

conspicuous place on that ~~posted on the~~ property. Immediate final orders are not required for control action in commercial citrus groves provided the owner agrees voluntarily to the control action and enters into an agreement not to sue with the department. The Immediate Final Orders to be used by the Department in furtherance of the destruction of citrus trees under this rule, Form No. 08314, and Form No. 08315, are hereby incorporated by reference. Simultaneously with the delivery of an Immediate Final Order pursuant to this Section, the Department shall also provide the following information to the property owner:

1. The physical location of the infected tree which has necessitated destruction of the property owner's tree;
 2. The diagnostic report which resulted in the infected tree is infected with the citrus canker; and
 3. The distance between the infected citrus tree and the property owner's citrus trees.
- (6) through (16) No change.

Specific Authority 570.07(21),(23), 581.031(1),(4),(5), 581.091(1), 581.0101(1), 581.184 FS. Law Implemented 570.07(2),(13),(21), 581.031(6),(7),(9),(15),(17), 581.083, 581.0101, 581.131, 581.141, 581.184, 581.211 FS. History--New 1-17-96, Amended 4-9-96, 5-14-97, 8-19-97, 11-19-97, 11-16-99, 7-17-00, 2-22-01,_____.

PUBLIC SERVICE COMMISSION

DOCKET NO: 010774-TP

RULE TITLE: Not Available

RULE NO.: 25

PURPOSE AND EFFECT: This Commission has granted the Office of Public Counsel's (OPC) petition to initiate rulemaking in this docket. According to OPC, the purpose of this rule is to require telephone companies to give customers actual notice before implementing any change in rates or other terms and conditions of service.

SUBJECT AREA TO BE ADDRESSED: Notice to telephone company customers of changes in rates and terms and conditions of service.

SPECIFIC AUTHORITY: 364.0252, 364.19 FS.

LAW IMPLEMENTED: 364.0252, 364.19 FS.

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

TIME AND DATE: 9:30 a.m., Thursday, September 13, 2001
 PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

A copy of questions to which staff would like written responses by August 30, 2001, may be obtained from Samantha M. Cibula, at the address listed below.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Samantha M. Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6202

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25 Rule Title Not Available.

All telecommunications companies furnishing service within this state shall provide notice of any change in rates or other terms and conditions of service directly to each customer that may be affected by the change. If the change may increase the cost of service for a customer, notice shall be provided at least 30 days in advance of any change in rates or terms and conditions of service. Notice of price increase shall be sent via first class mail. Service by mail of the notice of price increase shall be complete upon mailing. No change in tariffs, price lists, or terms and conditions that may increase the cost of service for a customer will be effective unless notice of the change is provided to customers as required by this rule. In the case of a rate decrease, telecommunications companies shall notify each affected customer no later than the first bill following implementation of the rate change. Any notice required by this sub-section shall be printed in a 12-point type or larger, and shall be clear, conspicuous, and legible. The notice shall include, at a minimum, the name and nature of any and all services to be changed, the past rates and the anticipated new rates. Notice of price increase shall include as a heading "NOTICE OF PRICE INCREASE" in uppercase, bold print. The envelope containing the notice of price increase shall contain a notice on the front thereof: "NOTICE OF PRICE INCREASE ENCLOSED" in uppercase, bold print. That telecommunications companies have tariffs or price lists for services on file with the commission is not a defense to any action brought for failure to disclose prices for which disclosure is required under this rule.

Specific Authority 364.0252, 364.19 FS. Law Implemented 364.0252, 364.19 FS. History--New_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Chaplaincy Services

RULE NO.: 33-503.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the line of authority reflected for chaplaincy services personnel in accordance with the department's reorganization.

SUBJECT AREA TO BE ADDRESSED: Chaplaincy services.

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 FS.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLES:	RULE NOS.:
Attendance at Board Meetings	64B32-1.008
Other Business Involving the Board	64B32-1.009
Spouses of Members of Armed Forces Exemption	64B32-1.010

PURPOSE AND EFFECT: The Board proposes to define attendance at Board meetings, other business involving the Board for the purpose of Board member compensation, and the exemption for absent military spouses from licensure renewal requirements.

SUBJECT AREA TO BE ADDRESSED: Attendance at Board Meetings; Other Business Involving the Board; Spouses of Members of Armed Forces Exemption.

SPECIFIC AUTHORITY: 456.011(3), 456.011(4), 456.024(2) FS.

LAW IMPLEMENTED: 456.011(3), 456.011(4), 456.024(2) FS.

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

TIME AND DATE: 2:00 p.m., July 20, 2001

PLACE: Embassy Suites, 555 N. Westshore Blvd., Tampa, FL 33609

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-1.008 Attendance at Board Meetings.

(1) Board members shall attend all regularly scheduled Board meetings unless prevented from doing so by reason of court order, subpoena, business with a court with the sole prerogative of setting the date of such business, death of a family member, illness of the Board member, or illness of the member's family, or other similar extenuating circumstances.

(2) No Board member may be absent from three consecutive regularly scheduled Board meetings unless the absence is excused for one of the reasons stated in section (1) of this rule. Other absences constitute unexcused absences for the purpose of declaring a vacancy on the Board. An otherwise excused absence is not excused if the Board member fails to notify the Board office of the impending absence prior to the regularly scheduled Board meeting at which the absence will occur unless the failure to notify is the result of emergency circumstances that would reasonably tend to preclude timely notification.

Specific Authority 456.011(3) FS. Law Implemented 456.011(3) FS. History--New

64B32-1.009 Other Business Involving the Board.

For purposes of Board member compensation pursuant to Section 456.011(4), Florida Statutes, "other business involving the Board" does not include telephone Conference calls that last less than four hours, but otherwise is defined to include:

(1) Board meetings;

(2) Meetings of committees of the Board;

(3) Meetings of a Board member with staff or with a member or members of other regulatory boards at the request of the Board or the Department;

(4) Probable cause panel meetings; Attendance at legislative workshops or committee meetings at the request of the Board or Department;

(5) Attendance at meetings of National and State Associations as an authorized representative of the Board;

(6) Attendance at continuing education programs for the purpose of auditing a Board-approved provider when such attendance has been approved by the Board;

(7) Attendance at any function relating to Board business and authorized by the Board or Department.

Specific Authority 456.011(4) FS. Law Implemented 456.011(4) FS. History--New

64B32-1.010 Spouses of Members of Armed Forces Exemption.

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board.

Specific Authority 456.024(2) FS. Law implemented 456.024(2) FS. History--New

DEPARTMENT OF HEALTH

Mental Health Program

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Emergency Medical Services	64E-2
RULE TITLES:	RULE NOS.:
Basic Life Support Services License – Ground	64E-2.002
Advanced Life Support Services License – Ground	64E-2.003
Medical Direction	64E-2.004
Trauma Reigstry	64E-2.018
Trauma Agency Implementation and Operation Requirements	64E-2.021

PURPOSE AND EFFECT: To comply with Chapter 120.536(3), F.S., requiring repeal of rule subsections and paragraphs lacking sufficient statutory authority.

SUBJECT AREAS TO BE ADDRESSED:

- 64E-2.002(4) Basic Life Support – transport of advanced life support patients in BLS vehicles. Subsection (4) is unnecessary because the law prohibits the specified activity without the rule.
- 64E-2.003(2) Advanced Life Support – Issuance of licenses. Subsection (2) is unnecessary.
- 64E-2.003(4) Advanced Life Support – transport of ALS patients in basic life support vehicles. Subsection (4) is unnecessary because the statute prohibits the specified activity.
- 64E-2.004(4)(a) Medical Direction – Supervision and acceptance of responsibility of EMTs and Paramedics. Paragraph (4)(a) is unnecessary because it repeats statute.
- 64E-2.004(4)(j) Medical Direction – Review and approval of 30-hour refresher course. Paragraph (4)(j) is unnecessary – statute amendment cured.
- 64E-2.018(4) Trauma Registry – Alternative submissions. Subsection (4) is unnecessary. Chapter 120, F.S., provides relief through the variance/waiver provision.
- 64E-2.021(4) Trauma Agencies – Withdrawal of approval. Subsection (4) has no statute that can provide authority to evaluate “meeting the needs”.

SPECIFIC AUTHORITY: 395.405, 401.121, 401.272, 401.35 FS.

LAW IMPLEMENTED: 395.401, 395.4015, 395.402, 395.4025, 395.4045, 395.405, 401.25, 401.252, 401.26, 401.265, 401.27, 401.30, 401.35 FS.

THE AGENCY HEAD DEEMS WORKSHOPS ARE UNNECESSARY BECAUSE OF THE STATUTORY REQUIREMENT TO REPEAL THESE SUBSECTIONS AND PARAGRAPHS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Lesley, Senior Management Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733
P.O. F00396

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

RULE TITLE: Need **RULE NO.:** 65A-4.208

PURPOSE AND EFFECT: The proposed rule amendment would provide a uniform definition of the degree of relationship of a relative caretaker who provides full-time care of a relative child for the purpose of determining eligibility for the receipt of Temporary Assistance to Needy Families (TANF) funded assistance. The final TANF regulations in 45 CFR Part 260 et al, section 263.2(b), published April 12, 1999 in the Federal Register, allow for States to provide benefits or services to or on behalf of “eligible families as defined by the State.” Currently in Florida, relative caretakers may receive

TANF funded assistance through the temporary cash assistance (TCA) and the Relative Caregiver programs. Under the TCA program, the degree of relationship for a “relative caretaker” or “caretaker relative” is defined to include an adult who is related to the child by blood or marriage pursuant to s. 414.0252(11), F.S. Under the Relative Caregiver program, the degree of relationship for a relative caretaker must be within the fifth degree of relationship by blood or marriage to the parent or stepparent of the child pursuant to s. 39.5085, F.S. The proposed rule amendment would provide for the definition of the degree of relationship for a relative caretaker under the TCA Program to be the same as for the Relative Caregiver program pursuant to 45 CFR Part 260 et al, section 263.2(b). Relative caretakers are not permitted to simultaneously receive both a TCA benefit and a Relative Caregiver program benefit.

SUBJECT AREA TO BE ADDRESSED: This rule amendment would provide that for the purpose of determining eligibility for receipt of TCA that a “relative caretaker” or “caretaker relative” must be within the fifth degree of relationship by blood or marriage to the parent or stepparent of a child for whom the relative caretaker is providing full-time care.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.095(2)(b), (5), 414.0252(11) 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., July 26, 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, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, Telephone (850)488-3090

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLE: Determination of Maintenance **RULE NO.:**

Subsidy Payments 65C-16.013

PURPOSE AND EFFECT: Amendments to sections (2) through (11) delete references to a means test which is prohibited under federal funding laws and adds the payment structure for basic subsidy and supplemental subsidy payments. Section (12) adds eligibility requirements for maintenance adoption subsidy paid under Temporary Assistance for Needy Families (TANF).

SUBJECT AREA TO BE ADDRESSED: Adoption.

SPECIFIC AUTHORITY: 409.166(7), 409.026(8) FS.
 LAW IMPLEMENTED: 414.166, 414.045(1)(b)5., 414.105(1),(2),(3) 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., July 20, 2001
 PLACE: 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, FL 32399
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ralph Harmsen, Chief, Child Protection Policy, 1317 Winewood Blvd., Bldg.7, Rm. 221, Tallahassee, FL 32399-0700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-16.013 Determination of Maintenance Subsidy Payments.

(1) No change.
 (2) The child's and the family's needs for subsidy must be determined prior to placement. There must be recent medical and mental health evaluations or other professional evaluation(s) of the child prior to placement in order to document any existing conditions which would require special services for the child eligible for subsidy. The medical evaluation must be no more than 12 months old at the time of the initial subsidy determination. Mental health evaluations should be no more than 12 months old at the time of subsidy determination. The family's need for assistance to enable them to provide such special services must be established and documented. Efforts and avenues to place the child in a non-subsidized placement must be documented in the child's record. Documentation of this exploration shall be one of the following: 1) list of other families considered, 2) letters to agencies specifically seeking home for the child(ren), or 3) registration of the child on the adoption exchange. It is not the intent of this requirement that a child remain unnecessarily in foster care while the department searches for a non-subsidized placement, if a family who can meet the special needs of the child is available, but requires a subsidy. The one exception to the requirement that a placement without subsidy be explored prior to making a subsidized placement is when it has been determined that the child's adoption by his foster parents or relative with whom he has established significant emotional ties, is the placement of choice for the child. However, the foster parents or relatives must still be asked if they will adopt the child without subsidy or if they need to have the subsidy payment for the child. This exploration must be documented in the child's record. The foster parent must understand that being an adoptive parent includes different parental rights and

responsibilities. Some of these responsibilities are financial, and adoption subsidy, unlike foster care board rate payments, does not propose to cover the complete cost of the child's care. The maintenance subsidy payment is intended to assist the adoptive parent in supporting the extra costs associated with adopting a child with special needs. ~~All maintenance subsidy payments, including foster parent adoption, will be determined by utilization of the rate structure discussed in 65C-16.013(3) and (4), unless it is determined that the needs of the child will require an enhanced supplemental payment, see 65C-16.013(5).~~

(3) Under certain circumstances the child may be eligible for a supplemental amount. If the adopted child has diagnosed physical, emotional, developmental or learning needs which require special services or supports the adoptive parent may negotiate for additional assistance in providing those services or supports (see 5. below). The amount of the maintenance subsidy shall be determined through negotiations with the adoptive parents. Such negotiation will be based on the basic rate structure which considers the family's income, family size, and the age of child being adopted. The rate structure will be used in every case to determine the basic proposed subsidy amount. If the basic proposed subsidy amount is less than the child's foster care level of care (board rate), a supplemental amount may be negotiated (see subsection (5) below), only if the child has diagnosed physical, emotional or developmental or learning needs which require special services and/or supports that the adoptive family would not be able to access without financial assistance.

(4) Basic Maintenance Subsidy. The monthly basic maintenance payment shall be based on the age of the child being adopted. This rate shall not exceed eighty percent (80%) of the published standard board rate based on the age of the child. The following chart shows the basis payment by age of the special needs child being adopted: To utilize the maintenance subsidy rate structure, the counselor must calculate by the three factors and select the proper amounts to be paid in accordance with each factor as indicated below:

<u>Age of Child</u>	<u>Foster Care Board Rate</u>	<u>Monthly Basic Payment</u>
0-5	\$369	\$295
6-12	\$380	\$304
13+	\$455	\$364
<u>Medical Foster Child Ages 0 to 18</u>		
	\$444	\$355
<u>(a) Family Gross Income Level at the time of subsidy determination</u>		<u>Monthly Subsidy</u>
\$15,000 below		\$100.00 per child being adopted
\$15,001 - 30,000		\$ 75.00 per child being adopted
30,001 - 45,000		\$ 55.00 per child being adopted
45,001 - 60,000		\$ 35.00 per child being adopted
60,001 and above		\$0

(b) Family Size	
(Includes Adopted Child)	Monthly Subsidy
2	\$54.00
3	\$63.00
4	\$71.00
5	\$80.00
6	\$89.00
7	\$98.00
8+	\$106.00

(c) Age of Child	
	Monthly Subsidy
0-5	\$0
6-12	\$60
13 and older	\$100

~~(d) To determine the basic subsidy amount, the counselor must select the applicable monthly subsidy amount from (a), (b), and (c) above. The basic subsidy amount will be the sum of (a), (b), and (c).~~

(5) Supplemental Maintenance Payments. An additional supplemental amount may be added to the child's basic subsidy under certain special circumstances. If a child has a specific and diagnosed physical, mental, emotional or behavioral problem which requires care, supervision, and structure beyond that ordinarily provided in a family setting for children of the same age, a supplemental payment may be necessary. This payment will not cover services which may be obtained through family insurance, Medicaid, Children's Medical Services or medical subsidy, or through special education plans provided through the public school district.

~~(a) The factors used in determining the amount of the basic subsidy, e.g., child's age and family income, shall not be used in determining the supplemental payment.~~

~~(a)(b) Any child who receives a supplemental payment must meet the definition of and be assigned to one of the following levels.~~

Up To:	
Level I	\$150
Level II	\$275
Level III	\$400
Level IV	\$455 500

Level I. This child requires a structured environment with supervision by an adult caregiver. Mild to moderate assistance is required to supplement self-care capabilities. The child with these problems requires a regimented daily schedule and assistance with routine daily living tasks.

Level II. This child requires supervision by a caregiver who can provide direct and controlled management of behavior and environment. This child has the ability to feed, dress, and toilet self, but has limited ability to make appropriate decisions and will require ongoing moderate care and assistance. The child with these problems requires intensive structure, guidance and direction.

Level III. This child has only limited ability to care for self and requires custodial care provided by a skilled adult caregiver at all times. The severity of this child's chronic or acute condition is exhibited in aggressive acting out, unsocialized withdrawal, or need for close supervision and frequent intervention by the caregiver.

Level IV. This child requires total and entire care and has no self-help capacity or ability to perform basic life sustaining tasks. Custodial care must be provided by a trained and skilled caregiver.

~~(b)(c) To determine the supplemental amount a written diagnosis or prognosis by the appropriate professional, such as a licensed physician or dentist, or qualified mental health professional, is required. Under no circumstances shall will the basic subsidy amount as determined by the formula, plus the supplemental amount be higher than the published standard current foster care board rate paid for the child in foster care.~~

~~(c)(d) Medical subsidy shall be available may be used when the service being secured will be a one-time only purchase, or if it is anticipated to be needed for less than 12 months. Supplemental payments shall will be used when the service being secured is anticipated to be necessary for 12 months or longer.~~

~~(d)(e) The proposed amount of subsidy, including the supplemental amount must be submitted to the district Family Safety and Preservation program administrator or his designee for approval. Documentation which supports the request for a supplemental payment must be attached to the subsidy packet submitted to the program administrator for approval. The Family Safety and Preservation pProgram aAdministrator must forward the subsidy packet to the District Administrator for approval if the request includes a supplemental payment amount, above that generated by the formula. Requests to the District Administrator for approval must be accompanied by supporting documentation of real or projected expenses which necessitate such payments.~~

~~(6) Should the child have unearned income, such as Social Security benefits, or pensions available following the adoption, that income shall be considered a part of the family income and shall be added to all other available income in determining the income factor.~~

~~(6)(7) Each authorization for subsidy will be for a period of 12 months, effective on the date of placement, or in the case of a foster parent adoption, on the date the placement agreement is signed. The authorization may be a shorter period of time if the discussion between the adoptive parent and the counselor results in a plan for a shorter time frame.~~

~~(7)(8) The family must be advised that it is their responsibility to notify the Department immediately of any change in the amount of the third party benefits or any other change in circumstances, including changes in the child's need for services covered by the supplemental payment, which would alter their eligibility for subsidy.~~

~~(8)(9)~~ The basic subsidy payment will be terminated when the child reaches 18 years of age or if the parents cease having responsibility for the child or the child is no longer receiving support from the parents.

~~(9)(10)~~ Subsidy redeterminations, ~~which~~ must be performed, at least annually, ~~require the family to provide the department with annual sworn statements regarding their financial situation.~~ At redetermination the counselor, or other designated staff, will review the family's current situation, ~~using the formula,~~ and will adjust the basic subsidy amount based on the child's age as indicated, by that process. The continued need for the supplemental payments will also be determined at this time. A new or updated prognosis will be required to document the continued need for service and support. If the service is no longer required, the supplemental payment must be discontinued. The adoption assistance agreement must be renegotiated at each scheduled change to the subsidy payment or services. There must always be a current agreement in the case record or subsidy file.

