8"

NAME: Mini Monster/CP409
 BRAND: Monster Fireworks
 DESCRIPTION: 2 1/2" Cylinder

NAME: Miss Liberty/No. 3 Brilliant Flitter
 BRAND: Keystone
 DESCRIPTION: 7" Cone

NAME: Miss Liberty
 BRAND: Keystone
 DESCRIPTION: 7" Cone

NAME: Missle War/APE034
 BRAND: TNT
 DESCRIPTION: 5" X 3" Multi-tube Cylinder

NAME: Missouri Melody
 BRAND: Longhorn
 DESCRIPTION: 6" with 2 Cylinders on Base

NAME: Mobile Missle Launcher
 BRAND: Blackcat
 DESCRIPTION: 3 1/4" X 6" Box containing Missle Launcher

NAME: Molten Steel Y02-025
 BRAND: Cannon
 DESCRIPTION: 8" Multi-Tube Cylinder

NAME: Monoclonius/CP277A-12
 BRAND: TNT
 DESCRIPTION: Box of Twelve 2 1/2" Dinosaur Spinners

NAME: Monoclonius/CP277A
 BRAND: TNT
 DESCRIPTION: 2 1/2" Cylinder with Dinosaur

NAME: Monster Blast/CP418
 BRAND: Monster Fireworks

DESCRIPTION: Bag of Six 1" Sphere's
 NAME: Monster Blast
 BRAND: Monster
 DESCRIPTION: Package Containing Six 3/4" Sheres

NAME: Monster Buster CP538
 BRAND: Monster Fireworks
 DESCRIPTION: 8" Multi-Tube Cylinder

NAME: Monster Prom/CP435
 BRAND: Monster
 DESCRIPTION: 8" Multi-Tube Cylinder

NAME: Monster Truck
 BRAND: Monster Fireworks
 DESCRIPTION: 3" X 5" Box containing 1 Truck

NAME: Moondance Fountain
 BRAND: Phantom
 DESCRIPTION: 4" Multi-Tube Cylinder

NAME: Morning Glories
 BRAND:
 DESCRIPTION: 14" Box W/ 24 Bundles of Six 6" Cylinder on Wooden Stick

NAME: Morning Glories "*"
 BRAND:
 DESCRIPTION: 6" Cylinder on Wooden Stick wrapped in Multi-Colored Tissue

NAME: Morning Glory
 BRAND:
 DESCRIPTION: 34" Multi-Colored Stick

NAME: Morning Glory Sparklers
 BRAND: Family
 DESCRIPTION: Six 6" Cylinders on Wooden Sticks Inside Plastic Bag

NAME: Mountain Spring's Waterfall
 BRAND: Red Lantern
 DESCRIPTION: 6 3/4" Multi-Tube with Base

NAME: Mr. Turtle
 BRAND: TNT
 DESCRIPTION: 6" X 5" Box Containing Two Turtles

NAME: Mt. St. Helens No. 3 Large Cone Fountain Golden Eruption
 BRAND:
 DESCRIPTION: 7" Cone

NAME: Mt. St. Helens No. 4 Giant Cone Fountain Silver Eruption
 BRAND:
 DESCRIPTION: 9 1/2" Cone

NAME: Mt. St. Helens/Giant Cone Fountain Silver Eruption
 BRAND: Longhorn
 DESCRIPTION: 9 1/2" Cone

NAME: Mt. St. Helens/No. 3 Large Cone Fountain Golden Eruption	NAME: Niagara Falls/Jumbo
BRAND: Longhorn	BRAND: Flaming Arrow
DESCRIPTION: 7" Cone	DESCRIPTION: 10" Cylinder with Base
NAME: Mt. St. Helens/No. 4 Giant Cone Fountain Silver Eruption	NAME: Night Devil CP529
BRAND: Longhorn	BRAND: Monster Fireworks
DESCRIPTION: 9 1/2" Cone	DESCRIPTION: 4" Multi-Tube Box
NAME: Mt. St. Helens/Giant Cone Fountain Silver Eruption	NAME: Night Magic
BRAND: Rainbow	BRAND: Bald Eagle
DESCRIPTION: 9 1/2" Cone	DESCRIPTION: 9 1/2" Cone
NAME: Multi-Color Multi Fountain	NAME: Night Rider CP536
BRAND: Phantom	BRAND: TNT
DESCRIPTION: 1 1/2" X 3" Box of Five 1" Cylinders	DESCRIPTION: 8" Multi-Tube Cylinder
NAME: Musical Pyramid	NAME: Nite Howler Brilliant Whistling Fountain
BRAND: Longhorn	BRAND: Longhorn
DESCRIPTION: 8 1/2" Cylinder with Base and Cone on Top	DESCRIPTION: 6 1/4" Cylinder with Base
NAME: MX Space Lamp	NAME: No. 3 Golden Shower
BRAND: TNT	BRAND: Longhorn
DESCRIPTION: 7 1/2" Missile Cylinder with Base	DESCRIPTION: 7 1/2" Cone
NAME: MX Space Lamp	NAME: No. 10 Blue Electric Sparklers
BRAND: TNT	BRAND: Red Lantern
DESCRIPTION: 8 1/2" Cylinder with Base	DESCRIPTION: 9 1/2" Sparklers
NAME: Mystery Geyser /Giant	NAME: No. 10 Blue Sparklers/Black Jack
BRAND: TNT	BRAND: Angel
DESCRIPTION: 7" Cylinder with Base	DESCRIPTION: 9" Sparklers
NAME: Mystic Fountain CP429	NAME: No. 10 Blue Sparklers
BRAND: TNT	BRAND: TNT
DESCRIPTION: 4" Multi-Tube Box	DESCRIPTION: 9 1/2" Sparklers
NAME: Naughty Elephant	NAME: No. 10 Colored Sparklers
BRAND: Brothers	BRAND: Diamond
DESCRIPTION: 4 3/4" X 7 1/4" Box Containing Elephant	DESCRIPTION: 9 1/2" Sparklers
NAME: Navigation Mark	NAME: No. 10 Gold Color Sparklers
BRAND: Brothers	BRAND: Diamond
DESCRIPTION: 2 3/4" X 1" Box 1/4" Cylinder with Base (Quantity 5)	DESCRIPTION: 9" Sparkler
NAME: Neon Lights	NAME: No. 10 Gold E-Z Glo Sparklers
BRAND: Bald Eagle	BRAND:
DESCRIPTION: 3" Multi-Tube Cylinder	DESCRIPTION: 9 1/2" Sparklers
NAME: Neon Lights	NAME: No. 10 Gold Electric Sparklers
BRAND: Bald Eagle	BRAND: Red Lantern
DESCRIPTION: 6" Multi-Tube Cylinder	DESCRIPTION: 9 1/2" Sparklers
NAME: Neon Lights	NAME: No. 10 Gold Morning Glory
BRAND: Bald Eagle	BRAND: TNT
DESCRIPTION: 8 3/4" Multi-Tube Cylinder	DESCRIPTION: 4" Cylinder on Wooden Stick
NAME: New Moon Ape 014B	NAME: No. 10 Gold Night Orchid Sparklers/Super Bright
BRAND:	BRAND: Flying Dragon
DESCRIPTION: 9" Multi-Tube Cylinder with Base	DESCRIPTION: 9 1/2" Sparklers
	NAME: No. 10 Gold Sparkler
	BRAND: Flying Dragon
	DESCRIPTION: 9 1/2" Sparklers

NAME: No. 10 Gold Sparklers /American	DESCRIPTION: 9 1/2" Sparklers
BRAND:	NAME: No. 10 Red Electric Sparklers
DESCRIPTION: 9 1/2" Sparklers	BRAND: Red Lantern
NAME: No. 10 Gold Sparklers	DESCRIPTION: 9 1/2" Sparklers
BRAND: Easy-Lite	NAME: No. 10 Red Morning Glory
DESCRIPTION: 10" Sparkler	BRAND: TNT
NAME: No. 10 Gold Sparklers	DESCRIPTION: 4" Cylinder on Wooden Stick
BRAND: Easy-Lite	NAME: No. 10 Red Sparklers
DESCRIPTION: 9 1/2" Sparklers	BRAND: Easy-Lite
NAME: No. 10 Gold Sparklers	DESCRIPTION: 10" Sparkler
BRAND: Family	NAME: No. 10 Red Sparklers
DESCRIPTION: 9 1/2" Sparklers	BRAND: Miss Liberty
NAME: No. 10 Gold Sparklers	DESCRIPTION: 9 1/2" Sparklers
BRAND: Fiesta	NAME: No. 10 Red Sparklers
DESCRIPTION: 9 1/2" Sparkler	BRAND: United
NAME: No. 10 Gold Sparklers	DESCRIPTION: 9 1/2" Sparklers
BRAND: Miss Liberty	NAME: No. 10 Red Sparklers/Black Jack
DESCRIPTION: 9 1/2" Sparklers	BRAND: Red Lantern
NAME: No. 10 Gold Sparklers	DESCRIPTION: 9" Sparklers
BRAND: TNT	NAME: No. 10 Red Sparklers
DESCRIPTION: 9 1/2" Sparklers	BRAND: TNT
NAME: No. 10 Gold Sparklers	DESCRIPTION: 9 1/2" Sparklers
BRAND: United	NAME: No. 14 Gold Leader Sparklers
DESCRIPTION: 9 1/2" Sparklers	BRAND:
NAME: No. 10 Green E-Z-Glo Sparklers	DESCRIPTION: 13" Sparklers
BRAND:	NAME: No. 14 Gold Sparklers/American
DESCRIPTION: 9 1/2" Sparklers	BRAND:
NAME: No. 10 Green Electric Sparklers	DESCRIPTION: 13" Sparklers
BRAND: Red Lantern	NAME: No. 14 Gold Sparklers
DESCRIPTION: 9 1/2" Sparklers	BRAND: Diamond
NAME: No. 10 Green Morning Glory	DESCRIPTION: 13" Sparklers
BRAND: TNT	NAME: No. 14 Gold Sparklers
DESCRIPTION: 4" Cylinder on Wooden Stick	BRAND: Easy-Lite
NAME: No. 10 Green Sparklers/Black Jack	DESCRIPTION: 13" Sparklers
BRAND: Angel	NAME: No. 14 Gold Sparklers
DESCRIPTION: 9" Sparklers	BRAND: Easy Lite
NAME: No. 10 Green Sparklers	DESCRIPTION: 14" Sparkler
BRAND: Easy-Lite	NAME: No. 14 Gold Sparklers
DESCRIPTION: 10" Sparkler	BRAND: Miss Liberty
NAME: No. 10 Green Sparklers	DESCRIPTION: 13" Sparklers
BRAND: Miss Liberty	NAME: No. 20 Gold Sparklers
DESCRIPTION: 9 1/2" Sparklers	BRAND: Diamond
NAME: No. 10 Green Sparklers	DESCRIPTION: 19" Sparklers
BRAND: TNT	NAME: No. 20 Gold Sparklers
DESCRIPTION: 9 1/2" Sparkler	BRAND: Easy-Lite
NAME: No. 10 Green Sparklers	DESCRIPTION: 20" Sparkler
BRAND: United	NAME: No. 20 Gold Sparklers
DESCRIPTION: 9 1/2" Sparklers	BRAND: Family
NAME: No. 10 Red E-Z-Glo Sparklers	DESCRIPTION: 19" Sparklers
BRAND:	