~~(10)(11)~~ DCF-FSP Form 5079 (Adoption Assistance Agreement Between the Department of Children and Families and Adoptive Parents Regarding Subsidy Payments and Services) Jul 01 90 and DCF-FSP Form 5158 (Maintenance Subsidy Recertification Income Update Form) Jul 90, which ~~is~~ are incorporated by reference, ~~is~~ are available for use when a special needs child is placed in a subsidized adoptive placement.

~~(11)(12)~~ Cases negotiated prior to the effective date of this rule amendment shall be governed by the rules in place at the time of negotiation of the subsidy agreement. No child will have their adoption subsidy payment reduced based on application of this procedure.

~~(12)(13)~~ The continuation of adoption subsidy payments and services, including Medicaid, is contingent upon the adoption of state and federal funds for these purposes. Effective July 1, 2001, eligibility for maintenance adoption subsidy payment funded under Temporary Assistance for needy Families (TANF) shall be based on the child only. The eligibility requirements are as follows:

(a) The child must be ineligible for Title IV-E funded maintenance adoption subsidy.

(b) The income of the child only is compared to the federal poverty level for one. The child's income must be below the federal poverty level for a household size of one. The federal poverty level for one is \$1,432 per month.

(c) The child must be a United States citizen, or a qualified noncitizen, as defined in s. 414.095(3), F.S.

(d) The child shall be a resident of the State of Florida.

(e) The individual requesting TANF funded maintenance adoption subsidy shall provide to the department the child's social security number or shall provide proof of application for a social security number, as defined in Rule 65A-1.302, F.A.C.

(f) A minor child shall reside with a custodial parent or parents or with a relative caretaker who is within the specified degree of blood relationship as defined under Chapter 313, F.S., or in a setting approved by the department.

(g) The maintenance Adoption Subsidy TANF Worksheet/Application, Jul 01, which is incorporated by reference, is a one page form used to gather information and to initiate a determination of eligibility when a special needs child is placed in a Temporary Assistance for needy Families funded subsidized adoptive placement. The form shall be signed and dated by the individual requesting the child's eligibility for TANF funded maintenance adoption subsidy be determined.

Specific Authority 409.166(7), 409.026(8) FS. Law Implemented 409.166, 414.045(1)(b)5., 414.095(1)(2)(3) FS. History—New 2-14-84, Formerly 10M-8.20, Amended 5-20-91, 4-19-94, Formerly 10M-8.020, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Fish Management Area Regulations
 RULE NO.: 68A-20.005
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish regulations on specific fish management areas for taking and possessing freshwater fish or other activities such as swimming, use of firearms, or use of boats or other vehicles, that will ensure conservation of freshwater fish populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Requirements for taking and possessing freshwater fish.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A WORKSHOP(S) ON THE PROPOSED RULE MAY BE CONDUCTED IN CONJUNCTION WITH THE COMMISSION'S REGULARLY SCHEDULED PUBLIC MEETINGS AT TIMES, DATES AND PLACES TO BE PUBLISHED IN FUTURE FLORIDA ADMINISTRATIVE WEEKLYS:

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: Mr. Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Division of Law Enforcement

RULE TITLE: Okaloosa County Boating Restricted Area

RULE NO.: 68D-24.146

PURPOSE AND EFFECT: After discussions with the Division of Law Enforcement, Office of Boating Safety and Waterway Management, Okaloosa County has requested the Office to establish a boating safety zone on the Florida Intracoastal Waterway at Brooks Bridge in Okaloosa County. The wakes from passing vessels have caused vessel damage and continue to present a danger to vessels being launched or recovered at public boat ramps in the area. One of the public ramps has fuel distribution and there is a danger of spillage. The local office of the Florida Fish and Wildlife Conservation Commission concurs with this action. This action is being coordinated with the United States Army Corps of Engineers and the United States Coast Guard.

SUBJECT AREA TO BE ADDRESSED: To enact a Slow Speed Minimum Wake zone, shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway from 2,000 feet west (30°24'01N"/86°36'20W") of the centerline of the Brooks Bridge to 900 feet east (30°24'14N"/86°35'23W") of the centerline of the Brooks Bridge in Okaloosa County. Okaloosa County will be authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

IF REQUESTED, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED FOR A LATER DATE TO BE ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Tara Alford, Division of Law Enforcement, Office of Boating Safety and Waterway Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600, Ext. 169

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.146 Okaloosa County Boating Restricted Area.

For the purpose of regulating the speed and operation of vessel traffic on the Florida Intracoastal Waterway within Okaloosa County, Florida, the following boating restricted area is established:

(1) Slow Speed Minimum Wake Zone.

(a) Brooks Bridge – A Slow Speed Minimum Wake zone, shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway from 2,000 feet west (30°24'01N"/86°36'20W") of the centerline of the Brooks Bridge to 900 feet east (30°24'14N"/86°35'23W") of the centerline of the Brooks Bridge in Okaloosa County, as depicted in drawing A.

(b) Okaloosa County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area.

(2) The boating restricted area is depicted in drawing A:

INSERT MAP

1 OF 1

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History--
New

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Vessel Registration and Boating Safety

RULE TITLE: St. Johns County Boating Restricted Areas
RULE NO.: 68D-24.155

PURPOSE AND EFFECT: St. Johns County has requested the Division of Law Enforcement, Office of Boating Safety and Waterway Management, to establish a boating safety zone at the Devil’s Elbow Boat Ramp on the Florida Intracoastal Waterway. The wakes from passing vessels have caused vessel damage and continue to present a danger to vessels being launched or recovered at this public boat ramp. In addition, the boat ramp is also used by emergency vessels. The local office of the Florida Fish and Wildlife Conservation Commission concurs with this action. This action is being coordinated with the United States Army Corps of Engineers and the United States Coast Guard.

SUBJECT AREA TO BE ADDRESSED: To enact a Slow Speed Minimum Wake zone from 500 feet north (29°45'16N"/81°14'58W") of the centerline of the Devil’s Elbow Boat Ramp to 500 feet south (29°45'07N"/81°14'59W") of the centerline of the Devil’s Elbow Boat Ramp in and adjacent to the Florida Intracoastal Waterway. St. Johns County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

IF REQUESTED, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED FOR A LATER DATE TO BE ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Tara Alford, Division of Law Enforcement, Office of Boating Safety and Waterway Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600, Ext. 169

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.155 St. Johns County Boating Restricted Areas.

(1) For the purpose of regulating speed and operation of vessel traffic on the Florida Intracoastal Waterway within St. Johns County, Florida, the following boating restricted areas are established:

(a)1. through 5. No change.

6. Devil’s Elbow Boat Ramp – A Slow Speed Minimum Wake zone from 500 feet north (29°45'16N"/81°14'58W") of the centerline of the Devil’s Elbow Boat Ramp to 500 feet south (29°45'07N"/81°14'59W") of the centerline of the Devil’s Elbow Boat Ramp in and adjacent to the Florida Intracoastal Waterway as depicted in Drawing F.

(b) through (2) No change.

Drawings A through E – No change.

INSERT MAP

1 OF 1

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History--New 12-11-97, Formerly 62N-24.155, Amended _____.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLES: Complete Records Must be Maintained
Binder or Receipt Must Set Forth

RULE NOS.: 4-184.004

Coverage and Cost 4-184.011

PURPOSE AND EFFECT: This rule is being amended to delete language not authorized as a result of Section 120.536(2)(b), F.S., review.

SUMMARY: The rules apply to insurance in connection with installment sales and are being amended to delete language not authorized.

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

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 626.425, 624.307(1), 627.413, 627.420, 627.730-.7405 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., Tuesday August 7, 2001

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Wayne Johnson, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0329, (850)413-5252

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

THE FULL TEXT OF THE PROPOSED RULES IS:

4-184.004 Complete Records Must be Maintained.

The company must at all times maintain complete records of all policies issued, including name and address of all insureds, who are beneficiaries, and the coverage provided; and no plan should be used that fails to require the soliciting agent to report and send to the insurance company and issuing or

countersigning agent promptly all applications for insurance, or copy dailies of policies issued. If the policies are written in the home or regional office of the company, then a copy of said policy or daily report must be sent to the countersigning agent for his file. If a policy covering personal property is issued by a mutual insurer or a participating stock insurer, the borrower or purchaser shall be entitled to the benefit of any dividend paid under an individual policy or certificate.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.748 FS. History--Repromulgated 12-24-74, Formerly 4-4.04, 4-4.004, Amended _____.

4-184.011 Binder or Receipt Must Set Forth Coverage and Cost.

(1) through (3) No change.

~~(4) Any insurance agent who undertakes to place only insurance for accidental property damage to a motor vehicle as defined by the Florida Motor Vehicle No-Fault Law shall personally secure from the prospective insured or applicant a signed form acknowledging the requirement that security be maintained pursuant to the Florida Motor Vehicle No-Fault Law. The signed form shall be maintained by said insurance agent in his files and shall contain the following text:~~

~~The undersigned prospective insured hereby acknowledges that the Florida Motor Vehicle No-Fault Law requires owners of motor vehicles, defined by the Law, to maintain security to comply with said Law, and further understands that any motor vehicle policy not providing personal injury protection benefits does not comply with said Law.~~

~~FAILURE TO MAINTAIN SECURITY REQUIRED BY THE LAW WILL RESULT IN THE OWNER BEING HELD PERSONALLY LIABLE FOR ALL BENEFITS PROVIDED BY THE LAW, IN ADDITION TO REVOCATION OF HIS REGISTRATION AND OPERATOR'S LICENSE.~~

~~Signed _____~~

~~Licensed Agent~~

~~Signed _____~~

~~Prospective Insured~~

Specific Authority 624.308 FS. Law Implemented 624.307(1), 627.413, 627.420, 627.730-.7405 FS. History--Amended 2-19-72, Repromulgated 12-24-74, Formerly 4-4.10, 4-4.010, Amended 1-27-92, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Johnson, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steve Roddenberry, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001

DEPARTMENT OF INSURANCE

RULE TITLE: Forms Incorporated By Reference
RULE NO.: 4-193.065

PURPOSE AND EFFECT: This rule is being amended to adopt and incorporate by reference Forms DI4-471, Application for Provisional Certificate of Authority, and DI4-473, Application for Certificate of Authority.

SUMMARY: To adopt and incorporate forms by reference.

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

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

SPECIFIC AUTHORITY: 624.308(1), 651.013, 651.015(1),(3) FS.

LAW IMPLEMENTED: 651.021, 651.022, 651.023, 651.024, 651.026, 651.033, 651.035 FS.

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

TIME AND DATE: 9:00 a.m., July 31, 2001

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

4-193.065 Forms Incorporated by Reference.

(1) The following forms are incorporated into this rule chapter by reference to implement the provisions of Chapter 651, Florida Statutes:

Title	Form Number
(a) Application for Provisional Certificate of Authority	DI4-471 (rev. 8/00) (03/92)
(b) Application for Certificate of Authority	DI4-473 (rev. 8/00) (03/92)
(c) through (q) No change.	
(2) No change.	

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

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 22, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Adoption of Uniform Packaging and Labeling Regulation
RULE NO.: 5F-3.001

PURPOSE AND EFFECT: The purpose of 5F-3.001 is to amend it to adopt the most recent national standards for packaging and labeling requirements as adopted by the National Conference on Weights and Measures and published in 2001 edition of National Institute of Standards and Technology Handbook 130. Adoption of the current national standards will make Florida’s requirements uniform with the national requirements and facilitate interstate commerce and trade.

SUMMARY: Updates Chapter 5F-3.001 to adopt the current national requirements for the packaging and labeling of commodities as adopted by the National Conference on Weights and Measures and published as the “Uniform Packaging and Labeling Regulation” in the 2001 edition of National Institute of Standards and Technology Handbook 130.

SUMMARY OF STATEMENT OF REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 531.41(3) FS.

LAW IMPLEMENTED: 531.41(13), 531.47, 531.49 FS.

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

TIME AND DATE: 2:00 p.m., Monday, July 30, 2001

PLACE: Division of Standards’ Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-3.001 Adoption of Uniform Packaging and Labeling Regulation.

The Department of Agriculture and Consumer Services hereby adopts the Uniform Packaging and Labeling Regulation promulgated by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2001 ~~2000~~ Edition, as the Rule for packaging and labeling of commodities and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2001 ~~2000~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)488-9140.

Specific Authority 531.41(3) FS. Law Implemented 531.41(4) FS. History—New 1-1-73, Formerly 5F-3.01, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Max Gray, Chief, Bureau of Weights and Measures

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: June 21, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: May 25, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE:

Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices

RULE NO.:

5F-5.001

PURPOSE AND EFFECT: The purpose of this rule is to amend Rule 5F-5.001, F.A.C., to adopt the most recent national standards for weighing and measuring devices developed by the National Conference on Weights and Measures and published in the 2001 edition of National Institute of Standards and Technology Handbook 44. Adoption of the standards provides for uniformity of Florida's requirements with the national requirements to facilitate interstate commerce and trade.

SUMMARY: Rule 5F-5.001, F.A.C., adopts the current national standards for specifications, tolerances and other technical requirements for commercial weighing and measuring devices as published in the 2001 edition of National Institute of Standards and Technology Handbook 44.

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: 531.40, 531.41(3) FS.

LAWS IMPLEMENTED: 531.40 FS.

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

TIME AND DATE: 2:00 p.m., Monday, July 30, 2001

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-5.001 Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(1) The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices adopted by the National Conference on Weights and Measures and contained in National Institute of Standards and Technology (NIST) Handbook 44, 2001 ~~2000~~ Edition, are hereby adopted as rules for the requirements for commercial weighing and measuring devices of the Department of Agriculture and Consumer Services. A copy of NIST Handbook 44, 2001 ~~2000~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone (202)512-1800 or at <http://ts.nist.gov/ts/htdocs/230/235/h442001.htm>.

(2) The violation of any of the provisions of these rules and regulations is subject to the penalties and remedies provided in the Weights, Measures, and Standards Law, Chapter 531, Florida Statutes.

Specific Authority 531.40, 531.41(3) FS. Law Implemented 531.40 FS. History—New 1-1-73, Amended 7-1-74, 4-18-75, 1-25-76, 1-17-77, 3-29-78, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-5.01, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 6-21-94, 8-16-95, 10-8-96, 8-27-98, 8-19-99, 7-3-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Max Gray, Chief, Bureau of Weights and Measures

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: June 21, 2001

SPECIFIC AUTHORITY: 570.07(23), 583.04 FS.
LAW IMPLEMENTED: 583.051, 583.052 FS.
A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 10:00 a.m., July 30, 2001
PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, Training and Education Center, 3125 Conner Boulevard, Tallahassee, FL, telephone (850)488-3951
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. John Fruin, Chief, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, telephone (850)488-3951

THE FULL TEXT OF THE PROPOSED RULE IS:

- 5K-6.010 Grading Services for Shell Eggs.
(1) Definitions. As used in this rule, the following definitions shall apply:
(a) Days not previously scheduled or non-specified days means days not scheduled in the application for service.
(b) Department means the Florida Department of Agriculture and Consumer Services.

- (c) Non-resident location means a production site to which no full-time grader inspector has been assigned, but the site has been previously approved for grading inspection in accordance with the application for service.
(d) Full-time resident location means a production site to which a full-time grader inspector has been assigned in accordance with an application for service requesting 40 or more hours of grading services per week.
(e) Part-time resident location means a production site where a part-time grader has been assigned to the site in accordance with an application for service requesting less than 40 hours of grading services per week.

(2) Pursuant to its authority under Section 583.052, Florida Statutes, to cooperate with and enter into agreements with various state and federal agencies, the department has entered a Cooperative Agreement with the United States Department of Agriculture for the providing of a voluntary cooperative shell egg grading service.

(3) Under that agreement and to offset the cost of providing the services to the producer who orders them, the department establishes the following schedule:

- (a) Grader's time per hour for:
1. Resident location \$27.50 24.05
2. Overtime \$31.00 26.50
3. Non-resident location \$34.00 28.50
4. Non-specified days \$34.00 28.50

5. In addition to the charge for the grader's time per hour, an additional charge of \$1.40 per hour shall be charged to regular and overtime hours worked at a resident location on a shift beginning after 1:00 p.m.

(b) Travel time and costs time to and from grader's headquarters:

1. Time for travel to and from the grader's headquarters for grading services at a non-resident or part-time resident location, or on non-specified days at a resident location shall be charged at the same rate as grading services provided.

Non-resident location \$28.50

2. Mileage and per diem to and from the grader's headquarters for grading services at a non-resident or part-time resident location, or on non-specified days at a resident location shall be reimbursed at the prevailing rates provided in Section 112.061, Florida Statutes.

Non-specified days \$28.50

(c) Mileage and per diem to and from the grader's headquarters shall be reimbursed at the prevailing rates provided in Section 112.061, Florida Statutes.

(4) Moneys due to the department for grading services provided to a producer who orders said services must be received within 30 days of the date of invoice.

(5) USDA volume charge on a per dozen basis will be identified separately on each billing statement on separate billing statements.

Specific Authority 570.07(23), 583.04 FS. Law Implemented 583.051, 583.052 FS. History--New 8-13-92, Formerly 5E-7.014, Amended 9-30-96.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Bernhardt, Sanitation and Safety Administrator, State/Federal Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Marion Fuller, Director, Division of Food Safety

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2001

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Specific Exemptions RULE NO.: 12A-1.001

PURPOSE AND EFFECT: The First District Court of Appeal reversed the Department's conclusion that a sales tax exemption is not available for materials purchased by municipally owned utilities for use in the repair, replacement, or refurbishment of their existing electric energy transmission or distribution systems. (Florida Municipal Power Agency and Florida Municipal Electric Association, Inc. v. Department of Revenue, Appellee, No. 1D99-3770). On September 1, 2000, the court issued a mandate to initiate rulemaking proceedings to amend paragraph (9)(b) [currently (2)(a)] of Rule 12A-1.001, F.A.C., as it is currently in conflict with s. 212.08(6), F.S. The effect of these rule amendments will be

to comply with this mandate and to eliminate the unnecessary repetition of the exemption provided in s. 212.08(7)(u), F.S., for fire fighting and rescue service equipment and supplies purchased by volunteer fire departments.

SUMMARY: The proposed amendments to Rule 12A-1.001, F.A.C.: (1) remove the provisions of paragraph (2)(a) [formerly (9)(a)], in compliance with this court mandate; and (2) remove the provisions of paragraph (2)(b) [formerly (9)(b)], to eliminate the unnecessary repetition of the exemption provided in s. 212.08(7)(u), F.S., as mandated by s. 120.74(1), F.S.

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: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.02(10),(12),(16),(20),(21), 212.05, 212.08(6),(7)(f),(h),(q),(v),(x),(cc), 213.12(2) FS.

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

TIME AND DATE: 10:00 a.m., July 31, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Bridges, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-7157

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 FULL TEXT OF THE PROPOSED RULE IS:

12A-1.001 Specific Exemptions.

(1) No change.