NAME: No. 20 Gold Sparklers	NAME: No. 8 Gold Electric Sparklers
BRAND: Miss Liberty	BRAND: Horse
DESCRIPTION: 18" Sparkler	DESCRIPTION: 7" Sparklers
NAME: No. 20 Gold Sparklers	NAME: No. 8 Gold Electric Sparklers
BRAND: TNT	BRAND: Red Lantern
DESCRIPTION: 19" Sparklers	DESCRIPTION: 7" Sparklers
NAME: No. 20 Gold Sparklers	NAME: No. 8 Gold Leader Sparklers
BRAND: TNT	BRAND:
DESCRIPTION: 18" Sparkler	DESCRIPTION: 7" Sparklers
NAME: No. 36 Gold Sparkler	NAME: No. 8 Gold Night Orchid Sparklers
BRAND: Diamond	Superbright
DESCRIPTION: 34" Sparkler	BRAND: Flying Dragon
NAME: No. 36 Gold Sparklers	DESCRIPTION: 7" Sparklers
BRAND: Easy-Lite	NAME: No. 8 Gold Sparklers Party Pack Brand
DESCRIPTION: 36" Sparkler	BRAND:
NAME: No. 36 Gold Sparklers	DESCRIPTION: 7" Sparklers
BRAND: Miss Liberty	NAME: No. 8 Gold Sparklers
DESCRIPTION: 36" Sparkler	BRAND: Flying Dragon
NAME: No. 36 Gold Sparklers	DESCRIPTION: 7" Sparklers
BRAND: Miss Liberty	NAME: No. 8 Gold Sparklers
DESCRIPTION: 34" Sparkler	BRAND: American
NAME: No. 8 Blue Electric Sparklers	DESCRIPTION: 7" Sparklers
BRAND: Red Lantern	NAME: No. 8 Gold Sparklers Family Brand
DESCRIPTION: 7" Sparklers	BRAND: Bald Eagle
NAME: No. 8 Blue Night Orchid Sparklers/Superbright	DESCRIPTION: 7" Sparklers
BRAND: Flying Dragon	NAME: No. 8 Gold Sparklers Super Bright
DESCRIPTION: 7" Sparklers	BRAND: Black Cat
NAME: No. 8 Blue Sparklers Black Jack	DESCRIPTION: 7" Sparklers
BRAND: Red Lantern	NAME: No. 8 Gold Sparklers
DESCRIPTION: 7" Sparklers	BRAND: Diamond
NAME: No. 8 Blue Sparklers	DESCRIPTION: 7" Sparkler
BRAND: TNT	NAME: No. 8 Gold Sparklers
DESCRIPTION: 7" Sparklers	BRAND: Easy-Lite
NAME: No. 8 Colored Leader Sparklers	DESCRIPTION: 7" Sparklers
BRAND: Red Lantern	NAME: No. 8 Gold Sparklers
DESCRIPTION: 7" Sparklers	BRAND: Easy-Lite
NAME: No. 8 Colored Rainbow Sparklers	DESCRIPTION: 8" Sparkler
BRAND: American	NAME: No. 8 Gold Sparklers
DESCRIPTION: 7" Sparklers	BRAND: Family
NAME: No. 8 Colored Sparkler/Blockbuster	DESCRIPTION: 7" Sparklers
BRAND: B. J. Alan	NAME: No. 8 Gold Sparklers
DESCRIPTION: 7" Sparkler	BRAND: Fiesta
NAME: No. 8 Colored Sparklers	DESCRIPTION: 8" Sparkler
BRAND: Diamond	NAME: No. 8 Gold Sparklers
DESCRIPTION: 7" Sparklers	BRAND: Fiesta
NAME: No. 8 Gold Color Sparklers	DESCRIPTION: 7 1/2" Sparkler
BRAND: Diamond	NAME: No. 8 Gold Sparklers
DESCRIPTION: 7" Sparkler	BRAND: Flower Basket
	DESCRIPTION: 7" Sparklers

NAME: No. 8 Gold Sparklers	DESCRIPTION: 7" Sparkler
BRAND: Miss Liberty	NAME: No. 8 Green Sparklers
DESCRIPTION: 7" Sparklers	BRAND: United
NAME: No. 8 Gold Sparklers	DESCRIPTION: 7" Sparklers
BRAND: Miss Liberty	NAME: No. 8 Red Electric Sparklers
DESCRIPTION: 7 1/2" Sparklers	BRAND: Red Lantern
NAME: No. 8 Gold Sparklers/Black Jack	DESCRIPTION: 7" Sparklers
BRAND: Red Lantern	NAME: No. 8 Red Night Orchid Sparklers/Superbright
DESCRIPTION: 7" Sparklers	BRAND: Flying Dragon
NAME: No. 8 Gold Sparklers/Super Tiger Brand	DESCRIPTION: 7" Sparklers
BRAND: Super Tiger	NAME: No. 8 Red Sparklers
DESCRIPTION: 7" Sparklers	BRAND: Easy-Lite
NAME: No. 8 Gold Sparklers	DESCRIPTION: 8" Sparkler
BRAND: TNT	NAME: No. 8 Red Sparklers
DESCRIPTION: 7" Sparkler	BRAND: ESCO
NAME: No. 8 Gold Sparklers	DESCRIPTION: 8" Sparkler
BRAND: TNT	NAME: No. 8 Red Sparklers
DESCRIPTION: 7" Sparklers	BRAND: Fiesta
NAME: No. 8 Gold Sparklers	DESCRIPTION: 7 1/2" Sparkler
BRAND: United	NAME: No. 8 Red Sparklers
DESCRIPTION: 7" Sparklers	BRAND: Fiesta
NAME: No. 8 Gold Thunder Sparklers	DESCRIPTION: 8" Sparkler
BRAND: Apollo	NAME: No. 8 Red Sparklers
DESCRIPTION: 7" Sparklers	BRAND: Miss Liberty
NAME: No. 8 Green Sparklers	DESCRIPTION: 7 1/2" Sparklers
BRAND: Easy-Lite	NAME: No. 8 Red Sparklers
DESCRIPTION: 8" Sparkler	BRAND: Miss Liberty
NAME: No. 8 Green Sparklers	DESCRIPTION: 7" Sparklers
BRAND: ESCO	NAME: No. 8 Red Sparklers/Black Jack
DESCRIPTION: 8" Sparkler	BRAND: Red Lantern
NAME: No. 8 Green Sparklers	DESCRIPTION: 7" Sparklers
BRAND: Fiesta	NAME: No. 8 Red Sparklers
DESCRIPTION: 8" Sparkler	BRAND: TNT
NAME: No. 8 Green Sparklers	DESCRIPTION: 7" Sparklers
BRAND: Fiesta	NAME: No. 8 Sparklers
DESCRIPTION: 7 1/2" Sparkler	BRAND: Diamond
NAME: No. 8 Green Sparklers	DESCRIPTION: 7" Sparklers
BRAND: Miss Liberty	NAME: North Pole Scene
DESCRIPTION: 7 1/2" Sparklers	BRAND:
NAME: No. 8 Green Sparklers	DESCRIPTION: 7 3/4" Multi-tube cylinder
BRAND: Miss Liberty	NAME: Northern Lights
DESCRIPTION: 7" Sparklers	BRAND:
NAME: No. 8 Green Sparklers/Black Jack	DESCRIPTION: 4 3/4" Box
BRAND: Red Lantern	NAME: Nutty Monkey
DESCRIPTION: 7" Sparklers	BRAND:
NAME: No. 8 Green Sparklers	DESCRIPTION: 7" Multi-Tube Cylinders
BRAND: TNT	NAME: Odyssey/Large Cone Fountain
DESCRIPTION: 7" Sparklers	BRAND: Flaming Arrow
NAME: No. 8 Green Sparklers	DESCRIPTION: 7" Cone
BRAND: TNT	