~~(2) GOVERNMENTAL UNITS.~~

~~(a) Sales of machines and equipment and parts and accessories therefor for generation, transmission, or distribution of electrical energy by systems owned and operated by a political subdivision or municipality in this state shall be subject to the tax except sales, rental, use, consumption, or storage for which bonds or revenue certificates are validated on or before January 1, 1973, for transmission or distribution expansion only. See s. 212.08(5)(e), F.S.~~

~~(b) Fire fighting and rescue service equipment and supplies purchased by volunteer fire departments, duly chartered under the Florida Statutes as corporations not for profit, are exempt.~~

(3) through (8) renumbered (2) through (7) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10),(12),(16),(20),(21), 212.05, 212.08(6), (7)(f),(h),(q),(v),(x),(cc), 213.12(2) 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, 6-19-01,_____.

NAME OF PERSONS ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, and Linda Bridges, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)488-7157

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on December 22, 2000 (Vol. 26, No. 51, p. 5843). A rule development workshop was held on January 9, 2001. No one attended the workshop to provide comments on this proposed rule; and no written comments were received by the Department. Technical changes were made to reflect the changes to Rule 12A-1.001, F.A.C., effective June 19, 2001

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Admissions

RULE NO.: 12A-1.005

PURPOSE AND EFFECT: Section 212.04(2)(a)2.a., F.S., provides: "No tax shall be levied on dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954, as amended." Rule 12A-1.005(2)(e), F.A.C., provides guidelines regarding what constitutes a "sponsoring organization" for purposes of this exemption.

The Department proposed these identical guidelines in its creation of Rule 12A-1.0011(5)(e), F.A.C. In response to comments received from the Joint Administrative Procedures Committee, prior to adoption of the rule, the Department withdrew the proposed guidelines. The purpose of the

proposed amendments to Rule 12A-1.005, F.A.C., is to remove from Rule 12A-1.005, F.A.C., guidelines identical to those proposed in Rule 12A-1.0011, F.A.C.

SUMMARY: The proposed amendments to Rule 12A-1.005, F.A.C., remove guidelines regarding what constitutes a "sponsoring organization" for purposes of the exemption provided in s. 212.04(2)(a)2.a., F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since these proposed amendments only implement statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.02(1), 212.04, 212.08(6), (7), 616.260 FS.

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

TIME AND DATE: 10:00 a.m., July 31, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Bridges, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-7157

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 FULL TEXT OF THE PROPOSED RULE IS:

12A-1.005 Admissions.

(1) No change.

(2) EXEMPT ADMISSIONS. The following admissions are exempt from the tax imposed under s. 212.04, F.S.:

(a) through (e) No change.

(f) Dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations are exempt. To receive this exemption, the organization making any such charges must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the United States Internal Revenue Code of 1986, as amended. ~~For purposes of this exemption, sponsorship of an event or program will be determined by the following criteria:~~

~~1. Active participation by the entity in the planning and conduct of the event or program;~~

~~2. Assumption by it of responsibility for the safety and success of the event or program, such that it will be subject to a suit for damages for alleged negligence in its conduct;~~

~~3. Entitlement by it to the gross proceeds from the event or program and to the net proceeds after payment of its costs; and~~

~~4. Responsibility by it for payment of costs of the event or program and for bearing any net loss if the costs exceed gross proceeds.~~

(g) through (6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1), 212.04, 212.08(6), (7), 616.260 FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 7-19-72, 12-11-74, 9-28-78, 7-3-79, 12-3-81, 7-20-82, Formerly 12A-1.05, Amended 1-2-89, 12-16-91, 10-17-94, 3-20-96, 3-4-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, and Linda Bridges, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)488-7157

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on May 4, 2001 (Vol. 27, No. 18, pp. 2204-2205). A rule development workshop was held on May 24, 2001, regarding the proposed amendments to Rule 12A-1.005, F.A.C. Comments were received at the workshop regarding subsections of Rule 12A-1.005, F.A.C., that are not currently being considered by the Department for revision. No written comments were received by the Department.

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.

SUMMARY: 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.

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 communications 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 communications 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 businesses which provide telecommunications 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 the purchase of telecommunications 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 provisions for the self-accrual of sales tax on telecommunication services will no longer be applicable.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since these proposed amendments only implement statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

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

TIME AND DATE: 10:00 a.m., July 31, 2001

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

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

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, (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 FULL TEXT OF THE PROPOSED RULES IS:

12A-1.001 Specific Exemptions.

(1) through (2) No change.

~~(3) 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.~~

(4) through (8) renumbered (3) through (7) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10),(12),(16),(20),(21), 212.05, 212.08(6),(7)(f),(h),(q),(v),(x),(cc), 213.12(2) 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, 6-19-01,_____.

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 communications 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).~~

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, _____.

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.

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 _____.

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 communications 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.

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,_____.

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 (3) No change.

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) FS. 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, 6-19-01,_____.

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 (12) No change.

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, 6-19-01,_____.

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.

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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, and Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4727

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on April 20, 2001 (Vol. 27, No. 16, pp. 1828-1832). A rule development workshop was held on May 8, 2001, regarding these proposed amendments and proposed rule

(c) Qualified production companies that hold a Certificate of Exemption for Entertainment Industry Qualified Production Company issued for a period of 90 consecutive days may request an extension of their certificates. Qualified production companies that hold a Certificate of Exemption issued for 12 consecutive months may renew their certificates annually for up to five years. To request an extension or a renewal of a certificate, qualified production companies must file an Application for Renewal or Extension of Entertainment Industry Exemption Certificate (form DR-232, incorporated by reference in Rule 12A-1.097, F.A.C.) with the Office of the Film Commissioner. Upon approval by the Office of the Film Commissioner, an extension to the 90-day certificate or a renewal of the 12-month certificate will be issued by the Department.

(3)(a) A qualified production company that holds a valid Certificate of Exemption for Entertainment Industry Qualified Production Company may issue a copy of its certificate to the selling dealer or lessor to:

1. Lease, rent, or hold a license in real property used as an integral part of the performance of qualified production services, as provided in s. 212.031(1)(a)9., F.S., tax exempt;
2. Purchase or lease motion picture or video equipment and sound recording equipment, as provided in s. 212.08(5)(f), F.S., tax exempt; or
3. Purchase or lease master tapes, master records, master films, or master video tapes, as provided in s. 212.08(12), F.S., tax exempt.

(b) The selling dealer or lessor is only required to obtain one copy of the qualified production company's Certificate of Exemption for Entertainment Industry Qualified Production Company to make tax exempt sales, as indicated on the certificate, to the company during the effective period indicated on the certificate. A selling dealer or lessor who accepts in good faith the required certificate will not be held liable for any tax due on sales made to a qualified production company during the effective period indicated on the certificate. The selling dealer or lessor must maintain the required exemption certificates in its books and records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

(4) A qualified production company that holds a valid Certificate of Exemption for Entertainment Industry Qualified Production Company is not required to pay use tax on fabrication labor associated with the production of a qualified motion picture, as provided in s. 212.06(1)(b), F.S.

(5) Upon expiration of a Certificate of Exemption for Entertainment Industry Qualified Production Company, all certificate holders are required to return their expired certificates to the Department. All certificate holders that cease to do business are required to return their certificates to the Department. Certificates are to be returned to:

Florida Department of Revenue

Central Registration

P. O. Box 6480

Tallahassee, Florida 32314-6480.

(6) Copies of form DR-230 (Entertainment Industry Qualified Production Company Application for Certificate of Exemption), form DR-230N (Information and Instructions for Completing Entertainment Industry Qualified Production Company Application for Certificate of Exemption), form DR-232 (Application for Renewal or Extension of Entertainment Industry Exemption Certificate), and form DR-232N (Application for Renewal or Extension of Exemption Certificate Instructions) are available, without cost, by: 1) calling the Offices of the Film Commissioner at 877-352-3456; or 2) downloading selected forms from the Office of the Film Commissioner's Internet site at www.filminflorida.com; or 3) from any local Film Commission offices throughout Florida. These forms are also available, without cost, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 1678 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 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.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 288.1258(4)(c) FS. Law Implemented ~~212.02(4),(14), (15),(19),(20),(21), 212.031(1)(a)9,(9), 212.05(1)(b), 212.06(1)(b)(2)(a), 212.08(5)(f),(12), 288.1258 215.26(2)~~ FS. History--New 2-21-77, Amended 5-28-85, Formerly 12A-1.85, Amended 3-12-86, 12-13-88, _____.

12A-1.097 Public Use Forms.

(1) No change.

<u>Form Number</u>	<u>Title</u>	<u>Effective Date</u>
<u>(1) through (17) No change.</u>		
<u>(18)(a) DR-230</u>	<u>Entertainment Industry Qualified Production Company Application for Certificate of Exemption (r. 03/01)</u>	<u>_____</u>
<u>(b) DR-230N</u>	<u>Information and Instructions for Completing Entertainment Industry Qualified Production Company Application for Certificate of Exemption (r. 03/01)</u>	<u>_____</u>
<u>(c) DR-232</u>	<u>Application for Renewal or Extension of Entertainment Industry Exemption Certificate (N. 03/01)</u>	<u>_____</u>
<u>(c) DR-232N</u>	<u>Application for Renewal or Extension of Exemption Certificate Instructions (Form DR-232) (N. 03/01)</u>	<u>_____</u>
<u>(19)(18) No change.</u>		

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(5)(g),(h),(n),(o),(15), 212.096, 212.17(6), 212.18(2),(3), ~~288.1258~~ FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Kugell, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4834

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed substantial rewording of Rule 12A-1.085, F.A.C., and the proposed amendments to Rule 12A-1.097, F.A.C., were noticed for a Rule Development Workshop in the Florida Administrative Weekly on December 22, 2000 (Vol. 26, No. 51, pp. 5843-5845). A rule development workshop was held on January 9, 2001, regarding these proposed rule changes. No one attended the workshop to provide comments on these proposed rules; and no written comments were received by the Department. Technical changes were made to Rule 12A-1.097, F.A.C., to incorporate amendments to that rule, effective June 19, 2001, and to correctly title the forms being incorporated by reference.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: _____ RULE NO.: _____

Revocation of Sales Tax Exemption Certificates 12A-1.095

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.095, F.A.C., Revocation of Sales Tax Exemption Certificates, is to: (1) remove the repetition of s. 212.084, F.S., from the administrative code, as mandated by s. 120.74(1), F.S.; and (2) remove the incorporation by reference of obsolete form DR-5AC.

SUMMARY: The proposed amendments to Rule 12A-1.095, F.A.C., Revocation of Sales Tax Exemption Certificates: (1) remove the repetition of s. 212.084, F.S., which requires the Department to review each sales tax consumer's certificate of exemption issued by the Department; and (2) remove the incorporation by reference of form DR-5AC, which is no longer used by the Department to initiate the revocation of a consumer's certificate of exemption through an administrative complaint.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since these proposed amendments only implement statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 213.21(1) FS.

LAW IMPLEMENTED: 120.569, 120.57(1), (2), 120.60(5), (7), 120.80(14), 212.084, 212.18(3), 213.06, 213.21(1) FS.

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

TIME AND DATE: 10:00 a.m., July 31, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Bridges, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-7157

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 FULL TEXT OF THE PROPOSED RULE IS:

12A-1.095 Revocation of Sales Tax Exemption Certificates.

~~(1) The Department shall review each Consumer's Certificate of Exemption (hereinafter referred to as a sales tax exemption certificate) to ensure that the entity possessing a sales tax exemption certificate is actively engaged in a bona fide exempt endeavor. Each entity possessing a sales tax exemption certificate shall fully cooperate with the Department during the review process.~~

~~(a) The Department shall choose entities for review based on an alphabetical selection procedure within each county whenever feasible.~~

~~(b) During the review process an entity may be required to submit documentation and evidence of its organizational structure, federal tax status, program content, or any other materials deemed necessary by the Department during the review process.~~

~~(c) After the Department's review is completed and it has been determined that an entity is actively engaged in a bona fide exempt endeavor, the sales tax exemption certificate shall be reissued. Each sales tax exemption certificate which is reissued shall be valid for 5 consecutive years after the date of reissuance, at which time the sales tax exemption certificate shall again be subject to review and reassurance. If it is~~

determined that the entity no longer qualifies for an exemption, the sales tax exemption certificate shall be revoked, or not reissued.

(d) The Department shall revoke the sales tax exemption certificate of any entity which fails to respond to either of two written requests for information regarding the entity's taxable status. The two letters shall be mailed at least 4 weeks apart to the entity's last known address.

(e) Any entity may apply for reissuance of a revoked sales tax exemption certificate if the revocation occurred due to the entity's failure to respond to either of the two written requests sent by the department. The Department prescribes Form DR-5, Sales and Use Tax Application for Consumer's Certificate of Exemption, incorporated by reference in Rule 12A-1.097, F.A.C., as the form to be utilized in the application for reissuance of a revoked sales tax exemption certificate.

(f) Notwithstanding the provisions of Section 213.053, F.S., to the contrary, the Department shall furnish, upon request, the name and address of any institution, organization, individual, or other entity possessing a valid sales tax exemption certificate.

(1)(2) Pursuant to the requirements of s. 120.60(7), F.S., the Department shall commence the a revocation of a consumer's certificate of exemption action through an administrative complaint. The Administrative Complaint/Revocation of Consumer's Certificate of Exemption (Form DR-5AC, incorporated by reference in Rule 12A-1.097, F.A.C.) notifies the certificate holder of the Department's intended action and the facts and legal authority which support that intended action.

(2)(3)(a) In order to challenge a proposed revocation, the certificate holder receiving an Administrative Complaint/Revocation of Consumer's Certificate of Exemption (Form DR-5AC) must request an administrative hearing under the provisions of s. 120.57, F.S. The Request for Hearing must be delivered to the Department by hand delivery or mail within 21 days from the date of issuance on the administrative complaint. If the Request for Hearing is filed with the Department by mail, the date of the postmark will be the date of the Request for Hearing is deemed filed for purposes of the 21 day time computation. The Request for Hearing must be delivered to:

Office of General Counsel
Department of Revenue
Post Office Box 6668
501 South Calhoun Street
201 Carlton Building
Tallahassee, Florida 32314-6668.

(b) The Request for Hearing must contain the following:

1. The name and address of the entity opposing the revocation of its consumer's certificate of exemption;
2. The case number of the administrative complaint;
3. A statement requesting an administrative hearing;

4. A statement specifying the factual allegations in the administrative complaint which the entity denies;

5. A statement setting forth any other factual or legal issues which the entity intends to raise in protest of the Department's intended action;

6. A statement that the entity will be substantially affected by the revocation of the consumer's certificate of exemption and why the entity will be so affected;

7. A request for relief;

8. The name and title of the person submitting the Request for Hearing;

9. The signature of the person submitting the Request for Hearing;

10. The date of the Request for Hearing.

(3)(4) In the event that a certificate holder fails to submit a Request for Hearing, or fails to submit a timely Request for Hearing which complies with all the requirements set forth in subsection (2)(3), the Department shall, without hearing, revoke the consumer's certificate of exemption.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 213.21(1) FS. Law Implemented 120.569, 120.57(1),(2), 120.60(5),(7), 120.80(14), 212.084, 212.18(3), 213.06, 213.21(1) FS. History--New 7-8-82, Amended 11-6-85, Formerly 12A-1.95, Amended 8-10-92, 12-8-92, 12-31-94_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, and Linda Bridges, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)488-7157

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on May 4, 2001 (Vol. 27, No. 18, pp. 2212-2213). A rule development workshop was held on May 24, 2001, regarding the proposed amendments to Rule 12A-1.095, F.A.C. No one attended the workshop to provide comments on this proposed rule; and no written comments were received by the Department.

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.

SUMMARY: 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): (1) remove the imposition of discretionary sales surtax on charges for telecommunication services and for television system program services, effective October 1, 2001, to implement the provisions of Chapter 2000-260, L.O.F.; and (2) provide that 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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since these proposed amendments only implement statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

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

TIME AND DATE: 10:00 a.m., July 31, 2001

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

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

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, (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 FULL TEXT OF THE PROPOSED RULES 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.

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, 6-19-01,_____.

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.~~

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,_____.

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.

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 _____.

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.

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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, and Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4727

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to these rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on April 20, 2001 (Vol. 27, No. 16, pp. 1832-1834). A rule development workshop was held on May 8, 2001, regarding the proposed amendments to these rules. No one attended the workshop to provide comments on these proposed rules; and no written comments were received by the Department. A technical change to Rule 12A-15.003, F.A.C., has been made to reflect the changes to that rule, effective June 19, 2001. The proposed effective date of October 1, 2001, for all proposed rule changes to become effective has been removed.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES:	RULE NOS.:
Premium Tax; Rate and Computation	12B-8.001
Tax Statement; Overpayments	12B-8.003
Retaliatory Provisions	12B-8.016

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12B-8.001, 12B-8.003, and 12B-8.016, F.A.C., is to: (1) remove references to the intangible personal property tax imposed under Chapter 199, F.S., as insurers are no longer subject to that tax; (2) clarify the application of tax paid on corporate income tax returns in the corporate income and emergency tax credit computation; (3) clarify the availability of tax paid on corporate income tax returns in the retaliatory tax computation; (4) remove obsolete provisions; and (5) adopt the changes to forms DR-907 and DR-908 used by the Department in administering the insurance premium tax.

SUMMARY: The proposed amendments to Rule 12B-8.001, F.A.C.: (1) remove references to the intangible personal property tax imposed under Chapter 199, F.S., as insurers are no longer subject to that tax; (2) clarify the application of tax paid on corporate income tax returns in the corporate income and emergency tax credit computation; and (3) remove obsolete provisions from the rule.

The proposed amendments to Rule 12B-8.003, F.A.C., adopt the changes to forms DR-907 and DR-908 used by the Department in administering the insurance premium tax.

The proposed amendments to Rule 12B-8.016, F.A.C., clarify the application of tax paid on Florida corporate income and emergency excise tax returns in the retaliatory tax computation.

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: 213.06(1), 220.183(6), 624.5105(6) FS.

LAW IMPLEMENTED: 175.101, 175.121, 175.141, 185.08(3), 185.10, 185.12, 213.05, 213.235, 213.37, 220.183(3), 624.4621, 624.475, 624.509, 624.5091, 624.5092, 624.510, 624.5105, 624.511, 624.518, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2) FS.

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

TIME AND DATE: 10:00 a.m., July 31, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

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, (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 FULL TEXT OF THE PROPOSED RULES IS:

12B-8.001 Premium Tax; Rate and Computation.

(1) through (2) No change.

(3) Credits Against the Tax.

(a)1. The ~~intangible personal property tax (IPPT) imposed under Chapter 199, F.S., the corporate income tax imposed under Chapter 220, F.S., and the emergency excise tax imposed under Chapter 221, F.S., which are, or should have been, filed and paid by an insurer shall discharge the liability for the insurance premium tax (IPT) imposed under s. 624.509, F.S., for the annual period in which such tax payments are or should have been made, to the extent of the maximum allowed. Any insurer issuing policies insuring against loss or damage from~~

the risks of fire, tornado, and certain casualty lines may take a credit against gross premium receipts tax for the excise tax(es) imposed by s. 175.101, F.S., and s. 185.08, F.S.