NAME: Ohh Soo Good
 BRAND:
 DESCRIPTION: 4 1/4" Multi-tube Hexagon
 NAME: Old Glory/Gold Vesuvius
 BRAND:
 DESCRIPTION: 7" Cone
 NAME: Old Glory
 BRAND: Keystone
 DESCRIPTION: 7" Cone
 NAME: Old Glory/Gold Vensuvius
 BRAND: Keystone
 DESCRIPTION: 7" Cone
 NAME: Old West Express BP7016
 BRAND: Brothers
 DESCRIPTION: 5" Length
 NAME: Opening Flower and Happy Bird
 BRAND: Angel
 DESCRIPTION: 4 1/2" Cylinder with Base
 NAME: Opening Flower and Happy Bird
 BRAND: Red Lantern
 DESCRIPTION: 4" Cylinder with Base
 NAME: Opening Flowers
 BRAND: Red Lantern
 DESCRIPTION: 5" Multi-Tube Hexagon
 NAME: Orient Express "Blackcat is the Best you can get"
 BRAND: Blackcat
 DESCRIPTION: 8 1/4" X 3 3/4" Box Containing Train
 NAME: Oriental Dragon P7003
 BRAND: Winda Fireworks
 DESCRIPTION: 9 1/2" X 5 1/4" X 1 3/4" Box Containing 4 Dragons w/6 Wheels Each
 NAME: Over the Rainbow
 BRAND: Peacock
 DESCRIPTION: 7" Cylinder with Base
 NAME: Over the Rainbow/1074
 BRAND: Peacock
 DESCRIPTION: 6 1/2" Cylinder with Base
 NAME: Over the Rainbow
 BRAND: Peacock
 DESCRIPTION: 5" Cylinder with Base
 NAME: Over The Rainbow
 BRAND: Peacock
 DESCRIPTION: 6 1/4" Cylinder with Base
 NAME: Over the Rainbow/1064A
 BRAND: Peacock
 DESCRIPTION: 6 1/2" Cylinder with Base
 NAME: Palm Tree/Fireworks
 BRAND: Horse
 DESCRIPTION: 2" Cylinder with Base

NAME: Panda Fireworks "*"
 BRAND: Flower Basket
 DESCRIPTION: 3" Cylinder with Panda Bear
 NAME: Pathfinder
 BRAND:
 DESCRIPTION: 3 1/2" X 4" Box with 6 Wheel Vehicle
 NAME: Patriot Cone Fountain/No. 3
 BRAND: Patriot
 DESCRIPTION: 7" Cone
 NAME: Patriot Cone Fountain/Giant
 BRAND: Patriot
 DESCRIPTION: 9 1/2" Cone
 NAME: Peach Flower/HN90
 BRAND: Red Lantern
 DESCRIPTION: 9" Cylinder with Base
 NAME: Peach Flower in Spring
 BRAND: Angel
 DESCRIPTION: 4" Box
 NAME: Peach Flower in Spring
 BRAND: Hoihing
 DESCRIPTION: 4" Box
 NAME: Peach Flower in Spring
 BRAND: Red Lantern
 DESCRIPTION: 4" Multi-Tube Box
 NAME: Peach Flower in Spring
 BRAND: Swallow River
 DESCRIPTION: 4" Multi-Tube Box Fountain
 NAME: Peach Flowre
 BRAND: Hoihing
 DESCRIPTION: 9" Cylinder with Base
 NAME: Peach Garden
 BRAND: Link Triad
 DESCRIPTION: 4 1/2" Cylinder with Base
 NAME: Peach Splendor
 BRAND: Great Grizzly
 DESCRIPTION: 9" Cylinder with Base
 NAME: Peacock/Fountain
 BRAND: Horse
 DESCRIPTION: 1 1/2" Cylinder
 NAME: Peacock/Fountain Fireworks
 BRAND: Horse
 DESCRIPTION: 4 3/4" Cylinder with Base
 NAME: Peacock Fountain
 BRAND: Horse
 DESCRIPTION: 1 1/4" Cylinder
 NAME: Peacock Fountain/Fireworks No. 2
 BRAND: Horse
 DESCRIPTION: 3 3/4" Cylinder with Base
 NAME: Peacock Fountain/Fireworks
 BRAND: Horse

DESCRIPTION: 3 3/4" Cylinder with Base	NAME: Purple Cloud/EXCLUSIVE, CP720
NAME: Peacock Fountain/Fireworks	BRAND:
BRAND: Horse	DESCRIPTION: 4" X 6" X 3" Rectangular Box
DESCRIPTION: 5" Cylinder with Base	NAME: Purple Fountain
NAME: Peacock Tail	BRAND: Tiger-Head
BRAND: Flower Basket	DESCRIPTION: 5 1/4" Cylinder with Base
DESCRIPTION: 3 5/8" Cylinder	NAME: Purple Fireworks/No:1011
NAME: Pearl Ape 015C	BRAND: Red Lantern
BRAND:	DESCRIPTION: 8" Multi-Tube Cylinder
DESCRIPTION: 7" Multi-Tube Cylinder with Base	NAME: Purple Flower/No:GG1001-3
NAME: Pee Wee Fountain	BRAND: Great Grizzly
BRAND: Black Cat	DESCRIPTION: 7" Cylinder with Base
DESCRIPTION: 4 3/4" Cylinder with Base	NAME: Purple Haze
NAME: Phantom Fire/Fountain	BRAND: Bald Eagle
BRAND: Phantom	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 6 1/2" Multi-Tube Box	NAME: Purple Heaven
NAME: Phantom Fire/Fountain	BRAND: Great Grizzly
BRAND: Phantom	DESCRIPTION: 9" Cylinder with Base
DESCRIPTION: 4 1/2" Multi-Tube Box	NAME: Purple Orchids
NAME: Phoenix Tailhowl/Fountain	BRAND: Flaming Arrow
BRAND: Tiger-Head	DESCRIPTION: 6" Cylinder with Base
DESCRIPTION: 5" Cylinder with Base	NAME: Purple Pearls/Fountain
NAME: Phoenix Tailhowl Fountain	BRAND: Tiger-Head
BRAND: Tiger-Head	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 5 1/4" Cylinder with Base	NAME: Purple Rain/CP433
NAME: Piccolo Petes/Two Tone	BRAND: TNT
BRAND: Red Lantern	DESCRIPTION: 4" Multi-Tube Cylinder
DESCRIPTION: 4 3/4" Cylinder with Base	NAME: Purple Rain Candle/CP730
NAME: Pirates Revenge	BRAND: TNT
BRAND: Nitro	DESCRIPTION: 20" X 1" Cylinder-Hand Held
DESCRIPTION: 8" Multi-Tube Cylinder	NAME: Pyramid/W467
NAME: Plum & White Chrysanthemum	BRAND: Link Triad
BRAND: Red Lantern	DESCRIPTION: 4" Pyramid
DESCRIPTION: 8" X 3" Multi-tube Cylinder	NAME: Pyramid Peak
NAME: Plum Flowers Report Spring	BRAND:
BRAND: Red Lantern	DESCRIPTION: 8" x 3 3/4" Multi-tube Cylinder
DESCRIPTION: 3 1/4" Cylinder with Base	NAME: Pyro-Torch
NAME: Plum Flowers Report Spring	BRAND: Phantom Brand
BRAND: Red Lantern	DESCRIPTION: Package of four 9 3/4" Torches
DESCRIPTION: 7 1/4" Cylinder with Base	NAME: Racing Car
NAME: Police Car	BRAND: Link Triad
BRAND: Flying Dragon	DESCRIPTION: 5" Car
DESCRIPTION: 6 1/2" Car	NAME: Racing Car"
NAME: Power Flash Exclusive	BRAND: Link Triad
BRAND: TNT	DESCRIPTION: 5" Three Wheeler with Driver
DESCRIPTION: 9 1/4" X 1 1/2" Box Containing 4" X 1 1/2" Cylinder (6 pieces)	NAME: Raging Ghoul
NAME: Precious Stones APE018	BRAND: Monster
BRAND:	DESCRIPTION: 4 1/2" Cylinder
DESCRIPTION: 6" Multi-Tube Cylinder with Base	NAME: Raging Ghoul/CP438
	BRAND: Monster