2.a. ~~When an insurer is required to file a corporate income tax return where the due date and extended due date are in difference calendar years, the due date, or the extended date when a valid extension of time is made of said Florida return, determines the annual period in which such tax payments should have been made. Since the intangible personal property tax (IPPT) credit offsets dollar for dollar any Insurance Premium Tax (IPT) liability, changes made in the amount of IPPT due the State will result in a change in the insurer's IPT liability and also may result in a change in the insurer's salary tax credit and retaliatory tax liability. The IPPT credit should be applied against IPT for the year in which the IPPT return would have been filed, had it been timely filed, even if it was not.~~

b. ~~For example, a tax year ending August 31, 2000 Florida corporate income tax return, without extension, is due on December 1, 2000. Since the Florida corporate income tax return is due by December 31, 2000, the insurer should include the amount of tax due on the return in computation of the corporate income tax and emergency excise tax credit on its 2000 insurance premium tax return, the 2000 DR-908, which is due March 1, 2001. If, however, the insurer extended the due date of the Florida corporate income tax return to June 1, 2001, and did not file and pay the return on or before December 31, 2000, the amount of tax due on the return is included in the computation of the corporate income tax and emergency excise tax credit on its 2001 insurance premium tax return, the 2001 DR-908, which is due March 1, 2002. For example, if the insurer paid intangible personal property tax (IPPT) February 1, 1995, on intangible assets managed or controlled in Florida on January 1, 1995, the amount paid should be claimed as a credit against its 1995 insurance premium tax (IPT) which was due March 1, 1996. However, if the insurer paid IPPT February 1, 1995, on intangible assets managed or controlled in Florida on January 1, 1994, the amount paid should be claimed as a credit against its 1994 IPT which was due March 1, 1995. In this situation, an amended 1994 IPT return must be filed provided the insurer had previously filed its original 1994 IPT return.~~

(b) Salaries. Fifteen percent of the amount paid after June 30, 1988, in salaries by the insurer to employees located or based in Florida may be credited against the net tax imposed by s. 624.509, F.S.

1. Salaries include only amounts paid directly to employees and do not include commissions paid to employees located or based in Florida.

2. Employees are those covered under Chapter 443, F.S., Unemployment Compensation, by the insurer taking the credit, a service representative as defined in s. 626.081, F.S., a

supervising or managing general agent as defined in s. 626.091, F.S., and an adjuster or claims investigator as defined in s. 626.101, F.S.

3. Salary credit shall be allowed only to the extent that:

- a. The employees are not disqualified under s. 624.509(5), F.S.; and
- b. The employees are located or based in Florida; and
- c. The insurer claiming the credit is the employer, as defined in s. 443.036(17), F.S., of the claimed employees, and said insurer satisfies the Chapter 38B-2, F.A.C., filing requirements.

4. Employees do not include independent contractors or any persons whose duties require them to have a valid insurance license issued under the Florida Insurance Code.

5. The wages paid to an individual who is employed directly by an employment agency, such as a temporary agency or a leasing company, are not included.

6. Net tax is the tax imposed under s. 624.509(1), F.S., after deductions for the ~~intangible personal property tax imposed under Chapter 199, F.S.,~~ the corporate income tax imposed under Chapter 220, F.S., the emergency excise tax imposed under Chapter 221, F.S., and for gross premium receipts tax payable for firefighters' pension trust funds under s. 175.101, F.S., and police officers' retirement funds under s. 185.08, F.S.

(c) Assessments Credited Against the Tax.

1. Payments made by an insurance carrier, group self-insurer, or commercial self-insurance fund, for assessments made pursuant to s. 440.51, F.S., shall be allowed as a deduction against the amount of any other tax levied by the state upon the premiums, assessments, or deposits for workers' compensation insurance on contracts or policies of said insurance carrier, self-insurer, or commercial self-insurance fund.

2. Effective with the tax return filed for the 1997 taxable year, insurers who have paid an assessment to the Florida Life and Health Insurance Guaranty Association (FLHIGA) may claim a credit for part of such assessment as provided for in the Florida Statutes. Any credits not taken or utilized when available cannot be carried forward.

(d) Community Contribution Tax Credit.

1. Who May Claim the Credit. Any taxpayer who has received prior approval from the ~~Department of Community Affairs, through June 30, 1994, or the Governor's Office of Tourism, Trade, and Economic Development, subsequently,~~ for its community contribution to any revitalization project undertaken by an eligible sponsor, shall be allowed a credit of 50 percent of the contribution. The total annual credit under this section applied against the tax due under s. 624.509, F.S., or s. 624.510, F.S., for a calendar year, may not exceed \$200,000. The valuation of the contribution determined by the Governor's Office of Trade, Tourism, and Economic Development shall be used in the computation of the credit. In

instances of fraud, the Executive Director of the Department of Revenue has the authority to redetermine the value of the contribution.

~~a. The valuation of the contribution determined by the Department of Community Affairs through June 30, 1994, or the Governor's Office of Trade, Tourism, and Economic Development, subsequently, shall be used in the computation of the credit. In instances of fraud, the Director of the Department of Revenue has the authority to redetermine the value of the contribution.~~

~~b. To qualify for the credit under the program expiring June 30, 1994, the insurer must have its community contribution approved by the Department of Community Affairs, and have completed the transfer of the asset by that date.~~

~~e. Beginning July 1, 1995, the program is reinstated pursuant to s. 624.5105, F.S., as amended, and will be administered by the Governor's Office of Trade, Tourism, and Economic Development.~~

2. through 5. No change.

(4) through (5) No change.

(6) Credits and deductions against the tax imposed by ss. 624.509 and 624.510, F.S., shall be taken in the following order:

(a) Deductions for assessments under s. 440.51, F.S.

(b) Credits for taxes paid under ss. 175.101 and 185.08, F.S.

(c) Credits for corporate income taxes paid under Chapter 220, F.S.

(d) Credits for the ~~The~~ emergency excise tax paid under Chapter 221, F.S.

(e) Salary tax credit.

~~(f) Credits for intangible personal property taxes paid under Chapter 199, F.S.~~

~~(f)(g)~~ All other available credits and deductions.

~~(g)(h)~~ A refund will not be created by credits.

(7) through (9) No change.

Specific Authority 213.06(1), 220.183(6), 624.5105(6) FS. Law Implemented 175.101, 175.121, 175.141, 185.08(3), 185.10, 185.12, 213.05, 213.235, 220.183(3), 624.4621, 624.475, 624.509, 624.5092, 624.510, 624.5105, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2) FS. History—New 2-3-80, Formerly 12B-8.01, Amended 3-25-90, 4-10-91, 2-18-93, 6-16-94, 10-19-94, 1-2-96, 12-9-97, 6-2-98, 4-2-00,_____.

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. The Department prescribes Form DR-907, Florida Department of Revenue Insurance Premium Installment Payment, dated January 2001 ~~1999~~, and Form DR-908, Florida Department of Revenue Insurance Premium Taxes and Fees Tax Return, dated January 2001 ~~1999~~, and accompanying instructions as the forms to be used for the purpose of this chapter and hereby incorporates these forms by reference.

(2) through (4) No change.

Specific Authority 213.06(1) FS. Law Implemented 213.05, 213.37, 624.5092, 624.511, 624.518 FS. History—New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99,_____.

12B-8.016 Retaliatory Provisions.

(1) through (4) No change.

(5) For purposes of this rule, the corporate income tax return (CIT) imposed under Chapter 220, F.S., and the emergency excise tax (EET) imposed under Chapter 221, F.S., is the amount of CIT and EET used to compute the corporate income and emergency excise tax credit in Rule 12B-8.001, F.A.C.

Specific Authority 213.06(1) FS. Law Implemented 213.05, 624.509, 624.5091, 624.5092 FS. History—New 3-25-90, Amended 4-10-91, 12-9-97, 3-23-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Felix, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4700

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on April 6, 2001 (Vol. 27, No. 14, pp. 1562-1564). A rule development workshop was held on April 24, 2001, in Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida, regarding the proposed rule changes. In response to these changes, the proposed amendments in paragraphs (3)(a) and (c) of Rule 12B-8.001, F.A.C., and the proposed amendments to subsection (5) of Rule 12B-8.016, F.A.C., were modified to withdraw the issues at protest that are currently under litigation.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLES:	RULE NOS.:
Adjusted Federal Income Defined	12C-1.013
Apportionment for Special Industries	12C-1.0151
Sales Factor for Apportionment	12C-1.0155
Returns; Filing Requirement	12C-1.022

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12C-1.013, 12C-1.0151, 12C-1.055, and 12C-1.022, F.A.C., is to: 1) reflect the federal changes in entity classification complementing s. 220.13(2)(j), F.S.; 2) explain or define terms and concepts used in the application and administration of the corporate income tax regarding the apportionment formula for insurance companies; 3) clarify

which items of interest on loans are subject to sales factor inclusion; and 4) conform the rule provisions regarding the filing of returns consistent with the provisions of s. 220.22, F.S. **SUMMARY:** The proposed amendments to Rule 12C-1.013, F.A.C. (Adjusted Federal Income Defined), are amended to reflect federal changes in entity classification and to complement Section 220.13(2)(j), F.S.

The proposed amendments to Rule 12C-1.0151, F.A.C. (Apportionment for Special Industries), clarify that deposit-type funds are not direct premiums written, and therefore are not included in the apportionment factor calculation of an insurance company.

The proposed amendments to Rule 12C-1.0155, F.A.C. (Sales Factor for Apportionment), clarify which items of interest on loans are subject to sales factor inclusion. Further, the rule is amended to explain how sales of a partnership are to be included in the sales factor.

The proposed amendments to Rule 12C-1.022, F.A.C. (Returns; Filing Requirements), conform the rule text to s. 220.22, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide informaiton 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: 213.06(1), 220.21, 220.51 FS.

LAW IMPLEMENTED: 220.02(3), 220.03(5), 220.12, 220.13, 220.131(1), 220.15, 220.151, 220.22, 220.43(1),(3), 220.44 FS.

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

TIME AND DATE: 10:00 a.m., July 31, 2001

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

THE PERSONS TO BE CONTACTED REGARDING THE PROPOSED RULE ARE: Robert DuCasse, Tax Law Specialist, and Suzanne C. Paul, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

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, (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 FULL TEXT OF THE PROPOSED RULES IS:

12C-1.013 Adjusted Federal Income Defined.

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

~~(e) For tax years ending on or after July 1, 1998, limited liability companies and foreign limited liability companies qualified to do business in Florida will be allowed to file in the same manner for Florida corporate income tax purposes as for federal tax purposes. Regardless of whether a limited liability company is treated for federal tax purposes as a corporation or a partnership, for Florida corporate income tax purposes the taxable income of a limited liability company is defined by s. 220.13(2)(j), F.S., as equal to the amount of taxable income determined as if a corporation under the Internal Revenue Code.~~

- (2) through (13) No change.
- (14) Net Operating Losses.

(a) Generally, ~~the~~ Florida law follows the Internal Revenue Code with respect to the computation and handling of a net operating loss (NOL). However, under s. 220.13(1)(b)1., F.S., a net operating loss may not be allowed as a carry back to years prior to the year of the loss. It may be allowed only as a carryover (NOLCO) and is treated in the same manner and for the same period of time as allowed in s. 172, I.R.C.

- (b) through (i) No change.

(j) Under Treas. Reg. 1.1502-1(f)(2)(ii), the term “separate return limitation year” (SRLY) does not include a separate return year of any corporation which was a member of the affiliated group for each day of such year. The exception in Treas. Reg. 1.1502-1(f)(2)(ii), to the term “separate return limitation year” contemplates an affiliated group which remains in existence, and is, therefore, eligible to file a consolidated return for each year. If the affiliated group does not elect to file a consolidated return, each corporation must file a separate federal return. The Florida Corporate Income Tax Code generally embraces concepts of law which have been developed in connection with the income tax law of the United States. Subsection 220.43(1), F.S., provides that to the extent not inconsistent with the provisions of the Florida Income Tax Code or forms or regulations developed by the Department, a taxpayer will, for Florida tax purposes, take into account the items of income, deduction, and exclusion in the same manner as they are reflected for federal purposes. The requirements to file a Florida consolidated return, as well as the benefits and costs associated with filing a Florida consolidated return, are not the same as the requirements, benefits, and costs of filing a federal consolidated return. Florida allows federal net operating loss carry-overs as a subtraction pursuant to s. 220.13(1)(b)1., F.S. However, the underlying federal concepts must be applied in a manner consistent with Florida law. Where members of a federal affiliated group have not elected, or are not eligible to elect, under the provisions of s. 220.131, F.S., to file a Florida consolidated return, SRLY concepts will be applied. SRLY concepts are applicable when a NOL carryover exists from a prior taxable year for which a Florida consolidated return was not filed and Florida corporate income tax returns were not filed for all members. The NOL

carryover deduction from a subsidiary included in a consolidated NOL deduction is limited to that subsidiary’s taxable income included in the consolidated taxable income for that year. Where all members of the federal affiliated group filed Florida corporate income tax returns for all years from which a NOL carryover is available, SRLY concepts will not be imposed.

- (k) through (o) No change.
- (15) through (20) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.02(3), 220.03(5), 220.13, 220.131(1), 220.43(1),(3) FS., s. 70, Ch. 94-353 Laws of Florida. History–New 10-20-72, Amended 1-19-73, 10-20-73, 10-8-74, 4-21-75, 5-10-78, 11-13-78, 12-18-83, Formerly 12C-1.13, Amended 12-21-88, 12-7-92, 5-17-94, 10-19-94, 3-18-96,_____.

- 12C-1.0151 Apportionment for Special Industries.
- (1) through (2) No change.
- (3) Insurance companies.

(a)1. An insurance company shall may, at its election, determine the premium written for reinsurance accepted in respect to properties and risks in Florida on the basis of the proportion which premiums written for reinsurance accepted from companies resident in or having a regional home office in Florida bears to premiums written for reinsurance accepted from all sources. ~~Alternatively, the premiums written for reinsurance accepted for properties and risks in Florida can be determined on the basis of each ceding company’s ratio of direct premiums written in Florida to the sum of the total direct premiums written by each ceding company for the taxable year.~~

2. For purposes of this subsection, the “principal source of premiums” is defined as the majority (greater than 50 percent) of premium dollars received.

(b) If the principal source of premiums written by an insurance company is not for premiums for reinsurance accepted by it, the adjusted federal taxable income is apportioned to Florida by multiplying it by a fraction, the numerator of which is the direct premiums written for insurance upon properties and risks in Florida and the denominator of which is the direct premiums written for insurance upon properties and risks everywhere.

(c) Deposit-type funds, as separately listed on Schedule T of the Annual Statement filed with the Department of Insurance, are not direct premiums written and therefore are not included in the apportionment factor calculation of an insurance company.

- (4) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.151 FS. History–New 5-17-94, Amended 3-18-96,_____.

- 12C-1.0155 Sales Factor for Apportionment.
- (1) through (3) No change.

(4) Sales of a partnership are included in the denominator of a taxpayer’s sales factor to the extent of the taxpayer’s interest in the partnership. The amount of sales in Florida is

also included in the numerator of the sales factor to the extent of the taxpayer's interest in the partnership. Partnership sales should be allocated to each partner based on each partner's interest in the partnership, or as designated in the partnership agreement, for inclusion in the Florida sales factor.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.15, 220.44 FS. History—New 5-17-94, Amended 3-18-96, _____.

12C-1.022 Returns; Filing Requirement.

- (1) No change.
- (2) Foreign (out-of-state) corporations.
 - (a) through (c) No change.
 - (d) The determination of whether a foreign (out-of-state)

corporation is required to file a Florida corporate income/franchise tax return is dependent only on the activities of the corporation during that tax year. However, there is a continuing expectation ~~presumption~~ that a foreign corporation that was required to file in a previous year has a filing requirement in subsequent years. Therefore, a foreign corporation should file a return with a statement clearly explaining why there is not a continuing filing requirement. A foreign corporation must respond in writing to inquiries of the Department clearly explaining why a Florida filing is not required.

- (e) No change.
- (3) Foreign (non-U.S.) corporations.
 - (a) No change.
 - (b) Foreign corporations which are not considered under the Internal Revenue Code to have income effectively connected with a U.S. trade or business, ~~but are~~ for which any tax is due ~~is withheld at the source~~ under the provisions of s. 1442, I.R.C., will ~~not~~ be required to file a Florida corporate income/franchise tax return.

- (c) through (d) No change.
- (4) through (6) No change.

Specific Authority 213.06(1), 220.21, 220.51 FS. Law Implemented 220.22 FS. History—New 10-20-72, Amended 10-20-73, Revised 10-8-74, Amended 3-5-80, Formerly 12C-1.22, Amended 12-21-88, 4-8-92, 12-7-92, 3-18-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert DuCasse, Tax Law Specialist, and Suzanne C. Paul, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Felix, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4700

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on April 6, 2001 (Vol. 27, No. 14, pp. 1564-1566). A rule development workshop was held on April 24, 2001, in Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida, regarding the proposed rule changes. In response to these comments, the Department amended subparagraph (3)(a)1. of Rule 12C-1.0151, F.A.C., to clarify how an insurance company shall determine the premium written for reinsurance accepted in respect to properties and risks in Florida.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

RULE TITLE: RULE NO.:

Notice of Election to be Exempt and Revocation of Election to be Exempt by Sole Proprietors, Partners or Corporate Officers 38F-6.012

PURPOSE AND EFFECT: Currently, a sole proprietor or partner of a business entity that has not been in operation long enough to have filed or be required to file its first annual Federal Income Tax Return can receive a workers' compensation construction exemption without having to provide the required Internal Revenue Service documentation. This change removes that exception and requires all applicants for the construction industry exemption to provide the required Internal Revenue Service returns or purchase workers' compensation insurance until they can provide it. In subsections 38F-6.012(2)(a) and (b), F.A.C. a typographical error of the term "actually" engaged in the construction industry was changed to "actively" engaged in the construction industry.

SUMMARY: In subsections 38F-6.012(a) and (b), F.A.C., the Division corrected a typographical error. In subsection 38F-6.012(2)(c), F.A.C., the Division removed the exception for new businesses regarding attachment of documentation to Notices of Election to be Exempt.

STATEMENT OF ESTIMATED REGULATORY COST: Section 440.05(3), F.S., enables sole proprietors, partners and corporate officers to elect to be exempt from the Workers' Compensation Law. Applicants for exemption are required to submit "a copy of relevant documentation as to employment status filed with the Internal Revenue Service as specified by the division."

Rule 38F-6.012(2)(c), F.A.C. allows an exception for sole proprietors and partners of new businesses owners who have not been in business long enough to have filed a federal income tax return with the Internal Revenue Service. Those applicants need not attach IRS documentation as required in s. 440.05(3), F.S.

After promulgating Rule 38F-6.012(2)(c), F.A.C., it became evident to the Division that this exception allows for abuse in the Construction Industry Exemption process by employers who urge ineligible workers to claim the "New Business" status in order to obtain the construction industry exemption. The Division wishes to amend the rule to eliminate the new business exception. The amendment will alleviate such abuse by requiring all sole proprietors or partners actively engaged in the construction industry and any corporate officer of a construction or non-construction industry corporation to provide the required Internal Revenue Service documentation. This revision will enable the Division to verify that applicants for exemptions are, in fact, bona fide business owners entitled to exemption.

From July 1, 2000 through June 20, 2001, the Division processed 17,558 applications for exemptions from sole proprietors and partners engaged in the construction industry that did not have any federal income tax documentation attached. The only reason an exemption would be processed from a sole proprietor or partner engaged in the construction industry without tax documents attached is if the applicant had claimed his business was a new business. It is these applicants who will be affected by this rule. The estimated fiscal impact of excluding these applicants from being granted an exemption is \$877,900; or 17,558 applicants times \$50 in processing fees. However the elimination of the exception to the rule is expected to generate an estimated \$13,168,500 in additional workers' compensation insurance premiums, based upon the minimum premium policy cost of \$750, or 17,558 applicants times \$750.

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: 440.05(3),(6),(9), 440.103 FS.

LAW IMPLEMENTED: 440.05(3),(4),(6), 440.103, 440.38 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 NOTICED IN A FUTURE ISSUE OF THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lee Pease, Acting Chief, Bureau of Compliance, (850)922-8939

THE FULL TEXT OF THE PROPOSED RULE IS:

38F-6.012 Notice of Election to be Exempt and Revocation of Election to be Exempt by Sole Proprietors, Partners or Corporate Officers.

(1) No change.

(2) The following documentation shall be attached by the applicant to every Notice of Election to be Exempt (LES Form BCM-250):

(a) Each sole proprietor ~~actively~~ actually engaged in the construction industry shall attach a copy of the sole proprietor's Federal Income Tax Form 1040 and its accompanying Schedule C as filed by the applicant with the Internal Revenue Service (IRS) for the most recent tax year.

(b) Each partner of a partnership ~~actively~~ actually engaged in the construction industry shall attach a copy of the partner's Federal Income Tax Schedule K-1 (Form 1065), and Form 1040 and its accompanying Schedule E as filed by the applicant with the IRS for the most recent tax year.

~~(c) EXCEPTION FOR NEW BUSINESSES: A sole proprietor or partner of a business entity that has not been in operation long enough to have filed or be required to file by the Internal Revenue Service its first annual Federal Income Tax return does not need to attach tax documents to an application for exemption.~~

~~(c)(d)~~ Each corporate officer shall attach, if the applicant is not listed as an officer of the corporation on the current records of the Florida Secretary of State, Division of Corporations, a notarized affidavit stating that the applicant is a bona fide officer of the corporation and stating the date such appointment or election became or shall become effective.

(3) through (8) No change.

Specific Authority 440.05(3),(6),(9), 440.103 FS. Law Implemented 440.05(3),(4),(6), 440.103, 440.33 FS. History--New 5-28-91, Amended 2-15-94, 12-28-97, 2-2-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Philip Wilcox, Operations & Management Consultant Manger, Bureau of Compliance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lee Pease, Acting Chief, Bureau of Compliance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2001, Vol. 27, No. 5, pages 444 and 445

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Agreements RULE NO.: 40C-3.035

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to incorporate by reference changes to the District's water well permitting delegation agreements with the Florida Department of Health for Clay, Flagler, Nassau, and St. Johns Counties.

SUMMARY: The proposed rule amendment would incorporate by reference changes to the District's water well permitting delegation agreements with the Florida Department of Health for Clay, Flagler, Nassau, and St. Johns Counties. The proposed changes are the same for all four of these identical agreements. The changes seek to update the terms of the

agreements based on implementation experience and to increase the fees to accurately reflect the costs of administering this program at the county level.

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

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

SPECIFIC AUTHORITY: 344.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.046, 373.083, 373.309 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Meeting, which begins at 9:00 a.m., August 8, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4450 or Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

(1) through (4) No change.

(4) An agreement between Indian River County Health Department and St. Johns River Water Management District regarding water well permitting, dated November 8, 1995.

(5) An agreement between the Florida Department of Health, Clay County Health Department and the St. Johns River Water Management District entitled Amended Water Well Permitting Delegation Agreement regarding water well permitting dated November 8, 1995, amended December 22, 1996 (effective date) 2001.

(6) No change

(7) An agreement between the Florida Department of Health, St. Johns County Health Department Unit and the St. Johns River Water Management District entitled Water Well Permitting Delegation Agreement regarding water well permitting dated July 21, 1996 (effective date) 2001.

(8) An agreement between the Florida Department of Health, Nassau County Public Health Department Unit and the St. Johns River Water Management District entitled Water Well Permitting Delegation Agreement regarding water well permitting dated July 21, 1996 (effective date) 2001.

(9) An agreement between the Florida Department of Health, Flagler County Public Health Department Unit and the St. Johns River Water Management District entitled Water Well Permitting Delegation Agreement regarding water well permitting dated January 8, 1997 (effective date) 2001.

(10) through (11) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.046, 373.083, 373.309 FS. History--New 10-14-84, Amended 12-5-85, Formerly 40C-3.035, 40C-3.0035, Amended 1-8-96, 4-21-96, 7-21-96, 12-22-96, 3-10-97, 1-2-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jennifer Springfield, Attorney, Office of General Counsel, St. Johns River Water Management District, P.O. Box 1429, Palatka, Florida 32178-1429, (386)329-4199

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2001

If any person decides to appeal any decision with respect to any matter considered at the above listed public hearing, 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.

Anyone requiring special accommodation to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Linda Lorenzen at (386)329-4262 or (386)329-4450 (TDD).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Surface Water Management Basin	
and Related Criteria	40E-41
RULE TITLES:	RULE NOS.:
Policy and Purpose	40E-41.011
Scope, Policy, and Implementation of Part IV	40E-41.320
Definitions	40E-41.321
Water Preserve Area & Water Preserve Area	
Basin Boundaries	40E-41.323
Implementation	40E-41.333
Application of Part IV	40E-41.343
Permit Thresholds	40E-41.360
Conditions for Issuance of Environmental	
Resource Permits and Surface Water	
Management Permits in the Water Preserve	
Area, Water Preserve Area Basin, or	
Adjacent to the Protective Levees	40E-41.363

PURPOSE AND EFFECT: The Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission entered a Final Order directing the South Florida Water

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

Rule 40E-41.011, F.A.C., is being amended to update terms and incorporate the purpose and intent of the proposed new Part IV Water Preserve Area Rules.

SUMMARY: The proposed rule sets forth specific supplemental environmental resource permit criteria for construction projects located within and adjacent to the Water Preserve Area. The criterion include limits on excavation depths adjacent to the WPA components, restrictions on dredging and filling wetlands within the WPA, additional water quality treatment requirements and changes to the mitigation criteria for wetland impacts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs (SERC) is prepared. For a copy of the SERC, contact Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, telephone 1-800-432-2045, extension 6320, Suncom 229-6320 or (561) 682-6320 or via email at pbell@sfwmd.gov.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416, 373.4592 FS.

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

TIME AND DATE: 8:30 a.m., August 9, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6320, Suncom 229-6320 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 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, at (561)682-6206 at least two business days in advance to make appropriate arrangements.

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-41.011 Policy and Purpose.

The rules in this part establish supplemental additional Environmental Resource Permit surface water management criteria for specified basins which insure that development within named basins incorporates the appropriate environmental, water quantity and water quality control measures necessary to protect the integrity of the public investments in the basin and ~~which~~ minimizes adverse impacts to the water resources of the District. Criteria delineated in this chapter are in addition to criteria specified in Chapter 40E-4, 40E-40 or 40E-400, F.A.C. The criteria, exemptions and additional requirements specified in this part are not intended to supersede or rescind the terms and conditions of any valid Environmental Resource Conceptual Approval, Construction or Operation Permit or Surface Water Management Conceptual Approval, Construction or Operation Permit, or certification order issued pursuant to ss. 403.501-.518 and 403.52-.5365, F.S. issued by the District prior to the effective date of this part. In addition, the rules establish additional criteria for the named basins which insure that the use of the District's works or land is consistent with the policies of the District.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History—New 9-3-81, Formerly 16K-34.01, Amended 4-11-85, 4-20-94.

Part IV Water Preserve Area Basins in Palm Beach & Broward Counties

40E-41.320 Scope, Policy, and Implementation of Part IV.

The purpose of these rules is to protect areas that are necessary for water supply, water storage, water quality improvement, and ecological restoration. Further, it is an objective of the District to reduce the loss of groundwater through seepage or discharge to coastal receiving waters. The protection of lands within and adjacent to the Water Preserve Areas is crucial to the success of Everglades restoration, flood protection and water supply enhancement efforts. Because of their hydrological and biological relationships to the Everglades, the region's water supply and other unique natural areas and resources, the lands within and adjacent to the Water Preserve Area require supplemental Environmental Resource Permit criteria. The purpose of such criteria is to protect the current and future functions of aquifer recharge, water storage, flood attenuation, water quality enhancement and wildlife habitat provided by lands within and adjacent to the Water Preserve Area. The purpose of this rule is also to limit seepage from the water conservation areas across the protective levees and ultimately to tide.

Specific Authority 373.044, 373.113, 373.114 FS. Law Implemented 373.413, 373.416, 373.4592 FS. History—New

40E-41.321 Definitions.

(1) "Water Preserve Area" or "WPA" means: those component areas identified in Figures 1, 2, 3, 4, 5 and 6.

(2) "Water Preserve Area Basin" or "WPAB" means: the WPA and all or a portion of those drainage basins located adjacent to, or planned to discharge into, the WPA as identified in Figures 1, 2, 3, 4, 5 and 6.

(3) "Protective Levees" means: for the purposes of this rule, those portions of levees L-33, L-35, L-35A, L-36, L-37, L-38 and L-40 adjacent to Water Conservation Areas 1, 2A, 2B, 3A and 3B as identified in Figure 3.

(4) "Overburden" means: for the purposes of this rule, the layer of existing natural soil material as shown in Figures 1, 2, 4, 5 and 6.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.413, 373.416 FS. History—New _____.

40E-41.323 Water Preserve Area & Water Preserve Area Basin Boundaries.

(1) The WPA boundaries are shown in Figures 1, 2, 3, 4, 5 and 6.

(2) The WPAB includes all or a portion of the following drainage basins as shown in Figures 1, 2, 3, 4, 5, and 6.

- (a) Palm Beach County: Acme Basin B
C-51 East (west of SR 7)
C-16 (west of the Florida Turnpike)
C-15 (west of the Florida Turnpike)
Hillsboro Canal (west of the Florida Turnpike)

- (b) Broward County: C-11 West
C-9 West
Hillsboro Canal (west of the Florida Turnpike)

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History—New _____.

40E-41.333 Implementation.

(1) The effective date of this part is _____.

(2) The rules contained in this part will be applied to all projects which do not have complete applications, as evidenced by a letter of completeness under Rule 40E-1.603(1)(a), F.A.C., on the effective date of the rule. An application deemed complete prior to the effective date of a rule shall be governed by the rule in effect at the time the application became complete.

(3) Permit applications submitted pursuant to a valid conceptual approval shall be evaluated in accordance with Rule 40E-4.305, F.A.C. (Conceptual Approvals).

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History—New _____.

40E-41.343 Application of Part IV.

All projects located within the WPA, WPAB, or adjacent to the Protective Levees which require permits pursuant to Rule 40E-4.041, F.A.C. shall be constructed, altered, operated, maintained and abandoned in accordance with the criteria specified in Rules 40E-4.301 and 40E-4.302, and/or Rule 40E-4.302, F.A.C., as applicable, (Environmental Resource Permits Conditions for Issuance) and 40E-41.363 (Conditions for Issuance of Environmental Resource Permits and Surface Water Management Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees).

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History—New _____.

40E-41.360 Permit Thresholds.

(1) All systems proposed within the boundaries of the WPA shall require an individual permit.

(2) As provided for in Rule 40E-40.011(2), F.A.C., the District shall require an individual permit application for any system proposed within the WPAB or adjacent to the Protective Levees that does not comply with the provisions of this part; is harmful to the water resources of the District; is not consistent with the overall objectives of the District; is contrary to the provisions of Chapter 373, F.S.; or which is of heightened public concern.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History—New _____.

40E-41.363 Conditions for Issuance of Environmental Resource Permits and Surface Water Management Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees.

(1) In order to obtain a permit under this part, an applicant must provide reasonable assurance that the proposed activities will meet the requirements of this section; not be harmful to the water resources; not be inconsistent with the objectives of the District; or otherwise restrict, interfere with, or limit accomplishment of the Water Preserve Area objectives.

(2) Projects located within one mile of existing or proposed WPA components, or the Protective Levees, shall leave sufficient overburden in place to prevent seepage increases eastward into surface water bodies, such as surface water management lakes, canals, ditches or ponds, in accordance with the following design criteria:

(3) Proposed excavations located within one-quarter mile of the existing or proposed WPA components or the Protective Levees shall maintain an overburden thickness of at least three-quarters of the existing overburden.

(a) Proposed excavations located from one-quarter mile to one-half mile from existing or proposed WPA components or the Protective Levees shall maintain an overburden thickness of at least half of the existing overburden.

(b) Proposed excavations located from one-half mile to one-mile from existing or proposed WPA components or the Protective Levees shall maintain an overburden thickness of at least one-quarter of the existing overburden.

(c) Figures 1, 2, 4, 5 and 6 show the thickness of existing overburden within the WPA, WPAB and adjacent to the Protective Levees.

(3) Notwithstanding (2)(a)-(d) above, applicants can:

(a) Provide site-specific technical information documenting the presence of sufficient overburden above the production zone of the surficial aquifer system to demonstrate that a proposed excavation will not cause adverse seepage or hydrologic impacts to the WPA or Water Conservation Areas; or,

(b) Propose an alternative engineering design, such as installation of a synthetic liner, muck back-filled trench or other seepage barrier, with site-specific technical information to demonstrate that a proposed excavation will not cause adverse seepage or hydrologic impacts to the WPA or Water Conservation Areas.

(4) Proposed projects within the WPA, WPAB or adjacent to the Protective Levees shall not lower existing water table elevations.

(5) In addition to the water quality treatment volumes required in section 5.2.1. of the Basis of Review, projects within the WPA or WPAB shall provide an additional fifty (50) percent retention / detention water quality treatment.

(6) No dredging or filling of wetlands shall be permitted in the WPA, except where necessary to provide access to upland sites; allow an economically viable use of private property; facilitate relocation or installation of essential public services such as electricity, transportation, telecommunications and water supply in locations compatible with the WPA objectives when it has been demonstrated that such services cannot be located outside the WPA; or to facilitate the objectives of the WPA or Comprehensive Everglades Restoration Plan.

(7) Reduced mitigation ratios set forth in sections 4.3.2.4 and 4.3.9 (Melaleuca Rule) of the Basis of Review shall not apply in the WPA.

(8) In order to qualify for the reduced mitigation ratios set forth in section 4.3.2.4 and 4.3.9 (Melaleuca Rule) of the Basis of Review, projects located within the WPAB shall:

(a) Provide a management plan for the control of exotic and nuisance species;

(b) Maximize the spatial extent and connectivity of wetlands, wetland mitigation areas and open space; and

(c) Incorporate a minimum of 50% native trees, shrubs and ground cover in the project landscape plan.

(9) The exotic and nuisance species management plan referenced in (7)(a) shall include as a minimum the following. All invasive exotic plants defined by the Florida Exotic Pest Plant Council (EPPC) as Category I plants will be removed or killed in-place during initial wetland construction, restoration

and enhancement phase of the mitigation project or onsite natural area clearing. Subsequent regrowth of the invasive exotic and undesirable vegetation will be maintained at or below five (5) percent of coverage of the wetland mitigation area. During the construction restoration and enhancement phases of the mitigation project and as part of the perpetual maintenance of the mitigation areas, every effort will be taken to attain zero percent coverage of exotic/nuisance plant species immediately following maintenance activities.

(10) Mitigation for proposed impacts incurred in the WPA or WPAB must be provided within the WPAB, or at a mitigation bank or Regional Offsite Mitigation Area with an approved mitigation service area that includes the impact site, provided all other applicable criteria are met.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terrie Bates, Director, Environmental Resource Regulation Division

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Notice of Rule Development for the April 30 and May 3, 1999 workshops was published in Vol. 25, No. 15, April 16, 1999 edition of this publication. Notice of Rule Development for the June 19, 2000 workshop was published in Vol. 26, No. 22, June 2, 2000 edition of this publication.

DEPARTMENT OF THE LOTTERY

RULE TITLE: How to Play CASH 3

RULE NO.: 53-30.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish a liability limit for CASH 3.

SUMMARY: The proposed rule establishes a liability limit of \$10 million for CASH 3.

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

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

SPECIFIC AUTHORITY: 24.105(10)(a),(b),(c),(j) FS.

LAW IMPLEMENTED: 24.105(10)(a),(b),(c),(j), 24.115 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., August 7, 2001
 PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-30.001 How to Play CASH 3.
 (1) through (4) No change.

(5) A liability limit of \$10 million is established for CASH 3. When the play of a particular three digit number for a drawing reaches the Lottery's CASH 3 liability limit of \$10 million, no further ticket sales for any type of play that would involve that three digit number will be allowed for that drawing. In addition, no Front Pair or Back Pair play that involves the first two or last two digits, respectively, of the three digit number will be allowed for that drawing.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: CASH 3 Rules and Prohibitions
 RULE NO.: 53-30.004
 PURPOSE AND EFFECT: The purpose of this rule amendment is to reflect an increase in the ticket cancellation period and to clarify other provisions in this section.
 SUMMARY: The rule amends the ticket cancellation period and clarifies other provisions in section 53-30.004.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.
 Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
 SPECIFIC AUTHORITY: 24.105(2), 24.105(10) FS.
 LAW IMPLEMENTED: 24.105(2), 24.105(10), 24.117(2) FS.

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

TIME AND DATE: 9:00 a.m., August 7, 2001
 PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-30.004 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Diane D. Schmidt, Office of the General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr., General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: How to Play PLAY 4
RULE NO.: 53-31.001
PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to clarify the liability limit provisions for PLAY 4.

SUMMARY: The proposed rule amendment clarifies the liability limit provisions for PLAY 4.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 24.105(10)(a),(b),(c),(j) FS.
LAW IMPLEMENTED: 24.105(10)(a),(b),(c),(j), 24.115 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., August 7, 2001

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-31.001 How to Play PLAY 4.

(1) through (4) No change.

(5) A liability limit of \$5 million is established for PLAY 4. When the play of a particular four digit number for a drawing reaches the Lottery's PLAY 4 liability limit of \$5 million, no further ticket sales for any type of play that would involve that four digit number will be allowed for that drawing. A liability limit of \$5 million is established by the Lottery which can result in one (1) or more number combinations being unavailable for further transactions for a particular draw. When the liability of the Lottery for a "straight" play of a particular four (4) digit number reaches \$5 million, no further "straight" play ticket sales for that four (4) digit number will be allowed for that draw.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Diane D. Schmidt, Office of the General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr., General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2001

DEPARTMENT OF THE LOTTERY

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

SUMMARY: The rule amends the ticket cancellation period and clarifies other provisions in section 53-31.004.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

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

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

TIME AND DATE: 9:00 a.m., August 7, 2001

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-31.004 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, (10)~~ FS. Law Implemented ~~24.105(2)(b)2, (10)~~ 24.117(2) FS. History--New 11-22-93, Amended

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: MEGA MONEY Rules and Prohibitions RULE NO.: 53-32.006

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

SUMMARY: The rule amends the ticket cancellation period and clarifies other provisions in section 53-32.006, F.A.C.