DESCRIPTION: 4 1/2" Multi-Tube Cylinder	NAME: Red Begonia/Fountain
NAME: Raging Monster/CP403	BRAND: Tiger-Head
BRAND: Monster Fireworks	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 8" Multi-Tube Cylinder	NAME: Red Blasting Meteor
NAME: Rainbow Fountain/Base Fountain	BRAND: Peacock
BRAND: Flaming Arrow	DESCRIPTION: 7" Cylinder with Base
DESCRIPTION: 7 1/2" Cylinder with Base	NAME: Red Blasting Meteor
NAME: Rainbow Fountain /(Four Color Changing)	BRAND: Peacock
BRAND: Horse	DESCRIPTION: 6 1/4" Cylinder with Base
DESCRIPTION: 3 3/4" Cylinder with Base	NAME: Red Blasting Meteor
NAME: Rainbow Fountain/CP372	BRAND: Peacock
BRAND: TNT	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: Box of Six 5" Cylinders with Base	NAME: Red Dawn
NAME: Rainbow Fountain/Gold	BRAND: Bald Eagle
BRAND: TNT	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 5" Cylinder with Base	NAME: Red Fountain
NAME: Rainbow Fountain/Silver	BRAND: Link Triad
BRAND: TNT	DESCRIPTION: 3 1/4" Cylinder with Base
DESCRIPTION: 5" Cylinder with Base	NAME: Red Ground
NAME: Rainbow Fountain/Blue	BRAND: Link Triad
BRAND: TNT	DESCRIPTION: 2 1/4" Ground Spinner
DESCRIPTION: 5" Cylinder with Base	NAME: Red Rose/Fountain
NAME: Rainbow Fountain/Orange	BRAND: Tiger-Head
BRAND: TNT	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 5" Cylinder with Base	NAME: Red Spark Plug Fountain
NAME: Rainbow Fountain/Red	BRAND: Phantom Fireworks
BRAND: TNT	DESCRIPTION: 1 1/4" X 1" Cylinder
DESCRIPTION: 5" Cylinder with Base	NAME: Reddish Green Flowers
NAME: Rainbow Fountain/Green	BRAND: Tiger-Head
BRAND: TNT	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 5" Cylinder with Base	NAME: Reddish Green Flowers/Fountain
NAME: Rainbow Torch	BRAND: Tiger-Head
BRAND:	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 7 1/2" Cylinder	NAME: Rising Flag
NAME: Rainbow Triangle Wheel	BRAND: Link Triad
BRAND: Taichung Fireworks	DESCRIPTION: 2 1/2" Cylinder with Base w/2 Spinners
DESCRIPTION: Three 3" Cylinders on Wheel	Attached
NAME: Rainbow Warrior	NAME: Rising Sun
BRAND:	BRAND:
DESCRIPTION: 5" Multi-Tube Hexagon	DESCRIPTION: 4" Box
NAME: Rain Dance Ape 010	NAME: Riverboat Gambler
BRAND:	BRAND:
DESCRIPTION: 4" Box	DESCRIPTION: 5" Multi-tube Cylinder
NAME: Razzle Dazzler	NAME: Roaring Lion/Fountain
BRAND: TNT	BRAND: Phantom
DESCRIPTION: 7" Cylinder with Base	DESCRIPTION: 5" Multi-Tube Hexagon
NAME: Rebel Yell/CP163	NAME: Rocky Mountain High
BRAND:	BRAND:
DESCRIPTION: 5 1/2" Multi-Tube Hexagon	DESCRIPTION: 5" Multi-Tube Hexagon

NAME: Rock Music
 BRAND: Winda Fireworks
 DESCRIPTION: 7 3/4" X 3" Multitube Rectangle
 NAME: Rocky Mountain Stream Whistles and Sparks
 BRAND: Maverick
 DESCRIPTION: 3" X 6 1/2" Rectangle
 NAME: Royal Flush/Jumbo Cone Fountain
 BRAND: Longhorn
 DESCRIPTION: 11 1/2" Cone with Base
 NAME: Ruby Ape 015A
 BRAND:
 DESCRIPTION: 7" Multi-Tube Cylinder with Base
 NAME: Saturn Fountain
 BRAND: Black Cat
 DESCRIPTION: 6" Multi-Tube Cylinder
 NAME: Saturn Rings
 BRAND: Bald Eagle
 DESCRIPTION: 4 1/4" Cylinder with Base
 NAME: Scarface Capone
 BRAND: Great Grizzly
 DESCRIPTION: 5" x 5 3/8" Hexagon
 NAME: Screamin' Demon
 BRAND: Longhorn
 DESCRIPTION: 7" Cone
 NAME: Screamin' Willy
 BRAND:
 DESCRIPTION: 4 1/2" Cylinder with Base
 NAME: Screeching Eagle/EA-912
 BRAND: Bald Eagle
 DESCRIPTION: 3" Multi-Tube Cylinder
 NAME: Screeching Eagle
 BRAND: Bald Eagle
 DESCRIPTION: 8 3/4" Multi-Tube Cylinder
 NAME: Screeching Eagle
 BRAND: Bald Eagle
 DESCRIPTION: 6" Multi-Tube Cylinder
 NAME: Sea Dragon
 BRAND: Bald Eagle
 DESCRIPTION: 9 1/2" Cone
 NAME: Sea Tide/No:0093
 BRAND: Red Lantern
 DESCRIPTION: 4 1/2" Multi-Tube Box Fountain
 NAME: See You Later Alligator-This package to be sold as a Unit
 BRAND: Blackcat
 DESCRIPTION: 9 1/2" X 5" X 2" Box containing 2 Alligators
 NAME: See You Later Alligator
 BRAND: Blackcat
 DESCRIPTION: 9 1/2" X 5" X 2" Box containing 2 Alligators
 NAME: Shantungosaurus/CD299C
 BRAND:
 DESCRIPTION: 4 1/2" Multi-Tube Cylinder with Base
 NAME: Shimmering Galaxy/English Type
 BRAND: Longhorn
 DESCRIPTION: 6 3/4" Cylinder with Base
 NAME: Shimmering Galaxy
 BRAND: Longhorn
 DESCRIPTION: 6 3/4" Cylinder with Base
 NAME: Shimmering Galaxy
 BRAND: Longhorn
 DESCRIPTION: 6 1/2" Cylinder with Base
 NAME: Shimmering Inferno
 BRAND: Firefly
 DESCRIPTION: 9 1/2" Cylinder with Base
 NAME: Showtime
 BRAND:
 DESCRIPTION: 7 1/4" Multi-Tube Cylinder
 NAME: Signal Flare CG0131
 BRAND: Great Grizzly
 DESCRIPTION: 6 pack 1/2" Length
 NAME: Silver Chrysanthemum
 BRAND: Red Lantern
 DESCRIPTION: 7" Cylinder with Base
 NAME: Silver Dust Y02-027
 BRAND: Cannon
 DESCRIPTION: 4" Multi-Tube Box
 NAME: Silver Fan
 BRAND: Blackcat
 DESCRIPTION: 5" X 10 1/2" X 1 1/2" Base/ 1/2 of an oval shape
 NAME: Silver Glitter
 BRAND: Blackcat
 DESCRIPTION: 6" X 2 1/2" Cone
 NAME: Silver Orchid/Fountain
 BRAND: Tiger-Head
 DESCRIPTION: 5" Cylinder with Base
 NAME: Silver Salute/Base Fountain
 BRAND: Flaming Arrow
 DESCRIPTION: 6" Cylinder with Base
 NAME: Silver Spangler/Base Fountain
 BRAND: TNT
 DESCRIPTION: 7" Cylinder with Base
 NAME: Silver Strike
 BRAND:
 DESCRIPTION: 6 3/4" X 4 1/4" Multi-tube Cylinder
 NAME: Silver Strike
 BRAND:
 DESCRIPTION: 7" Multi-Tube Cylinder

NAME: Silver Tree/Fountain	DESCRIPTION: 2 1/2" Triangle
BRAND:	NAME: Silvery Water Fountain
DESCRIPTION: 2" Cylinder	BRAND: Link Triad
NAME: Silver Vesuvius/No. 3 Cone Fountain	DESCRIPTION: 2 1/2" Triangle
BRAND:	NAME: Slaughter House
DESCRIPTION: 7" Cone	BRAND: Great Grizzly
NAME: Silver Vesuvius/Cone Fountain No. 3	DESCRIPTION: 3 3/4" Multi-Tube Cylinder
BRAND: Kent	NAME: Smoky Mountain Stream/FN86
DESCRIPTION: 6 3/4" Cone	BRAND: Easy-Lite
NAME: Silvery Chrysanthemum	DESCRIPTION: 7" Flattened Cylinder with Base
BRAND: Angel	NAME: Snow Fall/Fireworks
DESCRIPTION: 7" Cylinder with Base	BRAND: Whale
NAME: Silvery Chrysanthemum	DESCRIPTION: 4 1/2" Cylinder with Base
BRAND: Hoihing	NAME: Snow Flakes Fireworks
DESCRIPTION: 7" Cylinder with Base	BRAND: Horse
NAME: Silvery Chrysanthemum/HN89	DESCRIPTION: 2" Cylinder with Base
BRAND: Red Lantern	NAME: Snow Shower
DESCRIPTION: 7" Cylinder with Base	BRAND: Longhorn
NAME: Silvery Flowers	DESCRIPTION: 6 1/2" Cylinder with Base
BRAND: Red Lantern	NAME: Snow Storm/No. 3
DESCRIPTION: 9" Cylinder with Base	BRAND: Olde Glory
NAME: Silvery Flowers	DESCRIPTION: 7" Cone
BRAND: Angel	NAME: Snowflakes/Fireworks
DESCRIPTION: 9" Cylinder with Base	BRAND: Horse
NAME: Silvery Fountain	DESCRIPTION: 2" Cylinder with Base
BRAND: Link Triad	NAME: Soaring Eagle/CP414
DESCRIPTION: 3 1/4" Cylinder with Base	BRAND: TNT
NAME: Silvery Glittering Flowers	DESCRIPTION: 2 1/2" Cylinder with Eagle
BRAND: Horse	NAME: Soaring Eagle/CP414
DESCRIPTION: 1 1/2" Cylinder	BRAND: TNT
NAME: Silvery Glittering Flowers/Fireworks No. 2	DESCRIPTION: Box of Six 2 1/2" Cylinders with Eagle
BRAND: Horse	NAME: Solar Flares/CP406
DESCRIPTION: 3 3/4" Cylinder with Base	BRAND: TNT
NAME: Silvery Glittering Flowers	DESCRIPTION: Box of Four 2" Cylinders with Base
BRAND: Horse	NAME: Solar Glare
DESCRIPTION: 1 1/2" Cylinder	BRAND: TNT
NAME: Silvery Glittering Flowers/Fireworks	DESCRIPTION: 3" X 7 3/4" Multitube Cylinder
BRAND: Horse	NAME: Solar Wave
DESCRIPTION: 5" Cylinder with Base	BRAND: Black
NAME: Silvery Glittering Flowers	DESCRIPTION: 7" Cone
BRAND: Horse	NAME: Solid Gold GG0831A
DESCRIPTION: 5" Cylinder with Base	BRAND: Great Grizzly
NAME: Silvery Glittering Flowers/Fireworks	DESCRIPTION: 5" X 2 3/8" Box with Single Cylinder
BRAND: Horse	NAME: Sonic Boom
DESCRIPTION: 3 1/2" Cylinder with Base	BRAND: TNT
NAME: Silvery Lights	DESCRIPTION: 8 3/4" Multi-Tube Cylinder
BRAND: Great Grizzly	NAME: Sound of City/Fountain
DESCRIPTION: 9" Cylinder with Base	BRAND: Tiger-Head
NAME: Silvery Water/Fountain	DESCRIPTION: 7" Multi-Tube Cylinder with Base
BRAND: Black Cat	