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

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

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

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

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

TIME AND DATE: 9:00 a.m., August 7, 2001

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-32.006 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),(10)(b)~~ FS. Law Implemented 24.105(2)(a),(10)(b), 24.117(2) FS. History-New 2-20-00, Amended

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE TITLES:	RULE NOS.:
Definitions	59A-23.002
Quality Assurance	59A-23.004
Medical Records and Case Files	59A-23.005
Grievance Procedures	59A-23.006
Education Procedures	59A-23.009

PURPOSE AND EFFECT: The Agency for Health Care Administration is proposing to amend rules 59A-23.002, Definitions; 59A-23.004, Quality Assurance; 59A-23.005, Medical Records and Case Files; 59A-23.006, Grievance Procedures, Florida Administrative Code; and propose rule 59A-23.009 Education Procedures, and to implement subsection (25) of section 440.134, Florida Statutes. The effect of the proposed changes will be to establish and clarify the procedures for case management, utilization management, peer review, quality assurance, medical records, case files, grievances and dispute resolution, employee and provider education, reporting data regarding grievances, and workers' compensation managed care arrangement definitions.

SUMMARY: Section 440.134(25), Florida Statutes, mandates that the Agency for Health Care Administration adopt rules specifying procedures for: requirements and procedures for case management, utilization management, and peer review; requirements and procedures for quality assurance and medical records; requirements and procedures for dispute resolution; requirements and procedures for employee and provider education; requirements and procedures for reporting data regarding grievances, and provider networks; and clarification of workers' compensation managed care arrangement definitions.

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: 440.134(25) FS.

LAW IMPLEMENTED: 440.134 FS.

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

TIME AND DATE: 10:00 a.m. (EST), August 14, 2001

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room A, Tallahassee, Florida 32308-5403

THE PERSON TO BE CONTACTED REGARDING THE REGARDING THE PROPOSED RULES IS: Robert Pannel, Unit Administrator, Agency for Health Care Administration, 2727 Mahan Drive, Building 1, Mail Stop 45, Tallahassee, Florida 32308, (850)922-6481

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-23.002 Definitions.

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

(2) "Case files" means a system for managing medical information and return to work information regarding the injured employee, whether in electronic or paper format.

(3) "Complaint" means any dissatisfaction expressed by an injured worker as defined in Section 440.134(1)(b), F.S. An initial request for services, such as a request for medical services, second opinions, or a change in providers, is not considered a complaint.

(4) "Credentialing" means the process for validating and evaluating the qualifications of a licensed health care provider to participate in a workers' compensation managed care arrangement provider network.

(5) "Division" means the Division of Workers' Compensation of the Florida Department of Labor and Employment Security.

(6) "External case management" means face-to-face medical care coordination performed by a qualified rehabilitation provider pursuant to Section 440.491, F.S.

(7) "Grievance" means a written expression of dissatisfaction with medical care by an injured worker as defined in Section 440.134(1)(d), F.S. Initial written requests for medical services, second opinions, or changes in providers are not grievances.

(8)(2) "Insurer" means an entity which contracts to provide workers' compensation insurance coverage as defined under Section 440.134(1)(e), F.S.

(9) "Internal case management" means a process for telephonically coordinating, facilitating, and monitoring all aspects of the medical care coordination of the injured employee in consultation with the treating physician and the medical care coordinator.

(10)(3) "Medical care services coordination" means active case management and coordination of the health care services for an injured employee worker involving a medical care coordinator medical oversight to ensure the delivery of necessary services in a manner which will return the individual to work as soon as feasible.

(11) "Peer review" means the evaluation of the treatment plan or clinical performance of providers by one or more licensed professionals with the same authority or similar specialty when potential quality of care issues have been identified through case management or quality assurance processes.

(12) "Quality assurance" means a formal set of activities, which review and safeguard the quality of medical services provided to the injured employee. Quality assurance includes assessment and implementation of corrective actions to address any deficiencies identified in the quality of care and services provided to the injured employee.

(13) "Second medical opinion" means a consultation by a health care provider authorized by the medical care coordinator that requires at a minimum a history, an examination, and a straightforward medical decision to confirm or offer alternatives.

(14)(4) "Service area" means a geographic area consisting of a county or group of counties, which shall not be subdivided for purposes of authorizing a workers' compensation managed care arrangement.

(15) "Utilization management" means the examination and evaluation of health care services to determine the appropriate use of the resources and components available within the workers' compensation managed care arrangement including, retrospective, concurrent, and prospective care reviews.

(16) "Urgent" means that in the judgment of the primary care physician or medical care coordinator, the injured employee's clinical condition requires a response within 72 hours, and the clinical condition is at significant risk of deterioration if a response is not made within that timeframe.

(17) "Written agreement" means an express, legally executed, written contract between two or more parties which specifies the following: the parties to the contract; the effective date of the contract; duties of the respective parties; reporting and or oversight of the responsibilities to be performed; performance standards; termination and expiration terms of the contract.

(18)(5) "Workers' compensation managed care arrangement" means those arrangements as defined under Section 440.134(1)(g), F.S.

Specific Authority 440.134(2)(a) FS. Law Implemented 440.134(1)(g),(5), (a),(6)(b),(c),4.,6.-9.,(9),(10), (14)(b),(d),(16), (17),(25)(b),(c),(d),(g) FS. History--New 9-12-94, Amended

(Substantial rewording of Rule 59A-23.004 follows. See Florida Administrative Code for present text.)

59A-23.004 Quality Assurance.

Each insurer or delegated entity shall have an ongoing quality assurance program designed to objectively and systematically monitor and evaluate the quality of patient care, based upon the prevailing standards of medical practice in the community.

(1) The scope of the quality assurance program shall include the following:

- (a) Peer review;
- (b) Satisfaction survey;
- (c) Utilization management;
- (d) Case management;
- (e) Complaints and grievances;
- (f) Credentialing and recredentialing;
- (g) Medical records;
- (h) Return to work;
- (i) Cost analysis;
- (j) Data collection;
- (k) Outcome studies;
- (l) Education; and
- (m) Provider dispute resolution.

(2) The quality assurance plan shall be in writing, updated annually, and shall describe the program's objectives, organization and problem-solving activities for improvement of medical services. The plan shall specify:

(a) Those specific activities under subsection (1) that will be conducted;

(b) The timeframes and the responsible individual for each quality assurance activity; and

(c) The follow-up activities including written procedures for taking remedial action.

(3) The insurer or delegated entity shall have a quality assurance committee that meets quarterly to review the progress of quality assurance activities, completion of the written work plan, findings, and to develop recommendations for corrective action and follow-up. The committee shall keep minutes of meetings to document the committee's activities. Activities of the committee shall include:

(a) Identification of data to be collected;

(b) Evaluation of data collected;

(c) Recommendation of improvements utilizing data collected;

(d) Communication of the committee's findings to accountable authorities for implementation of improvements; and

(e) Evaluation and documentation of the results of the implementation of improvements.

(4) The insurer or delegated entity shall perform a quality assurance review of the processes and outcomes of care, at least annually, using current state and nationally recognized practice guidelines.

(5) All findings, conclusions, recommendations, actions taken and results of actions taken shall be documented, shared with contracted entities and reported through organizational channels that have been established within the workers' compensation managed care arrangement.

(6) The insurer or delegated entity shall provide, as part of the quality assurance program, an ongoing peer review process which:

(a) Resolves issues regarding provision of medical services; and

(b) Evaluates clinical performance at least annually. The evaluation process shall include: medical record audits of a representative sample of providers to evaluate medical necessity; provision of medical service(s) appropriate to the diagnosis; use of current state and nationally accepted practice parameters; timeliness and access to treatment; and the development and use of a plan of care. The insurer or delegated entity shall have a written methodology for determining the size and scope of the medical record audits that shall reflect the volume and complexity of services provided by the provider network.

(7) Utilization Management. The insurer or delegated entity shall have written policies and procedures for approving or denying requests for care in accordance with the agency's practice parameters where applicable, and with nationally recognized standards based on medical necessity. The program shall evaluate quality of care and services, and provide review prospectively, concurrently, and retrospectively including pre-certification mechanisms for elective admissions and non-emergency surgeries.

(a) The utilization management program shall ensure that:

1. All elective admissions and non-emergency services must be precertified;

2. Utilization management policies and procedures are clearly defined in writing and any advisory responsibilities are assigned to individuals with training and education in a health care field sufficient to evaluate the consistency of the proposed treatment with the relevant standards;

3. The utilization management program uses nationally recognized written criteria based on clinical evidence to determine medical necessity. Treating providers shall have access to the criteria used for determining medical necessity upon request;

4. The medical care coordinator is involved in the decision process and consultation regarding decisions with the treating physician. Any decision to deny a request for treatment shall be made by a licensed medical or osteopathic physician. A physician not involved in the initial decision shall review any denial based on medical necessity;

5. Decisions are made in a timely manner to accommodate the clinical urgency of the situation. There are policies and procedures and a process for making timely decisions including those involving urgent care;

6. The utilization management program documents and communicates the reasons for each denial of requested medical services to treating providers and the injured employees;

7. The information obtained through the quality assurance program is considered in evaluating the timeliness and necessity of medical services;

8. There is a procedure for handling requests for experimental procedures;

9. There is a procedure for resolution of provider disputes regarding reimbursement and utilization review;

10. There is a procedure for ensuring that referrals are made to network providers who are available and accessible within the service area. The insurer or delegated entity shall monitor the utilization of network and out-of-network services to improve network access; and

11. There is a procedure for authorization of out-of-network services.

(b) Utilization management is responsible for:

1. Selection and application of nationally recognized review criteria and protocols;

2. Recommendation of general utilization management program policies;

3. Overall program monitoring; and

4. Review of all appeals of denials of requests for treatment or referrals.

(8) Case Management. The insurer or delegated entity shall develop and implement policies and procedures for aggressive medical care coordination, which may be provided via internal and external case management services in association with utilization management activities. The insurer or delegated entity shall specify the types and severity of injuries which require internal and external case management.

(a) Internal case management activities shall include:

1. Coordinating, facilitating, and monitoring all aspects of the ongoing medical care of the injured employee;

2. Communicating utilization management decisions to the medical care coordinator and treating providers;

3. Assisting the injured employee in resolving complaints and obtaining medically necessary services;

4. Educating injured employees regarding their rights, responsibilities, and limitations of the workers' compensation managed care arrangement;

5. Coordinating, facilitating, and monitoring the injured employee's return to work status including communicating to the claims representative the services required pursuant to Section 440.491, F.S.; and

6. Communicating the injured employee's status to the employer and to the injured employee.

(b) Internal case management activities shall be performed in consultation with the treating physician and the medical care coordinator.

(c) Internal case management services shall be provided by individuals with the experience and training required to perform their assigned responsibilities.

(d) External case management shall be provided for catastrophic injuries as defined under Section 440.02(37), F.S., and for such other injuries as determined by the insurer or delegated entity. External case management services shall be performed by certified rehabilitation providers approved pursuant to Section 440.491, F.S.

(e) The insurer or delegated entity shall develop and implement procedures for communication of information regarding medical services and return to work between internal and external case management, the medical care coordinator, claims administration, the employer, and injured employee.

Specific Authority 440.134(25)(2)(a) FS. Law Implemented 440.134(6)(c)1-8,11,(7),(9),(10)(d),(11),(14)(a),(d),(15) FS. History--New 9-12-94, Amended _____.

59A-23.005 Medical Records and Case Files.

The insurer or delegated entity shall implement a system for managing electronic and paper medical information necessary to promote the prompt delivery of medical services in order to return the injured employee to work as soon as medically feasible.

(1) Provider Medical Records. The insurer or delegated entity shall organization maintains or assures that its providers maintain a medical records system which is consistent with professional standards, pursuant to Section 455.667, F.S. The insurer or delegated entity shall develop and implement policies and procedures that and which:

(a) Permits prompt retrieval of legible and timely information, which is accurately documented and readily available if requested by a health care practitioner with written authorization and consent from the patient when required by statute;

(b) Protects the confidentiality and security of paper and electronic patient records; including:

1. Transfer, storage, and faxing of records; and
2. Handling of records containing information on HIV, substance abuse, and mental health, in accordance with statutory requirements;

(c) Provide for the training and education of administrative staff and providers on medical record documentation, policies and procedures, storage and confidentiality of patient records;

(d)(e) Documents in the medical record a summary, related to work injury or illness, of significant procedures, past and current diagnoses or problems and allergies and adverse ~~untoward~~ reactions to current medications;

(e)(f) Identifies the patient as follows:

1. Name;
2. Social Security, alien identification number, or other identification number (if applicable);
3. Date of Birth; Employer; home and work telephone numbers;
4. Sex; and
5. Date of work injury or illness.

(f)(e) Indicates in the medical record for each visit the following information:

1. Date;
2. Chief complaint, unresolved problems or complaints from prior interventions and ~~or~~ purpose of visit;
3. Objective findings of practitioner;
4. Diagnosis or medical impression;
5. Studies ordered, for example: lab, x-ray, EKG, and referral reports;
6. Therapies administered and prescribed;
7. Name and profession of practitioner rendering services, for example: M.D., D.O., D.C., D.P.M., R.N., O.D., etc., including signature or initials of practitioner;
8. Disposition, recommendations, instructions, and education to the patient, and Evidence of whether there was follow-up and the specific time of return is noted in weeks, months or as needed; and
9. Outcome of services;
10. Work status, release for return to work, work restrictions; and
11. Evidence of coordination of care and any injured employee non-compliance with treatment.

(g)(2) Require the The insurer or delegated entity to organization is responsible for requesting written consent of patients for release of medical records that are subject to the limitations in Sections 381.044 and 455.241, F.S., and for

obtaining and sharing all documents and medical records from ~~contracted~~ providers necessary to carry out the provisions of Section 440.134, F.S.; and

(h) Address transfer and retrieval of records, and provision of copies when requested by the patient, designated representative, or the Agency pursuant to Section 440.13(4)(c), F.S. The insurer or delegated entity shall communicate its policy to providers via provider educational materials.

(2) Case Files. The insurer or delegated entity shall maintain electronic or paper medical information necessary to ensure the efficient functioning of the care coordination process. The insurer or delegated entity shall develop and implement a policy and procedure that protects the confidentiality and security of case file information including the transfer and storage of paper and electronic information, and the handling of information on HIV, substance abuse, and mental health. Case files shall contain necessary information for the coordination of quality patient care between providers, insurers, employees, and employers including:

(a) The information from the notice of injury required by Section 440.13(4)(a), F.S.:

(b) The current primary care physician, primary care physician changes and the designated medical care coordinator;

(c) The treating physician's plan of care;

(d) Medical reports and information necessary to support the coordination of medical care;

(e) The injured employee's work status, work restrictions, date of maximum medical improvement, and permanent impairment ratings; and

(f) Efforts toward rehabilitation and reemployment of the injured employee, when applicable.

(3) Audits of provider records. The insurer or delegated entity shall implement an ongoing process for conducting medical record audits to determine compliance with the medical record standards specified under paragraphs (1)(d), (e), and (f). The insurer or delegated entity shall have a written methodology for determining the size and scope of the medical record audits that shall reflect the volume and complexity of services provided by the provider network. The insurer or delegated entity shall develop and implement an annual work plan for the medical record audits. The results of the audits shall be reported quarterly to the quality assurance committee and shall include the following:

(a) Number of physicians reviewed by county and by specialty;

(b) Areas where specific improvements in record keeping are indicated;

(c) Results from implementing improvements recommended in prior audits;

(d) Recommendations for education and feedback to providers; and

(e) Extent to which the physician's treatment plan was implemented.

Specific Authority 440.134(25)(2)(a) FS. Law Implemented 440.134(5)(c),(6)(c)1.-4.,8.,(7),(8),(2)(a) FS. History--New 9-12-94, Amended _____.

59A-23.006 Grievance Procedures.

(1) Each insurer or delegated entity ~~workers' compensation managed care arrangement~~ shall develop and implement ~~have~~ a grievance procedure to resolve complaints ~~formal~~ and written ~~informal~~ grievances by employees and providers.

(2) A detailed description of the employee complaint and grievance procedure shall be provided by the insurer or delegated entity ~~included in all contracts between the insurer and to employees pursuant to Rule 59A-23.009, F.A.C. to provide workers' compensation coverage through a managed care arrangement as well as~~ A detailed description of the employee complaint and written grievance procedures shall be included in educational ~~informational~~ materials provided to injured employees. A detailed description of the provider complaint and grievance procedure shall be included in educational materials given to providers ~~all contracts with providers to provide health services through a managed care arrangement and~~.

(3) A copy of the grievance procedure and forms for filing a written grievance shall be made available to providers, employees, or their designated representative within seven calendar days of receipt of a upon request. Copies of the form required for filing a grievance shall also be available at the same location as the compensation notice required under Rule 38F-6.007, F.A.C. The insurer or delegated entity shall not charge the employer, employee, or provider for administering the grievance process.

(4) The grievance procedure ~~shall be administered at no cost to the employer, employee, or provider and~~ shall include the following:

(a) Requests for services. The insurer or delegated entity shall implement a procedure to address initial requests for services. Initial requests for services, such as a request for medical services, second opinions, or a change in providers, are not considered a complaint or grievance. The insurer or delegated entity shall evaluate requests for medical services within seven calendar days of receipt and shall notify the injured employee of the decision to grant the request, to deny it, or to request additional information. When the insurer or delegated entity denies a request it shall notify the injured employee in writing of the denial and the right to file a grievance. If the insurer or delegated entity fails to respond within seven calendar days of receipt of the request, the request shall be deemed denied and the insurer or delegated entity shall notify the injured employee in writing of the right to make a complaint or file a written grievance. The insurer or delegated

entity shall provide the employee with a copy of AHCA form No. 3160-0019 (November 2000) which is incorporated by reference;

(b) Complaint Procedure. The insurer or delegated entity shall implement a procedure to address complaints about medical issues and employees' rights under Section 440.134, F.S., in a timely manner in order to expedite the resolution of issues of providers and injured employees.

1. The insurer or delegated entity shall investigate and resolve a complaint within ten calendar days of receipt unless the parties and the insurer or delegated entity mutually agree to an extension. The ten days shall commence upon receipt of a personal or telephone contact by the insurer or delegated entity from the injured employee, provider, designated representative, the Agency, or the Division.

2. If a complaint is denied, or remains unresolved after ten days of receipt, the insurer or delegated entity shall notify the affected parties in writing of the right to file a written grievance. If the insurer or delegated entity denies a complaint, it shall notify the injured employee of the reason for the denial. The written notification shall include the name, title, address, and telephone number of the grievance coordinator. In addition, the insurer or delegated entity shall advise the injured employee of the right to contact the Division's Employee Assistance Office for additional information on rights and responsibilities and the dispute resolution process under Chapter 440, F.S., and related administrative rules; and

(c) Written Grievance. The procedure for written grievances shall commence upon receipt of a signed grievance form AHCA Form No. 3160-0019 (November 2000) by the insurer or delegated entity, from the injured employee, provider, or their designated representative. A written grievance may be submitted or withdrawn at any time. The injured employee or provider is not required to make a complaint prior to filing a written grievance. The procedure shall include notice to the employer when a grievance has been filed. The insurer or delegated entity shall notify the injured employee and employer in writing of the resolution of the written grievance, and the reasons therefore within seven days of the final determination.