NAME: Sound of Music
 BRAND: Tiger-Head
 DESCRIPTION: 4" Multi-Tube
 NAME: Southern Lightning
 BRAND:
 DESCRIPTION: 9" Multi-Tube Cylinder
 NAME: Southern Night
 BRAND: TNT
 DESCRIPTION: 3" Multi-Tube
 NAME: Space Flare GG0260
 BRAND: Black Cat
 DESCRIPTION: 6 3/4" X 2 5/8" Tube with Blue Base
 NAME: Space Lamp/Fireworks
 BRAND: Flying Dragon
 DESCRIPTION: 7 1/2" Missile Cylinder with Base
 NAME: Space Lamp/Fireworks
 BRAND: Flying Dragon
 DESCRIPTION: 8 1/2" Missile Cylinder with Base
 NAME: Space Station/CP278
 BRAND: TNT
 DESCRIPTION: 5 1/2" Capsule with Cone Base
 NAME: Space Walk Fountain
 BRAND: Black Cat
 DESCRIPTION: 5" Multi-Tube Triangle
 NAME: Sparkler Surprise!
 BRAND: Bald Eagle
 DESCRIPTION: 9 3/4" Box Containing 9" Sparkling Tree
 NAME: Sparklers/Colored-Six Pieces
 BRAND: TNT
 DESCRIPTION: 10" Sparklers
 NAME: Sparklers/Colored-Six Pieces
 BRAND: TNT
 DESCRIPTION: 8" Sparkler
 NAME: Sparkling Fountain
 BRAND: Tiger-Head
 DESCRIPTION: 5" Cylinder with Base
 NAME: Sparkling Tree
 BRAND: Flower Basket
 DESCRIPTION: 9" Sparkling Tree
 NAME: Sparkling Tree
 BRAND: Phantom Fireworks
 DESCRIPTION: 9 1/2" X 2" X 2" Rectangle Box with Tree
 NAME: Speed Boat
 BRAND: Blackcat
 DESCRIPTION: 6 1/2" X 5 1/2" X 2 3/4" Box containing 2 Boats
 NAME: Speedway Racer/Black Cat 8
 BRAND: Black Cat
 DESCRIPTION: Racer 5"

NAME: Speedway Racer
 BRAND: Blackcat
 DESCRIPTION: 4 1/2" X 2" Racecar with 4 wheels
 NAME: Spirit of America No. 3 Flitter Fountain
 BRAND: Longhorn
 DESCRIPTION: 7 1/4" Cone
 NAME: Spirit of America/No. 3 Flitter Fountain
 BRAND: Longhorn
 DESCRIPTION: 7" Cone
 NAME: Spirit of Fire
 BRAND: Peacock
 DESCRIPTION: 4 3/4" Cylinder with Base
 NAME: Spitfire Dragon MAF3046
 BRAND:
 DESCRIPTION: Cardboard Dragon with 2 1/2" Cylinder
 NAME: Splendid Show
 BRAND: Peacock
 DESCRIPTION: 6 1/4" Cylinder with Base
 NAME: Splendid Show
 BRAND: Peacock
 DESCRIPTION: 7" Cylinder with Base
 NAME: Spook Lights/MAF1902
 BRAND:
 DESCRIPTION: 1 1/2" x 3" Box of 5 1" Cylinders
 NAME: Spring Greeting/Fireworks
 BRAND: Whale
 DESCRIPTION: 4 1/2" Cylinder with Base
 NAME: Spring Peach
 BRAND: Angel
 DESCRIPTION: 7" Cylinder with Base
 NAME: Spring Peach
 BRAND: Hoihing
 DESCRIPTION: 7" Cylinder with Base
 NAME: Spring Peach/HN89
 BRAND: Red Lantern
 DESCRIPTION: 7" Cylinder with Base
 NAME: Star Dust
 BRAND: Bald Eagle
 DESCRIPTION: 1 3/8" Cylinder
 NAME: Star Dust
 BRAND: Bald Eagle
 DESCRIPTION: 4 3/4" Cylinder with Base
 NAME: Starburst Fountain
 BRAND: Blackcat
 DESCRIPTION: 6" X 3" Hexagon Multitube
 NAME: Star Dust
 BRAND: Bald Eagle
 DESCRIPTION: 3 1/2" Cylinder with Base
 NAME: Star Dust FOA1997
 BRAND: Red Lantern

DESCRIPTION: 6 3/4" Multi-tube Cylinder
 NAME: Star Of The Orient
 BRAND: Longhorn
 DESCRIPTION: 7 3/4" Cylinder with Base
 NAME: Star Spangled Banner/CP246
 BRAND: TNT
 DESCRIPTION: 5" Hexagon
 NAME: Star Sparklers/Long-Lasting
 BRAND: Bald Eagle
 DESCRIPTION: 7 1/2" Star Shaped Sparkler
 NAME: Star Warriors
 BRAND: Longhorn
 DESCRIPTION: 7 3/4" Cylinder with Base
 NAME: Starburst Fountain
 BRAND:
 DESCRIPTION: 9" Cylinder
 NAME: Starburst Fountain
 BRAND: Black Cat
 DESCRIPTION: 6" Multi-Tube Hexagon
 NAME: Starfire/CP366
 BRAND: TNT
 DESCRIPTION: 9" Multi-Tube Cylinder
 NAME: Starfire/No. 8
 BRAND: Longhorn
 DESCRIPTION: 12" Cone
 NAME: Starry Starry Night/ Fountain
 BRAND: Black Cat
 DESCRIPTION: 6" Multi-Tube Hexagon
 NAME: Starry Starry Night Fountain
 BRAND: Black Cat
 DESCRIPTION: 6" Multi-Tube Hexagon
 NAME: Stars of Sierra Y02-024
 BRAND: Cannon
 DESCRIPTION: 7" Multi-Tube Box
 NAME: Stealth Fountain
 BRAND: Black Cat
 DESCRIPTION: 7 3/4" x 3" box
 NAME: Stegosaurus/CP299B
 BRAND:
 DESCRIPTION: 4 1/2" Multi-Tube Cylinder with Base
 NAME: Stegosaurus
 BRAND:
 DESCRIPTION: 4 1/4" Multi-Tube With Base
 NAME: Stegosaurus
 BRAND: TNT
 DESCRIPTION: 6 1/4" Multi-Tube Box
 NAME: Steamboat Geyser
 BRAND: Blackcat
 DESCRIPTION: 3" X 9" Multitube cylinder

NAME: Stones of Treasure
 BRAND: West Lake
 DESCRIPTION: 5" Cylinder with Base
 NAME: Strobe Light
 BRAND:
 DESCRIPTION: 3" x 2 1/2" Box of 1/2" Cylinders
 NAME: Summer Heat/Ape 014C
 BRAND:
 DESCRIPTION: 9" Multi-Tube Cylinder with Base
 NAME: Sunburst CP 147
 BRAND: TNT
 DESCRIPTION: 5" Multi-Tube Triangle
 NAME: Sunflower/Fireworks
 BRAND: Flower Basket
 DESCRIPTION: 3" Multi-Tube Ground Spinner
 NAME: Sunny Princess
 BRAND: Winda Fireworks
 DESCRIPTION: 9" X 3" Multitube Cylinder
 NAME: Sunscape/CP431
 BRAND: TNT
 DESCRIPTION: 6 3/4" x 3 7/8" Multi-tube Cylinder
 NAME: Sunscape/APE047
 BRAND: TNT
 DESCRIPTION: 8" X 3 1/2" Multi-Tube Cylinder
 NAME: Super Carnival Cone
 BRAND: Keystone
 DESCRIPTION: 9" Cone
 NAME: Super Cone
 BRAND: Flaming Arrow
 DESCRIPTION: 11 1/2" Cone with Base
 NAME: Super Jumbo Cone
 BRAND: Freedom Fireworks
 DESCRIPTION: 11" Cone with Base
 NAME: Super Jumbo Cone
 BRAND: Keystone
 DESCRIPTION: 9" Cone
 NAME: Super Nova
 BRAND:
 DESCRIPTION: 5" Multi-Tube
 NAME: Super Screecher CP525
 BRAND:
 DESCRIPTION: 3 1/2" Multi-Tube Cylinder
 NAME: Swordfish Fountain
 BRAND: Phantom
 DESCRIPTION: 4" Multi-Tube Box
 NAME: Sword Orchid/Fountain
 BRAND: Tiger-Head
 DESCRIPTION: 5" Cylinder with Base
 NAME: Tank
 BRAND: Black Cat

DESCRIPTION: 2 7/8" X 1 1/2" Tank Camouflage
 NAME: Tank (No Report) with Sparkling Fountain
 BRAND:

DESCRIPTION: 3" Tank with Multi-Tubes
 NAME: Tank (No Report) with Sparkling Fountain
 BRAND:

DESCRIPTION: 2" Camoflaug Tank
 NAME: Tank (No Report) with Sparkling Fountain
 BRAND:

DESCRIPTION: 3 1/4" Multi-Tube Camflouge Tank
 NAME: Tank Battle
 BRAND: TNT

DESCRIPTION: Box Containing Two 3 1/2" Tanks
 NAME: Tank Fireworks
 BRAND: Link Triad