1. The insurer or delegated entity shall implement an expedited procedure for urgent grievances to render a determination and notify the injured employee within three calendar days of receipt. If the insurer or delegated entity has initiated an expedited grievance procedure, the injured employee shall be considered to have exhausted all managed care grievance procedures after three days from receipt.

2. Upon receipt of a written grievance, the grievance coordinator shall gather and review medical and related information pertaining to the issues being grieved. The grievance coordinator shall consult with appropriate parties and shall render a determination on the grievance within 14 calendar days of receipt. If the determination is not in favor of

the aggrieved party the grievance coordinator shall notify the aggrieved party that the grievance is being forwarded to the grievance committee for further consideration unless withdrawn in writing by the employee or provider.

3. The grievance committee shall consist of not less than three individuals, of whom at least one must be a physician other than the injured employee's treating physician, who is licensed under Chapter 458 or 459, F.S., and has professional expertise relevant to the issue. The committee shall review information pertaining to the issues being grieved and render a determination within 30 calendar days of receipt of the grievance by the committee unless the grieving party and the committee mutually agree to an extension that is documented in writing. If the grievance involves the collection of additional information from outside the service area, the insurer or delegated entity will have 14 additional calendar days to render a determination. The insurer or delegated entity shall notify the employee in writing within seven days of receipt of the grievance by the committee if additional information is required to complete the review of the grievance. A maximum of 58 calendar days will be allowed for the resolution of the written grievance.

4. The insurer or delegated entity may allow but may not require arbitration as part of the grievance process. A grievance which is arbitrated pursuant to Chapter 682, F.S., is permitted an additional time limitation not to exceed 210 calendar days from the date the insurer or delegated entity receives a written request for arbitration from the injured employee. Arbitration provisions in a workers' compensation managed care arrangement shall not preclude the employee from filing a request for assistance with the Division of Workers' Compensation relating to non-medical issues.

5. An injured employee or provider grievance shall be submitted on AHCA Form 3160-0019, November 2000. The insurer or delegated entity shall provide assistance to an injured employee unable to complete the grievance form and to those persons who have improperly filed a grievance.

6. The grievance process shall not address issues relating to indemnity benefits, vocational benefits, maximum medical improvement, impairment, medical mileage reimbursement, provider payments, attorney's costs and fees, compensability, and causation.

7. The claimant or provider shall be considered to have exhausted all managed care grievance procedures if a determination on a grievance has not been rendered within the required timeframe specified in this section or other timeframe, as mutually agreed to in writing by the grieving party and the insurer or delegated entity.

8. Upon completion of the grievance procedure, the insurer or delegated entity shall provide written notice to the employee of the right to file a petition for benefits with the Division pursuant to Section 440.192, F.S.

~~(1) The availability of both informal and formal steps to resolve the grievance. An employee or provider grievance is not considered to be a formal grievance until a written complaint by the employee or provider has been received by the managed care arrangement on such forms as prescribed by the insurer;~~

~~(5)(2) The insurer or delegated entity shall designate designation of at least one grievance coordinator who is responsible for the implementation of the grievance procedure;~~ The insurer or delegated entity shall ensure that the grievance coordinator's role in the grievance procedure is identified in the grievance coordinator's job description.

~~(6)(3) The insurer or delegated entity shall provide sSpecified phone numbers in the provider and employee educational materials for the employee or provider to call to present an informal grievance or to contact the grievance coordinator. Each phone number shall be toll free within the injured employee's or provider's geographic service area and shall provide reasonable access without undue delays. There must be an adequate number of phone lines to handle incoming complaint grievance calls.~~

~~(7)(4) The insurer or delegated entity shall provide a An current mailing address for in employee and provider educational materials that indicate where to file a written grievance;~~

~~(5) A specified person with problem solving authority at each level of the grievance procedure;~~

~~(6) A time frame for processing the formal written grievance. Grievances shall be processed within 60 days of receipt by the managed care arrangement unless the employee or provider and the managed care arrangement mutually agree to an extension. If the grievance involves the collection of information outside the service area, the managed care arrangement will have 30 days in addition to the 60 days set forth in this section, to process the grievance through all steps of the grievance procedure. The managed care arrangement shall notify the employee in writing that additional information is required to complete review of the grievance and that a maximum of 90 days will be allowed for this review. A grievance which is arbitrated pursuant to Chapter 682, F.S., is permitted additional time not to exceed 210 days from receipt of the written request for arbitration from the employee or provider.~~

~~(7) The right to file a request for grievance validation with the Department of Labor and Employment Security, Division of Workers' Compensation. The managed care arrangement shall provide written notice to its employees and providers of the right to file a request for grievance validation with the Division of Workers' Compensation upon completion of the full grievance procedure or while the grievance is in arbitration. Requests for validation shall be filed with the Division of Workers' Compensation, 2728 Centerview, 354 Forrest Building, Tallahassee, Florida 32399-0680. The~~

~~managed care arrangement will furnish a copy of the final decision letter from the managed care arrangement regarding the grievance to the Division of Workers' Compensation upon request;~~

(8) Physician involvement in reviewing medically related grievances. This involvement shall not be limited to the injured employee's primary care physician, but shall include at least one other physician.;

(9) A meeting between the insurer or delegated entity ~~managed care arrangement~~ and the injured employee or provider during the written formal grievance process if requested desired by the injured employee or provider. The insurer or delegated entity ~~managed care arrangement~~ shall offer to meet with the injured employee or provider at a location ~~its administrative offices~~ within the service area convenient to the injured employee or provider.;

~~(10) A time frame in which to file a grievance. The employee or provider is allowed up to one year from the date of occurrence to file a formal grievance;~~

~~(10)(11)~~ A record of each written formal grievance. The insurer or delegated entity ~~managed care arrangement~~ will maintain a record of each written formal grievance to include the following:

(a) A ~~complete~~ description of the grievance, the injured employee's or provider's name and address, the ~~employee's healthcare providers'~~ names and addresses of any treating workers' compensation providers relevant to the grievance, and the managed care arrangement name and address;

(b) A complete description of the ~~managed care arrangement~~ findings, including supportive documentation, conclusions and final disposition of the grievance; and

(c) A statement as to the current status of the grievance, level at which the grievance has been processed and the levels remaining before completion of the entire grievance process;

~~(11)~~ The insurer or delegated entity shall maintain a list of all grievance files that contains the identity of the injured employee, the individual filing the grievance, the date filed, the nature of the grievance, the resolution, and the resolution date.

(12) The insurer or delegated entity ~~managed care arrangement~~ shall be responsible for regular and systematic review and analysis of all written formal grievances for the purpose of identifying trends or patterns, and, upon emergence of any pattern, shall develop and implement recommendations for ~~appropriate~~ corrective action.

(13) An annual report of all grievances filed by employees and providers shall be submitted to the ~~Agency~~ pursuant to paragraph 440.134(15)(g), F.S. The report shall list the number, nature, and resolution of all written formal employee and provider grievances. This report shall be submitted no later than March 31 for grievances filed during the previous calendar year in a format prescribed by the Agency.

Specific Authority 440.134(25)(2)(a) FS. Law Implemented 440.134(1)(b),(d),(5)(c),(e),(6)(b),(c),(7),(8),(10)(c),(14)(d),(15) FS. History—New 9-12-94, Amended _____.

59A-23.009 Education Procedures.

(1) Employee Education.

(a) The insurer or delegated entity in conjunction with the employer, shall develop and implement procedures for the education of employees about the managed care process and requirements. The education procedures shall include:

1. Orientation of all existing and new employees to the requirements and limitations of the workers' compensation managed care arrangement. The employer shall display a telephone number for obtaining information about the workers' compensation managed care arrangement in a prominent location in the workplace;

2. Provision of detailed employee education materials about the requirements and limitations of the workers' compensation managed care arrangement to the injured employees; and

3. Ongoing education of employees about changes in the workers' compensation managed care arrangement.

(b) The insurer or delegated entity shall provide, either directly or indirectly, employee educational materials written in language common to the workforce in the geographic service area. Whether or not the employer has provided educational materials previously, the educational material shall be provided to an injured employee within three calendar days of the date that the notice of injury is filed by the insurance carrier or the employer. The content of the employee educational material shall include:

1. The rights and responsibilities of the injured employee;

2. A description of the process for accessing medical care including the use of network providers, the primary care provider, medical care coordinator, case management, and the procedure to request a referral to a specialist;

3. The possible effect to the injured employee's health and benefits for failure to use network providers or obtaining authorization for specialty care;

4. A description of the process for changing primary care and other specialty providers once within the same specialty as the authorized treating physician during the course of treatment for a work-related injury;

5. A description of the procedure for obtaining a second opinion;

6. A description of the complaint and grievance process including the procedure to file a complaint or grievance, timeframes for completion of a complaint or grievance, and the availability of a grievance form.

7. The toll free telephone number of the grievance coordinator; and

8. The telephone number of the Division of Workers' Compensation, Employee Assistance Office toll free hotline.

(c) The insurer or delegated entity shall ensure that all injured employees are provided a current list of network providers within the service area in which the individual is employed. The insurer or delegated entity shall provide a copy of the list to the employee or designated representative within five calendar days of receipt of a request.

(2) Provider Education. The insurer or delegated entity shall ensure that the health care providers within the provider network have received training and education on the provisions of Chapter 440, F.S., and related administrative rules. This shall be accomplished by a provider education program or verification that providers have previously received certification from the Division pursuant to Section 440.13, F.S..

(a) The provider education program shall address the following:

1. The mission and goals of workers' compensation managed care;
2. Roles, rights, and responsibilities;
3. Provider network procedures;
4. Case management procedures;
5. Practice guidelines;
6. Utilization management procedures;
7. Peer review procedures;
8. Dispute resolution and grievance procedures;
9. Communication procedures between managed care components;
10. Medical records and case file procedures;
11. Workers' compensation managed care statutes and regulations relating to remedial treatment; and
12. The health care provider's role in successful return to work.

(b) The insurer or delegated entity shall identify those ancillary providers who require training on the provisions of workers' compensation medical services and shall provide and document the staff training and education program.

(c) The insurer or delegated entity shall provide such ongoing provider education at least annually to keep providers informed of changes in the processes of the workers' compensation managed care arrangement and to correct problems and implement recommendations of the quality assurance program. The insurer or delegated entity shall document the provision of training.

(3) Administrative Staff Education. The insurer or delegated entity shall develop and implement a policy and procedure, and implement a process, to identify and train those administrative staff who require training on the provisions of Chapter 440, F.S., and related administrative rules. Administrative staff shall include case managers, the grievance coordinator, and claims representatives. The insurer or delegated entity shall document the staff training and education program. The program content shall address the following:

- (a) The mission and goals of workers' compensation managed care;
- (b) Roles, rights, and responsibilities;
- (c) Provider network procedures;
- (d) Case management procedures;
- (e) Practice guidelines;
- (f) Utilization management procedures;
- (g) Peer review procedures;
- (h) Dispute resolution and grievance procedures;
- (i) Communication procedures between managed care components; and
- (j) Medical records and case files procedures.

Specific Authority 440.134(25) FS. Law Implemented 440.134(1)(b),(d),(g),(i),(j),(k),(3),(5)(a),(c),(e),(6)(b),(c)2,3,4,6-10,(7),(8),(10)(a)-(d),(11),(12),(14)(a)-(d),(15)(a)-(f),(17) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Pannell
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Branker
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The notice of Rule Development for 59A-23.002, Definitions; 59A-23.004, Quality Assurance; 59A-23.005, Medical Records and Case Files; 59A-23.006, Grievance Procedures; and 59A-23.009, Education Procedures was published in Vol. 27, No. 7, Florida Administrative Weekly, February 16, 2001 Edition.

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

RULE TITLE: Intermediate Care Facility for the Developmental Disabled
RULE NO.: 59G-4.170

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

SUMMARY: The purpose of this proposed rule is to incorporate by reference the revised Florida Medicaid Intermediate Care Facility for the Developmentally Disabled Coverage and Limitations Handbook, ICF/DD Handbook.

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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, August 1, 2001

PLACE: 2727 Ft. Knox Blvd., Building 3, Conference Room E, Tallahassee, FL

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

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

(1) through (9) renumbered (3) through (11) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Elsa Kellberg

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Branker, Acting Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Nursing Facility Services
 RULE NO.: 59G-4.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised bed hold policy, April 2001, into the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, April 2001.

SUMMARY: This rule amendment is to incorporate the revised bed hold policy into rule, Nursing Facility Services Coverage and Limitations Handbook, April 2001. The first paragraph of Chapter 2-22 is changed to read “Medicaid will not pay for bed hold when a resident goes to the hospital or on home leave if 20 percent or more of certified Medicaid beds are available. The percent occupancy of Medicaid beds is determined based on the nursing facility’s occupancy rate for the previous quarter of the year”.

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: 409.919 FS.

LAW IMPLEMENTED 400 Part II, 409.905, 409.908 FS.

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

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

PLACE: 2728 Ft. Knox Blvd., Building 3, Conference Room E, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elsa Kellberg, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7353

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.200 Nursing Facility Services.

(1) This rule applies to all nursing facilities licensed under Chapter 400, Part II, ~~rural hospital swing beds and district part skilled nursing facilities located in hospitals licensed under Chapter 395, Florida Statutes~~, certified by the Agency for Health Care Administration for participation in the Medicaid program for nursing facility care under Section 409.902, F.S.

(2) All participating nursing facility providers must comply with the provisions of the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, April 2001 ~~August 2000~~, and the corresponding Florida Medicaid

Provider Reimbursement Handbook, Institutional 021, September 1996, which are incorporated by reference. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority ~~395.602~~, 409.919 FS. Law Implemented 400 Part II, 409.905, 409.908, ~~395.602~~ FS. History—New 1-1-77, Amended 6-13-77, 10-1-77, 1-1-78, 2-1-78, 12-28-78, 2-14-80, 4-5-83, 1-1-84, 8-29-84, 9-1-84, 9-5-84, 7-1-85, Formerly 10C-7.48, Amended 8-19-86, 6-1-89, 7-2-90, 6-4-92, 8-5-92, 11-2-92, 7-20-93, Formerly 10C-7.048, Amended 11-28-95, 5-9-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elsa Kellberg

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Branker, Acting AHCA Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES:	RULE NOS.:
General Responsibility	61G15-36.001
Definitions	61G15-36.002
Common Requirements to all Product Evaluation Documents	61G15-36.003

PURPOSE AND EFFECT: The Board proposes to add this rule chapter regarding product evaluation to set forth general responsibilities, relevant definitions, and common requirements.

SUMMARY: Rule 61G15-36.001 establishes the parameters for general responsibility when the engineering services provided involve product evaluation. Rule 61G15-36.002 provides definitions for relevant terms used in product evaluation. Rule 61G15-36.003 creates minimum requirements for the content of all product evaluation documents.

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: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 472.033, 553.842(5)(b) 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, Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-36.001 General Responsibility.

Product evaluation documents define procedures, materials, devices, fabrication, and methods of construction and installation of a product or standardized group of products. The product(s) that are the subject of the product evaluation will comply with the building codes listed in the documents when used in accordance with the product evaluation documents. The evaluation shall be based upon an engineering analysis of the assembly or system using tested, listed, or approved components. The engineer of record and delegated engineer, if utilized, shall comply with the requirements of the general responsibility rules and the requirements of the more specific structural responsibility rules.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 553.842(5)(b), 472.033 FS. History—New

61G15-36.002 Definitions.

(1) Product. A manufactured product or system required to be approved and certified as complying with the standards specified by the Florida Building Code or by a local authority having jurisdiction.

(2) Product Evaluation Documents. Engineering documents that define procedures, materials, devices, fabrication, and methods of construction and installation of a product, or standardized group of products, through product evaluation or rational analysis, with the objective of obtaining approval from the authority having jurisdiction of that product for installation. Product evaluation documents shall be generic and do not include documents prepared for a site specific project.

(3) Contractor. The Florida licensed contractor who pulls the permit for construction of a project into which the product is to be incorporated. The contractor is responsible for the selection, purchase and installation of the product.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 553.842(5)(b), 472.033 FS. History—New

61G15-36.003 Common Requirements to all Product Evaluation Documents.

(1) The product evaluation for various sizes and design capacities shall be specific for each size and design capacity listed.

(2) The documents shall include engineering data presented in a manner that facilitates the application of the product at the project site. The documents shall be annotated to the effect that alterations or additions to the document are not permitted.

(3) The documents shall state under which conditions the product evaluation is suitable to be applied by the Contractor, or under which conditions the product evaluation is only for use by a licensed engineer or architect acting as a Delegated Engineer. The requirements for submission of delegated engineering documents found in Rule 61G15-30.005(2), F.A.C., may be waived at the option of the engineer who prepares the product evaluation documents.

(4) The documents shall comply with Chapter 61G15-23, F.A.C., regarding seals, and shall bear the original seal, signature and date, or shall meet the procedure for signing and sealing electronically transmitted plans, specifications, reports or other documents.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 553.842(5)(b), 472.033 FS. History--New

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: June 20, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Seals Acceptable to the Board
RULE NO.: 61G17-7.001

PURPOSE AND EFFECT: The proposed amendment to this rule is to establish a new metal-type impression seal design, and to reduce the number of acceptable seals from three to one.

SUMMARY: The Board has determined to establish one seal for all registrants.

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

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

SPECIFIC AUTHORITY: 472.008, 472.025 FS.

LAW IMPLEMENTED: 472.025 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-7.001 Seals Acceptable to the Board.

(1) through (5) No change.

(6) Effective June 30, 2002 the seal set forth below shall be the only metal-type impression seal acceptable to the Board:



Specific Authority 472.008, 472.025 FS. Law Implemented 472.025 FS. History--New 1-3-80, Amended 6-9-80, Formerly 21HH-7.01, 21HH-7.001, Amended 5-30-95, 10-25-95, 12-13-99.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 31, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Continuing Education
RULE NO.: 61J1-4.003

PURPOSE AND EFFECT: The Board has determined it necessary to amend the rule regarding continuing education hours granted to registered, licensed, and certified appraisers, who attend a Board meeting wherein disciplinary matters are heard.

SUMMARY: The Board seeks to clarify language regarding continuing education credits granted for attendance at Board meetings.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.618 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, August 7, 2001

PLACE: Office of the Florida Real Estate Appraisal Board, Division of Real Estate, Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charlotte Hattaway, Regulatory Program Administrator, Appraisal Section, Division of Real Estate, 400 W. Robinson St., Suite 308, North Tower, Orlando, FL 32801, (407)245-0800

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.003 Continuing Education.

(1) through (6) No change.

(7) A registrant, licensee, or certificate holder, including a board member, may earn five (5) classroom hours by attending an entire meeting where the board considers disciplinary cases, for a maximum of ten (10) of the required thirty (30) hours; provided that, the individual is not appearing as a party to a disciplinary action and notifies the Division of Real Estate, Education Section, of the intent to attend at least seven (7) days prior to the meeting. Of the required 30 classroom hours, 5 hours may be earned by attending a meeting of the board wherein disciplinary cases are considered. Attendance must be for the entire day that the board is in session. At least 7 days advance notice of the intent to attend the board meeting must be given to the Education Section of the Division of Real Estate so attendance may be monitored. Failure to give advance notice will result in no credit hours. A maximum of 10 hours will be allowed during a renewal cycle. Credit hours may not be earned when the registrant, licensee or certificate holder attends a disciplinary case session as a party to a disciplinary action.