DESCRIPTION: 3" Tank
 NAME: Tank Fireworks
 BRAND: Silk Road

DESCRIPTION: 3 1/4" Tank
 NAME: Tanrantula/APE050
 BRAND: TNT

DESCRIPTION: 7" X 2 3/4" Multi-tube Cylinder
 NAME: Tea Pot Fireworks
 BRAND:

DESCRIPTION: 10 1/4" X 3" Box containing 12 Tea Pots 3" X 1 1/2"
 NAME: Temple of Doom
 BRAND:

DESCRIPTION: 7" Cylinder Base
 NAME: Tequila Sunrise
 BRAND: TNT

DESCRIPTION: 2 1/2" Multi-Tube Triangle
 NAME: Texas Giant/Jumbo Cone
 BRAND: Longhorn

DESCRIPTION: 9 1/2" Cone
 NAME: Texas Whirlwind
 BRAND:

DESCRIPTION: 12" Cone Fountain
 NAME: Texas Whirlwind
 BRAND: Longhorn

DESCRIPTION: 12" Cone Fountain
 NAME: The Call of the Wild/MAF2000
 BRAND:

DESCRIPTION: 8" Multi-Tube Cylinder
 NAME: The Four Seasons Flowers
 BRAND: Red Lantern

DESCRIPTION: 5" Multi-Tube Hexagon
 NAME: The Globe
 BRAND: Brothers

DESCRIPTION: 5" X 6 1/4" X 2 1/2" Box containing 2
 Globes With Base
 NAME: The King's Limo
 BRAND: Black cat

DESCRIPTION: 9 3/4" Box containing Limosine
 NAME: The Lord of Fire
 BRAND: Keystone

DESCRIPTION: 7" Cone
 NAME: The Turch CP586
 BRAND: TNT

DESCRIPTION: 20" Cylinder with Turch Shape A
 NAME: Thrasher Shark
 BRAND:

DESCRIPTION: 9" Cylinder with Base
 NAME: Three Colours/Fountain
 BRAND: Tiger-Head

DESCRIPTION: 5" Cylinder with Base
 NAME: Thunder Display Maximum Load
 BRAND: Kent

DESCRIPTION: 14 1/2" Multi-tube Cylinder on Base
 NAME: Thunder Fest Fountain
 BRAND: Phantom

DESCRIPTION: 8" Multi-Tube Cylinder
 NAME: Thunder Shower Candle/CP424
 BRAND: TNT

DESCRIPTION: 21" Candle Fountain
 NAME: Thunder Wheel CP806 Ground Spinner
 BRAND: TNT

DESCRIPTION: 3" Wheel
 NAME: Tie-Die Fountain
 BRAND: Blackcat

DESCRIPTION: 5 3/4" X 3" Multitube Cylinder
 NAME: Tiger Cone/Giant Cone Fountain
 BRAND: Flaming Arrow

DESCRIPTION: 9" Cone
 NAME: Tiger Shark
 BRAND:

DESCRIPTION: 9" Cylinder with Base
 NAME: Tigers Fury
 BRAND: Phantom

DESCRIPTION: 8 1/2" Multi-Tube Cylinder
 NAME: Tigers Roaring Fountain
 BRAND: Tiger-Head

DESCRIPTION: 7 1/2" Cylinder with Base
 NAME: TNT
 BRAND: Flower Basket

DESCRIPTION: 4" Cylinder with Base with Butterfly Wings
 NAME: TNT Flashing Fountain
 BRAND: TNT

DESCRIPTION: 1 1/2" X 2 3/4" Box Containing Five 1 1/2" Cylinders	NAME: Tri-Colour/Fountain Fireworks No. 2
NAME: Torch	BRAND: Horse
BRAND: TNT	DESCRIPTION: 3 3/4" Cylinder with Base
DESCRIPTION: 21 1/2" Tube Hand Held	NAME: Tri-Colour/Fountain Fireworks
NAME: Top Fireworks	BRAND: Horse
BRAND: Flower Basket	DESCRIPTION: 3 3/4" Cylinder with Base
DESCRIPTION: 2 1/8" Ground Spinner	NAME: Tri-Colour (Whistle)
NAME: Topaz Ape 015B	BRAND: Tiger-Head
BRAND:	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 7" Multi-Tube Cylinder with Base	NAME: Tri-Colour Fountain
NAME: Tortoise	BRAND: Horse
BRAND: Black Cat	DESCRIPTION: 1 1/4" Cylinder
DESCRIPTION: 4 1/2" Turtle on Wheels	NAME: Tropical Delight
NAME: Tortoise/Black Cat BC-305	BRAND: TNT
BRAND: Black Cat	DESCRIPTION: 4 1/2" Box
DESCRIPTION: 5 boxes of 2, 4 1/2" length	NAME: Turbo Cat
NAME: Torch/Fireworks	BRAND: Blackcat
BRAND: Flower Basket	DESCRIPTION: 6 1/4" X 2" Box containing 2 Helicopters – Sold as a Unit
DESCRIPTION: 7" Cylinder	NAME: Turbo Flash
NAME: Tower of Jewels/Large	BRAND: Black Cat
BRAND: Longhorn	DESCRIPTION: 11 1/2" Cone
DESCRIPTION: 7 1/4" Cylinder with Base	NAME: Twin Pack Tanks/Tank with Fountain
NAME: Tower of Mystery	BRAND:
BRAND: Flaming Arrow	DESCRIPTION: Two 3" Tanks per Package
DESCRIPTION: 8" Cylinder with Base	NAME: Twinkle and Dazzle
NAME: Train Fireworks	BRAND: West Lake
BRAND: Red Lantern	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 1 1/2" Multi-Tube Box	NAME: Typhoon/CP349
NAME: Treasure Chest Fountain	BRAND: TNT
BRAND: Black Cat	DESCRIPTION: 5" Multi-Tube Hexagon
DESCRIPTION: 4" Squares, 7 Tubes	NAME: Tyrannosaurus/CP299A
NAME: Tri-Color Spray	BRAND:
BRAND: Phantom Brand	DESCRIPTION: 4 1/2" Multi-Tube Cylinder with Base
DESCRIPTION: 7" Cylinder w/base	NAME: Tyrannosaurus Rex
NAME: Tri-Color Sprayer/Fireworks	BRAND:
BRAND: Black Cat	DESCRIPTION: 8" Multi-Tube Hexagon
DESCRIPTION: 7" Cylinder with Base	NAME: U.S.A. Space Shuttle
NAME: Tri-Color Sprayer	BRAND: Flower Basket
BRAND: Blackcat	DESCRIPTION: 7 1/2" Airplane
DESCRIPTION: 7" X 1 1/2" Tube with Base	NAME: U.S.A. Space Shuttle
NAME: Tri-Color Sprayer/Fireworks	BRAND: Flower Basket
BRAND: Link Triad	DESCRIPTION: 6 1/2" Airplane
DESCRIPTION: 7" Cylinder with Base	NAME: Variegated Battery
NAME: Tri-Colour Fountain	BRAND: Longhorn
BRAND: Horse	DESCRIPTION: 7 3/4" Cylinder with Base
DESCRIPTION: 1 1/2" Cylinder	NAME: Variegated Fountain/Medium
NAME: Tri-Colour/Fountain Fireworks	BRAND: Longhorn
BRAND: Horse	DESCRIPTION: 6" Cylinder with Base
DESCRIPTION: 5" Cylinder with Base	

NAME: Venus Butterfly/K-1205	DESCRIPTION: 11" Cone with Base
BRAND: Phantom	NAME: Volcano No. 5 Cone Fountain
DESCRIPTION: 4" Cylinder (Butterfly)	BRAND: Longhorn
NAME: Venus Fountain	DESCRIPTION: 11" Cone with Base
BRAND: Black Cat	NAME: Wailing Witch
DESCRIPTION: 6" Multi-Tube Cylinder	BRAND:
NAME: Vesuvius Fountain No.3	DESCRIPTION: 8 1/2" Multi-Tube Cylinder
BRAND: Longhorn	NAME: Wailing Witch
DESCRIPTION: 7 1/4" Cone	BRAND:
NAME: Vesuvius/Fountain No. 3	DESCRIPTION: 8 3/4" Multi-Tube
BRAND:	NAME: Waterfall Fountain
DESCRIPTION: 7" Cone	BRAND: Black Cat
NAME: Vesuvius/Large Cone Fountain	DESCRIPTION: 2 1/2" X 5" Box Single Cylinder
BRAND: Freedom	NAME: Whirlwind Wonder Max Load Spinning
DESCRIPTION: 7" Cone	Comet
NAME: Vesuvius Fountain/No. 3	BRAND: Kent
BRAND: Longhorn	DESCRIPTION: 13" X 2 1/2" cylinder with base
DESCRIPTION: 7" Cone	NAME: Whistle Missile/Base Fountain
NAME: Violet and Butterflies	BRAND: Flaming Arrow
BRAND: Angel	DESCRIPTION: 8" Cylinder with Base
DESCRIPTION: 7" Cylinder with Base	NAME: Whistle Pete
NAME: Violet and Butterflies	BRAND:
BRAND: Hoihing	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 7" Cylinder with Base	NAME: Whistle Pete
NAME: Violet and Butterflies/HN89	BRAND: Red Lantern
BRAND: Red Lantern	DESCRIPTION: 4 3/4" Cylinder with Base
DESCRIPTION: 7" Cylinder with Base	NAME: Whistlin' Dixie/Fountain with Whistle
NAME: Violets & Crimson	BRAND: Tiger-Head
BRAND: Angel	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 4" Cone	NAME: Whistling Gator
NAME: Violets & Crimson	BRAND:
BRAND: Angel	DESCRIPTION: 4 1/2" Multi-Tube with Base
DESCRIPTION: 2 1/2" Cone	NAME: Whistling Pete
NAME: Violets & Crimson	BRAND: Tiger-Head
BRAND: Angel	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 2 1/4" Cone	NAME: Whistling Pete with Sparks
NAME: Violets & Crimson	BRAND: Tiger-Head
BRAND: Red Lantern	DESCRIPTION: 5" Cylinder with Base
DESCRIPTION: 2 1/2" Cone	NAME: Whistling Phantom
NAME: Violets & Crimson	BRAND: Phantom
BRAND: Red Lantern	DESCRIPTION: 4 3/4" Cylinder with Base
DESCRIPTION: 4" Cone	NAME: Whistling Stream
NAME: Violets Crimson	BRAND: Red Lantern
BRAND: Red Lantern	DESCRIPTION: 4 1/2" Cylinder with Base
DESCRIPTION: 5" Cylinder with Base	NAME: Whistling Wheel
NAME: Volcanic Cavern/Large Cone Fountain	BRAND: Red Lantern
BRAND: Flaming Arrow	DESCRIPTION: 2 1/2" Ground Spinner
DESCRIPTION: 7" Cone	NAME: Wild Bats/Large
NAME: Volcano/No. 5 Cone Fountain	BRAND: Phantom
BRAND: Longhorn	DESCRIPTION: 9" Cylinder with Base with Bats

NAME: Wild Bats
 BRAND: Phantom
 DESCRIPTION: 6 3/4" Cylinder with Base & Bats
 NAME: Wild Bats/Fireworks
 BRAND: Phantom
 DESCRIPTION: 7 1/2" x 6" Box Containing Four 6 3/4" Cylinders with Base & Bats
 NAME: Wild Boar
 BRAND: TNT
 DESCRIPTION: 7" Multi-Tube Cylinder
 NAME: Willon Flower
 BRAND: Link Triad
 DESCRIPTION: 4 1/2" Cylinder with Base
 NAME: Willow Tree/Medium
 BRAND: Longhorn
 DESCRIPTION: 6" Cylinder with Base
 NAME: Winter Storm Ape 014A
 BRAND:
 DESCRIPTION: 9" Multi-Tube Cylinder with Base
 NAME: Witch Whistle
 BRAND:
 DESCRIPTION: 2 1/4" Box
 NAME: WolfPack #8 Crackling Sparklers
 BRAND: Phantom
 DESCRIPTION: 8" Box Containing 6 Sparklers
 NAME: WolfPack #10 Crackling Sparklers
 BRAND: Phantom
 DESCRIPTION: 10" Box Containing 6 Sparklers
 NAME: Wolf Pack/Fountain
 BRAND: Phantom
 DESCRIPTION: 5" Multi-Tube Cylinder
 NAME: Wooden 10" Gold Sparklers/No. 10 Gold
 BRAND: Diamond Sparklers
 DESCRIPTION: 10" X 1 3/4" X 1/2" Box of Six Sparklers
 NAME: Wooden 8" Gold Sparklers/No. 8 Gold
 BRAND: Diamond Sparklers
 DESCRIPTION: 8" X 1 3/4" X 1/2" Box of Six Sparklers
 NAME: Worlds Greatest Fountain
 BRAND: Black Cat
 DESCRIPTION: 9" Cylinder with Base
 NAME: Worlds Greatest/Fountain BC-214
 BRAND: Black Cat
 DESCRIPTION: 9" Cylinder with Base
 NAME: World's Greatest Fountain "Black Cat is the best you can Get"
 BRAND: Blackcat
 DESCRIPTION: 8 3/4" with 3" Base Cylinder
 NAME: Wrath of the Hydra/Fountain
 BRAND: Phantom
 DESCRIPTION: 6" Multi-Tube Cylinder

NAME: XMAS Tree/Fountain
 BRAND: Tiger-Head
 DESCRIPTION: 5" Cylinder with Base
 NAME: Yellow Spark Plug Fountain
 BRAND: Phantom Fireworks
 DESCRIPTION: 1 1/4" X 1" Cylinder
 NAME: Zenith Sparklers Assorted No.8
 BRAND: Zenith
 DESCRIPTION: 6 1/2" Wire Sparkler 8 1/4" Box
 NAME: Zombies/APE049
 BRAND: TNT
 DESCRIPTION: 7" X 3" X 3" Rectangular Box

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No. DCA01-OR-067

In re: A LAND DEVELOPMENT REGULATION
 ADOPTED BY MONROE COUNTY DCA01-OR-067
 ORDINANCE NO. 006-2001

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§380.05(6), (11) and §380.0552(9), Fla. Stat. (2000), regarding a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. On March 15, 2001, the Department received for review Monroe County Ordinance No. 006-2001 which was adopted by the Monroe County Board of County Commissioners on February 22, 2001 ("Ord. 006-2001"). Ord. 006-2001 broadens the flexibility of criteria associated with qualifying for an affordable housing allocation, by removing the constraint of requiring an affordable housing household to derive at least seventy percent (70%) of its income from gainful employment in Monroe County.
2. Ord. 006-2001 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§380.05(6), (11) and §380.0552(9), Fla. Stat. (2000).
4. Monroe County is a local government within the Florida Keys Area of Critical State Concern. §380.0552, Fla. Stat. (2000) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

- 5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. §380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 006-2001 are land development regulations.
- 6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. §380.0552(7), Fla. Stat. (2000).
- 7. Ord. 006-2001 promotes and furthers Principle (j), "To make available adequate affordable housing for all sectors of the population of the Florida Keys." Ord. 006-2001 is not inconsistent with the remaining Principles. §380.0552(7), Fla. Stat. (2000). Ord. 006-2001 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 006-2001 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

 J. THOMAS BECK, DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED

REPRESENTATIVE AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this ___ day of _____, 2001.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable George Neugent
Mayor of Monroe County
500 Whitehead Street
Key West, Florida 33040
Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040
Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

By Hand Delivery or Interagency Mail:

Michael McDaniel, Growth Management Administrator, DCA Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
David Jordan, Deputy General Counsel, DCA Tallahassee

NOTICE OF APPROVAL FOR PRESERVATION 2000 FUNDS

The Florida Communities Trust (Trust) reviewed and approved a project plan for a land acquisition project submitted under the Trust Preservation 2000 Program P9A funding cycle. The project plan listed below was approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project sites and all other documents necessary to close the project and release funds as follows:

Project: 99-020-P9A/Paleo Hammock (Browning parcels)
Grantee: St. Lucie County
Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$208,550.00.

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues

of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF 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, Aprilia USA, Inc., intends to allow the establishment of Fun by Land & Sea, Inc., d/b/a Bankston's Kawasaki of Daytona Beach, as a dealership for the sale of Aprilia motorcycles, scooters, spare parts, and accessories, at 3566 West U. S. 92, Daytona Beach (Volusia County), Florida 32124, on or after August 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Fun by Land & Sea, Inc., d/b/a Bankston's Kawasaki of Daytona Beach are: dealer operator

and principal investor are: Jeffrey R. Bankston and Christina C. Bankston, 2901 Canyon Falls Drive, East, Jacksonville, FL 32224.

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. Kathryn Hutton, Distribution Manager, Aprilia USA, Inc., 110 Londonderry Court, Suite 130, Woodstock, GA 30188.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Buell American Motorcycles, intends to allow the establishment of Gator Harley-Davidson, Inc., d/b/a Gator Buell as a dealership for the sale of Buell motorcycles at 2325 East Main Street, S. Hwy. 441, Leesburg (Lake), Florida 34748, on or after April 10, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Gator Harley-Davidson, Inc., d/b/a Gator Buell are: dealer operator and principal investor(s) are: John C. and Arlene Malik, 28828 Beauclair Drive, Tavares, FL 32778.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Scott Manley, Manager, Dealer/Market Development, 3700 West Juneau Avenue, Milwaukee, WI 53201-0653.

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, Buell American Motorcycles, intends to allow the establishment of H-D of Lakeland, Inc., d/b/a Lakeland Buell, as a dealership for the sale of Buell motorcycles, at 4202 Lakeland Hills Blvd., Lakeland (Polk County), Florida 33805, on or after April 10, 2001.

The name and address of the dealer operator(s) and principal investor(s) of H-D Lakeland, Inc., d/b/a Lakeland Buell are: dealer operator and principal investor: Donald and Janice Huffman, 104 Kenilwood Lane, Lakeland, FL 33809.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Scott Manley, Manager, Dealer/Market Development, Buell American Motorcycles, 3700 West Juneau Avenue, Milwaukee, WI 53201-0653.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF REVISION TO THE FIXED NEED POOL FOR COMMUNITY NURSING HOME BEDS

The Agency for Health Care Administration projection of net bed need figures for community nursing homes for January, 2004 by subdistrict, published in the April 13, 2001 edition of the Florida Administrative Weekly pursuant to the provisions of Rule 59C-1.036, F.A.C. and Rule 59C-2.200, F.A.C., is being revised. Due to the discovery of an error in the facility inventory, the projected bed need figures for community nursing homes is revised as follows:

District	County	Previously	Revised
		Published Net Need	Net Need
4	Baker, Clay, S. W. Duval	103	0
4	Flagler, Volusia	159	89

The person to be contacted concerning this notice is: Laura MacLafferty, Certificate of Need Office, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)922-7760.

Purchase Order Number: S 5900 I00310

The Agency for Health Care Administration (AHCA) has amended attachment 4.19 © in the Florida Medicaid State Plan to read as follows:

PAID BED RESERVATION POLICY

Medicaid reimbursable absences from a long-term care institution are described below. All leave must be documented in a resident's plan of care and approved by a physician.

A. INPATIENT HOSPITALIZATION Up to 8 days per hospitalization for each nursing facility resident approved for the institutional care program (ICP). Medicaid will not pay for nursing facility bed hold if 20 percent or more of the certified Medicaid beds are available. Up to 15 days per hospitalization for each state mental hospital (age 65 years and older) resident or ICF/DD resident approved for the institutional care program (ICP). There is no annual maximum. ICD/DD residents are not entitled to an additional 15 days of hospitalization immediately following an infirmary stay. One day is described as an overnight stay from the facility.

B. INFIRMARY STAYS FOR ICF/DD RESIDENTS Up to 15 consecutive days per infirmary stay, with an annual maximum of 30 days for each ICF/DD resident approved for the institutional care program (ICP). The reason for the infirmary stay must be documented by the attending physician and described in the resident's plan of care. At the completion of infirmary stay, residents must be returned to the ICF/DD, hospitalized or discharged from the ICF/DD. One day is described as an overnight stay from the facility.

C. THERAPUETIC LEAVE DAYS Therapeutic leave means a resident leaves the facility to go to a family-type setting and not to another facility. Family type settings include a private home, boarding home or assisted living facility. One day of therapeutic leave is described as an overnight stay from the facility.

- (1) Nursing Facility Residents: Up to 16 days per state fiscal year (July 1 through June 30). Medicaid will not pay for nursing facility bed hold if 20 percent or more of the certified Medicaid beds are available.
- (2) State Mental Hospital Residents (age 65 years and older): Up to 30 days per state fiscal year (July 1 through June 30). Each visit over three consecutive days must be prior authorized.
- (3) ICF/DD residents: Up to 45 days per state fiscal year (July 1 through June 30). The district DS program office must authorize therapeutic leave. Therapeutic leave will not be approved if the resident's therapy would be seriously affected.

General Questions: Questions regarding this notice should be directed: Elsa Kellberg, Long Term and Behavioral Health Care Unit, Medicaid Program Development, Agency for Health Care Administration, (850)487-2618.

CERTIFICATE OF NEED

RECEIPT OF EXPEDITED APPLICATIONS

The Agency For Health Care Administration received the following Certificate of Need applications for expedited review:

County: Pasco Service District: 5
 Facility/Project: East Pasco Medical Center
 Applicant: East Pasco Medical Center, Inc.
 Project Description: Convert 12 HBSNU beds to 12 acute care beds
 AHCA Purchase Order Number S5900I0310.

CERTIFICATE OF NEED

EXEMPTIONS

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Orange District: 7
 ID #: 0000264 Decision: A Issue Date: 4/9/2001
 Facility/Project: Health Central
 Applicant: West Orange Healthcare District
 Project Description: Establish an adult inpatient diagnostic cardiac catheterization service
 Proposed Project Cost: \$1,600,000 Equipment Cost:
 AHCA Purchase Order Number S5900I00310.

If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to §403.516(1)(c), F.S., the applicant or the Department may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed.

Mediation is not available in this proceeding.

**NOTICE OF INTENT TO ISSUE PROPOSED
MODIFICATION OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify Power Plant Certification Conditions issued pursuant to the Florida Electrical Power Plant Siting Act, §403.501, et seq., Florida Statutes. A Proposed Final Order has been prepared in accordance with Rule 62-17.211(4), FAC. concerning:

- Wheelabrator North Broward, Inc.
- North Broward County Resource Recovery Facility
- Modification of Conditions of Certification
- Power Plant Siting Application: PA86-22F
- OGC Case No. 01-0602
- Broward County, Florida

On August 1, 2000 the Department issued a Final Order Modifying Conditions of Certification for this facility (DEP Case No. PA86-22E). That modification was issued, after notice, to allow the facility to make improvements to the air pollution control system necessary to comply with the Federal requirements of 40 CFR 60, Subpart Cb. – Emission Guideline and Compliance Schedules for Municipal Waste Combustors

That Are Constructed on or Before December 19, 1995; to change monitoring requirements; to allow construction of a metals recovery facility; to reflect current names rule citations; to allow for conforming conditions of certification to future amendments to federally delegated permits; and to bring the Conditions of Certification into agreement with the proposed revisions to the Prevention of Significant Impact (PSD) and Title V air permits.

On April 12, 2000, Wheelabrator submitted comments on the proposed Final Order Modifying Conditions of Certification (PA 85-21C) requesting additional changes and indicating clerical errors. Those comments were not addressed in the Final Order described above, issued on August 1, 2000. The Department proposes to modify the certification to incorporate Wheelabrator’s comments.

A copy of the proposed modification order is available from: Hamilton S. Oven, P. E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. #48, Tallahassee, Florida 32399-2400, (850)487-0472.

POINT OF ENTRY

Pursuant to §403.516, F.S., and Rule 62-17.211(5), F.A.C., all parties to the certification proceeding have 45 days from the issuance of notice by mail to such party’s last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification.

Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of

publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000.

If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to §403.516(1)(c), F.S., the applicant or the Department may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed.

Mediation is not available in this proceeding.

NOTICE OF FLORIDA

CATEGORICAL EXCLUSION NOTIFICATION

The Florida Department of Environmental Protection has determined that the proposed work to upgrade the existing water system in the Town of Lady Lake by the construction of wells, disinfecting facilities, storage tank and approximately 36,000 linear feet of 8- to 20-inch-diameter water mains (DWFP3527-Town of Lady Lake Water Facilities Plan) will not adversely affect the environment. The total cost of the proposed facilities is estimated at \$1,867,150. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal and state funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Jun Tabanguil, Bureau of Water Facilities Funding, Department of Environmental Protection, Mail Station #3505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

CITY OF CLEWISTON

CITY MANAGER – City of Clewiston, FL. (Population 6,500). Salary range: \$50,000 to \$70,000 plus benefits. Chief administrative official for the city. Directs and coordinates administration of city government in accordance with the policies determined by the five-member city commission elected at large. The City’s current budget is \$18 million; 115 full-time employees; full-service city.

Must possess skills and abilities including but not limited to: public works, fiscal management and intergovernmental relation experience; superior organization management and consensus-building skills; ability to formulate, submit and administer budgets; proficient in the use of computers and able to function in a sophisticated computer environment. Must be able to keep the city commission fully advised as to its financial condition and forecast future needs of the city.

Minimum qualifications: A bachelor’s degree from an accredited college or university in public administration, government, accounting, business administration or related field and three years of professional experience as a city manager or related field with high level of management and supervisory experience.

Submit resume, cover letter and five professional references to: City of Clewiston, Interim City Manager Iva Pittman, 115 West Ventura Avenue, Clewiston, FL 33440. Position is open until filled. Under Florida Public Records Law, resumes are subject to disclosure. EOE/ADA/DFWP.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN April 2, 2001
 and April 6, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE

Division of Finance

3D-85.300	4/2/01	4/22/01		27/9
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DEPARTMENT OF INSURANCE

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4-223.003	4/4/01	4/24/01		27/9
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4-223.021	4/4/01	4/24/01		27/9
4-223.022	4/4/01	4/24/01		27/9
4-223.023	4/4/01	4/24/01		27/9
4-223.024	4/4/01	4/24/01		27/9
4-223.025	4/4/01	4/24/01		27/9
4-223.026	4/4/01	4/24/01		27/9
4-223.027	4/4/01	4/24/01		27/9
4-223.028	4/4/01	4/24/01		27/9
4-223.029	4/4/01	4/24/01		27/9
4-223.030	4/4/01	4/24/01		27/9
4-223.031	4/4/01	4/24/01		27/9
4-223.032	4/4/01	4/24/01		27/9
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4-223.035	4/4/01	4/24/01		27/9
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DEPARTMENT OF CITRUS

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20-64.0082	4/6/01	4/26/01		27/4	27/11
20-64.020	4/6/01	4/26/01		27/4	27/11
20-71.001	4/6/01	4/26/01		27/7	
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20-71.004	4/6/01	4/26/01		27/7	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
20-71.005	4/6/01	4/26/01	27/7	
20-71.006	4/6/01	4/26/01	27/7	
20-72.009	4/6/01	4/26/01	27/7	

PUBLIC SERVICE COMMISSION

25-12.005	4/6/01	4/26/01	27/9	
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**AGENCY FOR HEALTH CARE ADMINISTRATION
 Medicaid Program Office**

59G-4.060	4/4/01	4/24/01	27/7	
59G-4.250	4/4/01	4/24/01	27/7	
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

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61G4-19.001	4/4/01	4/24/01	27/8	
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Electrical Contractors' Licensing Board

61G6-9.004	4/2/01	4/22/01	27/8	
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Board of Employee Leasing Companies

61G7-6.001	4/6/01	4/26/01	26/33	27/3
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Board of Funeral Directors and Embalmers

61G8-16.005	4/2/01	4/22/01	26/16	27/8
61G8-17.001	4/2/01	4/22/01	26/6	27/8
61G8-32.005	4/2/01	4/22/01	27/8	

Florida Building Code Administrators and Inspector

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61G19-9.002	4/3/01	4/23/01	27/6	
61G19-9.004	4/3/01	4/23/01	27/6	
61G19-9.005	4/3/01	4/23/01	27/6	
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61G19-9.007	4/3/01	4/23/01	27/6	
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DEPARTMENT OF HEALTH

Board of Occupational Therapy

64B11-6.001	4/5/01	4/25/01	27/6	
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Board of Pharmacy

64B16-28.902	4/6/01	4/26/01	27/9	
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Board of Podiatric Medicine

64B18-23.001	4/4/01	4/24/01	25/27	
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