~~(8) Any current member of the Florida Real Estate Appraisal Board who attends at least 8 meetings of the board in a renewal period where disciplinary cases involving violations of the USPAP, amendments to the USPAP and revisions to Chapter 475, Part II, are discussed shall receive 30 hours of continuing education.~~

~~(8)(9)~~ Credit towards the classroom hour requirement of this rule may also be satisfied by teaching board approved appraisal courses. Credit shall be awarded on an hour-for-hour basis. Individuals claiming such credit must teach the appraisal course during the renewal cycle in which credit is claimed and may not claim the course more than once in the renewal cycle. The board may request supportive documentation to ascertain course content and to verify the date(s), time, place and hours taught.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.618 FS. History—New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 9-6-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2001

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: English Proficiency Requirement for Licensure RULE NO.: 64B1-4.0012

PURPOSE AND EFFECT: The proposed rule will set forth the procedures for applicants for licensure as an acupuncturist to demonstrate their ability to communicate in English.

SUMMARY: The proposed rule will specify that applicants for licensure as an acupuncturist who either did not pass the national written licensure examination in English, or who indicate on their application for licensure that they wish to take the national written licensure examination in a language other than English must demonstrate their ability to communicate in English by passing either of two test specified in the proposed rule, and specifies the acceptable passing grade for each test.

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: 457.104, 457.105(2)(a) FS.

LAW IMPLEMENTED: 457.105(2)(a) FS.

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

TIME AND DATE: 9:00 a.m., August 3, 2001

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-4.0012 English Proficiency Requirement for Licensure.

(1) Applicants who have passed the national written examination in any language other than English shall also demonstrate their ability to communicate in English by passing either the Test of English as a Foreign Language examination or the Test of Spoken English examination, as administered by the Educational Testing Services, with a total score greater than or equal to 70% of the total range of scores available for the particular test taken. It shall be the individual responsibility of such applicants to apply for and schedule either the Test of English as a Foreign Language examination or the Test of Spoken English examination, and to obtain their official score report from the testing services prior to applying for licensure. These applicants shall submit a copy of their official score report with their application.

(2) Applicants applying for licensure by examination who indicate on their application that they wish to take the national written examination for licensure in Florida in any language other than English shall also at the time of their application submit a copy of their official score report indicating that they have passed either the Test of English as a Foreign Language examination or the Test of Spoken English examination with a total score greater than or equal to 70% of the total range of scores available for the particular test taken.

Specific Authority 457.104, 457.105(2)(a) FS. Law Implemented 457.105(2)(a) FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLE: Objection to Prenatal and Infant (Postnatal) Risk Screening

RULE NO.: 64C-7.008

PURPOSE AND EFFECT: The purpose of these proposed rule changes is to incorporate by reference new versions of the prenatal and infant screening forms.

SUMMARY: Rule 64C-7.008, F.A.C., outlines the process by which a pregnant woman can object to prenatal risk screening, and the process by which a parent or guardian can object to infant risk screening. Proposed changes to Rule 64C-7.008, F.A.C., reflect incorporation of new risk screening instruments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are no regulatory costs.

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: 383.14(2) FS.

LAW IMPLEMENTED: 383.14 FS.

IF REQUESTED WITHIN 21 DAYS 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., July 30, 2001

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64C-7.008 Objection to Prenatal and Infant (Postnatal) Risk Screening.

(1) The provider shall request any pregnant woman who objects to prenatal risk screening, after the purpose of the screening has been fully explained, to indicate her objection in writing on the screening instrument, and to sign the instrument. The screening instrument to be used is the Healthy Start Prenatal Risk Screening Instrument, DOH Form 3134, 2/01 ~~6/00~~ (English version), or DOH Form 3134 H, 2/01 ~~6/00~~ (Creole version), or DOH Form 3134 S, 2/01 ~~6/00~~ (Spanish version), which are incorporated by reference. Copies of the Healthy Start Prenatal Risk Screening Instrument can be obtained by writing to: the Office of Maternal and Child Health, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723. If the woman refuses to sign the instrument, this refusal shall be indicated on the patient's signature line. The provider is to complete the demographic items (name, address, phone number and type of provider) in the provider section and sign and date the form.

(2) The provider shall request any parent or guardian who objects to infant (postnatal) risk screening of their child or ward, after the purpose of the screening has been fully explained, to indicate the objection in writing on the screening instrument, and to sign the instrument. The screening instrument to be used is the Healthy Start Infant (Postnatal) Risk Screening Instrument, DOH Form 3135, 2/01 ~~6/00~~ (English version), or DOH Form 3135 H, 2/01 ~~6/00~~ (Creole version), or DOH Form 3135 S, 2/01 ~~6/00~~ (Spanish version), which are incorporated by reference. Copies of the Healthy Start Infant (Postnatal) Risk Screening Instrument can be obtained by writing to: the Office of Maternal and Child

Health, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723. If the parent or guardian refuses to sign the instrument, this refusal shall be indicated on the patient's signature line. The provider is to complete the demographic items (name, address, phone number and type of provider) in the provider section and sign and date the form.

(3) Prenatal and infant (postnatal) risk screening shall not be conducted if the affected pregnant woman, parent, or guardian objects to the screening.

Specific Authority 383.14(2) FS. Law Implemented 383.14 FS. History--New 3-29-92, Amended 8-14-95, 3-28-96, Formerly 10J-8.009, Amended 5-2-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, Telephone (850)245-4444, Ext. 2965

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps, A.R.N.P., M.S.N., Chief, Bureau of Family and Community Health

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2001

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 implement a policy change in Medicaid child-only cases to eliminate the requirement for parental cooperation with Child Support Enforcement (CSE) in establishing paternity as a condition of eligibility, add limits of coverage for the QI1 and QI2 Medicare premium coverage groups and clarify citizenship and residence requirements for the Medicaid program.

SUMMARY: The department is adopting a policy that excludes Medicaid child-only cases from the requirement that a parent cooperate with CSE in establishing paternity as a condition of eligibility. Additionally, QI1 coverage limits for full Part B Medicare premium coverage and QI2 coverage limits for partial Medicare premium coverage are specified. The QI1 and QI2 coverage groups are not new; their limits are being defined in rule for the first time. Statements regarding citizenship and residence requirements are clarified by removing unnecessary language and changing a statutory citation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.

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

TIME AND DATE: 2:00 p.m., July 30, 2001

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.702 Special Provisions.

(1) through (5) No change.

(6) Child Support Enforcement Cooperation – Child-Only Cases. The applicant is not required to cooperate with Child Support Enforcement as a condition of eligibility in establishing paternity or obtaining medical support for a child-only Medicaid case.

(6) through (10) renumbered (7) through (11) No change.

~~(12)(11) Limits of Coverage.~~

(a) through (c) No change.

(d) Part B Medicare Only Beneficiary (QI1). Under QI1 coverage, individuals are only entitled to payment of their Medicare Part B premium. (This is coverage for individuals who would be eligible for QMB or SLMB coverage except their income exceeds limits for those programs.)

(e) Qualified Medicare Reimbursement Only (QI2). Under QI2 coverage, individuals are only entitled to a one-time, annual payment of a small part of their Medicare premium. (This is a federally funded program and funding is limited to the amount of an annual allocation.)

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

Specific Authority 409.919 FS. Law Implemented 409.903, 409.904, 409.919 FS. History--New 10-8-97, Amended 4-22-98, 2-15-01, _____.

65A-1.705 Family-Related Medicaid General Eligibility Criteria.

(1) through (4) No change.

~~(5) Refer to paragraphs (6) and (7) of this rule for residence and citizenship criteria.~~

~~(5)(6)~~ The individual must be a resident of Florida as provided by s. 1902(b) of the Social Security Act shown by living in the state with the intent to remain, either permanently or indefinitely, or living in the state for employment purposes.

~~(6)(7)~~ The individual must be a citizen of the United States or a qualified alien as defined in 8 USC s. 1641(b) Section 431, Public Law 104-193.

~~(7)(8)~~ No change.

~~(8)(9)~~ Medicaid Applications Due to KidCare.

(a) through (c) No change.

~~(d)~~ The parent or other responsible adult caretaker relative applying for child only Medicaid is not required to cooperate with child support enforcement as a condition of eligibility regarding absent parents in order for the child to receive Medicaid. The custodial parent or other responsible adult will be informed of the availability of child support enforcement services. The department will request voluntary child support enforcement participation. If absent parent information is not provided and the KidCare Application is not marked indicating the applicant does not want to provide this information, the applicant will be provided the Child Support Enforcement Information form, CF-ES 2084, Jul 99 (incorporated by reference). The Child Support Enforcement Information form will provide the parent or caretaker applicant another opportunity to request child support enforcement services; application processing will continue. No processing delay and no penalty will be applied for the children's Medicaid benefit if the parent or caretaker making application does not cooperate.

(e) through (i) No change.

Specific Authority 409.818, 409.919 FS. Law Implemented 409.903, 409.904, 409.818, 409.919 FS. History—New 10-8-97, Amended 9-28-98, 4-5-99, 11-23-99, 2-18-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rodney McInnis, Management Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Policy Bureau, Public Assistance Policy – Policy Support Unit

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

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

RULE NO.:	RULE TITLE:
4A-42.005	Standards of the National Fire Protection

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 12, March 23, 2001, edition of the Florida Administrative Weekly.

4A-42.005(1) will be changed to read... “The standards of the National Fire Protection Association, Standards for Fire Safety Criteria for Manufactured Homes Installations, Sites and Communities, NFPA 501A, the edition as adopted in Section 4A-3.012, Florida Administrative Code, and Standards for Fire Safety Criteria for Recreational Vehicle Parks and Campgrounds, NFPA 1194 the edition as adopted in Rule Chapter 4A-3, NFPA 501D, 1996 edition, which is hereby adopted and incorporated by reference shall be the “Uniform Fire Safety Standards for Mobile Home Parks and Recreational Vehicle Parks as adopted more fully in Rule 4A-3.012, Florida Administrative Code.”...

The remainder of the rule reads as previously published.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-43	Uniform Fire Safety Standards for Transient Public Lodging Establishes, Timeshare Plans, and Timeshare Unit Facilities

RULE NOS.:	RULE TITLES:
4A-43.003	Scope
4A-43.009	Automatic Smoke Detection Requirements
4A-43.015	Historic Hotel Structures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 12, March 23, 2001, edition of the Florida Administrative Weekly.

4A-43.003 the first sentence reads “under paragraph (a) of subsection (4), and subsection (10), ...” and should be changed to read “under subsection (4) and subsection (10), ...”

4A-43.009(2) the first sentence, reads "subsection (8) of Section" and should be changed to read "subsection (6) of Section".

4A-43.015(1) the subsection reference should be changed to read "509.215(4)(6), Florida Statutes".

4A-43.015(2) the section reference should be changed to read "Section 509.215(4)(b), Florida Statutes".

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

Table with 2 columns: RULE CHAPTER NO./RULE NOS. and RULE CHAPTER TITLE/RULE TITLES. Rows include 4A-52, 4A-52.003, and 4A-52.004.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 12, March 23, 2001, edition of the Florida Administrative Weekly.

4A-52.003(1), the words "as defined in Section 4A-3.012" will be changed to read "as defined in Section 4A-3.009".

4A-52.004(1)(b)1.b. The paragraph will be rewritten as:

b. One optional inspection, conducted at the discretion of the State Fire Marshal's Plan Review Section or Firesafety Inspection, to occur prior to close-in of the building. In consideration whether to conduct an optional inspection, the Section shall take into consideration the following:

- I. The complexity of construction.
II. Whether a fire alarm system has been installed.
III. Whether a sprinkler system has been installed.
IV. Whether other required fire protection systems have been installed, and;

The remainder of the rules is as published.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

Table with 2 columns: RULE CHAPTER NO./RULE NO. and RULE CHAPTER TITLE/RULE TITLE. Rows include 4A-54 and 4A-54.006.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 12, March 23, 2001, edition of the Florida Administrative Weekly.

4A-54.006 Mattresses.

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

(a) CFR 16, Part 1632, 2000 edition, 1994 edition, which is incorporated herein by reference; or

(b) U.L. Standard 1895, 1995 edition, Standard for Fire Test of Mattresses, which is incorporated herein by reference; or

(c) ASTM E 906, 1999 edition, which is incorporated herein by reference. (Available at: American National Standards Institute Inc., 11 West 42nd Street, 13th Floor, New York, NY 10035.)"

The remainder of the rule reads as previously published.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

Table with 2 columns: RULE NO. and RULE TITLE. Row includes 5F-11.013 Minimum Storage as Relates to Liquefied Petroleum Gas

NOTICE OF CORRECTION

Notice is hereby given that the (1) of the above rule was inadvertently published incorrectly in Vol. 27, No. 20, May 18, 2001, issue of the Florida Administrative Weekly.

Paragraph (1) should have read as follows:

5F-11.013 Minimum Storage as Relates to Liquefied Petroleum Gas.

The following is explanatory of each of the two methods with may be used to comply with Section 527.11, Florida Statutes (either of the two methods may be used):

(1) See 527.11(1): Erect a bulk storage filling plant of not less than 18,000 12,000 gallons (water capacity) within the state. Plans, in triplicate, and in detail showing proposed location of the bulk storage container or containers, container charging area, loading and unloading facilities, vaporizers, pumps and compressors and other pertinent facilities shall be submitted to the Bureau of Liquefied Petroleum Gas Inspection for approval prior to erection. The plans shall bear the following statement, and such shall be attested to by signature of a responsible official of the licensee or qualified consumer.

"To be constructed and maintained in accordance with the provisions of NFPA No. 58, and other appropriate regulations."

Signature

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON AUGUST 28, 2001

The Governor and Cabinet, on August 28, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rules 12-13.001, F.A.C. (Scope of Rules), 12-13.002, F.A.C. (Definitions), 12-13.003, F.A.C. (Request for Settlement or Compromise), 12-13.004, F.A.C. (Delegation of Authority to Settle or Compromise), 12-13.005, F.A.C. (Grounds for Finding Doubt as to Liability), 12-13.006, F.A.C. (Grounds for Finding Doubt as to Collectibility), 12-13.007, F.A.C. (Grounds for Reasonable Cause for Compromise of

Penalties), 12-13.0075, F.A.C. (Guidelines for Determining Amount of Compromise), 12-13.008, F.A.C. (Procedures for Compromise and Settlement of Taxes, Interest, and Penalties), 12-13.009, F.A.C. (Closing Agreements), and 12-13.010, F.A.C. (Special Provisions Applicable to Compromise of Estate Taxes). A Notice of Rule Development Workshop was published in the February 9, 2001 edition of the Florida Administrative Weekly (Vol. 27, No. 6, pp. 527-534), and the workshop was held on February 26, 2001. Changes were included in the proposed amendments, in response to comments received at the rule development workshop and in writing. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on April 27, 2001 (Vol. 27, No. 17, pp. 2095-2104), and a public hearing was conducted on May 22, 2001. No testimony was received at the public hearing, and no written comments were submitted. After the public hearing written comments were received from the Joint Administrative Procedures Committee of the Florida Legislature, and the Department incorporated changes to the proposed rules to address these comments. A Notice of Change incorporating these changes will be published in the next available issue of the Florida Administrative Weekly.

DEPARTMENT OF REVENUE

RULE NO.: 12-13.005
 RULE TITLE: Grounds for Finding Doubt as to Liability
 NOTICE OF CHANGE

Notice is hereby given that the following change has been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed amendments to Rule 12-13.005, F.A.C., published in Vol. 27, No. 17, pp. 2095-2104, April 27, 2001, issue of the Florida Administrative Weekly. This change is in response to comments received from the Joint Administrative Procedures Committee on May 18, 2001. The change to subsection (2) addresses concerns that the proposed language created an impression that grounds for compromise based on doubt as to liability were limited to the specific circumstances discussed in paragraph (2)(b).

Subsection (2) of Rule 12-13.005, F.A.C., has been changed, so that, when adopted, that subsection will read as follows:

(2) ~~Reasonable reliance~~ ~~Reliance~~ upon the express terms of a written ~~determination~~ ~~advice~~ given by the Department is ~~one~~ ~~may~~ ~~be~~ the basis for doubt as to liability. ~~Consideration will be given to the complexity of the facts and the difficulty of the tax law and the issue involved, and also to the existence or lack of clear rules or instructions covering the taxpayer's situation. The taxpayer must show that the advice was timely sought from a departmental employee and that all material facts were disclosed, and that the express terms of the advice were actually followed. Advice issued by the Department informally, or in response to a hypothetical situation, will not~~

~~be a basis for doubt as to liability. Advice issued in response to a taxpayer's request containing a misrepresentation of material facts is not a basis for a finding of doubt as to liability.~~

(a) For purposes of establishing doubt as to liability, a "written determination" shall be deemed issued by the Department under the following circumstances:

1. Audit workpapers from a prior audit of the same taxpayer clearly show that the same issue was considered in the course of the audit and that, after such consideration, the Department's auditor determined that no assessment was appropriate in regard to that issue. Audit workpapers that fail to assess tax based on a particular issue are not a written determination in regard to that issue unless those workpapers clearly demonstrate that the auditor was aware of the issue and determined that no assessment was appropriate in regard to that issue. Failure by an auditor to recognize an issue and assess tax in the audit workpapers is not a basis for doubt as to liability based on a written determination by the Department.

a. Audit workpapers include all correspondence, notices, file memoranda, schedules, exhibits, or other documents an auditor generates, receives from the taxpayer, or reviews in the course of conducting an audit.

b. If an auditor submits a request for technical advice in accordance with Rule Chapter 12-11, F.A.C., and an internal technical advisement is issued in response to that request, the internal technical advisement is part of the audit workpapers and will be considered a written determination of the Department as to that issue.

c. A written communication from the auditor to the taxpayer in the course of the audit that discusses an issue upon which no assessment is made will demonstrate that the issue was considered by the auditor.

d. If an auditor issues a notice of intent to make audit changes that includes an assessment on an issue and subsequently issues a revised notice of intent to make audit changes that removes the assessment on that issue, that revision and any written explanation the auditor prepares in regard to that revision establishes that the auditor determined that the taxpayer was not subject to assessment as to that issue.

e. Correspondence from the taxpayer to the auditor that discusses an issue upon which no assessment is made will demonstrate that the issue was considered by the auditor if the requirements of this sub-subparagraph are met. There must be documentation of the auditor's receipt of the correspondence, such as the auditor's signature on a receipt or a copy of the correspondence if it is hand delivered or a return receipt for registered or certified mail. Correspondence from the taxpayer will establish that the auditor considered an issue only if such correspondence is dated sufficiently prior to the auditor's issuance of a notice of intent to make audit changes or a revised notice of intent to make audit changes to permit the auditor to investigate the issue and make a determination prior to issuing the notice. Correspondence from a taxpayer calling

an issue to the auditor's attention will not have the effect of establishing that the auditor considered the issue if that correspondence is delivered to the auditor after the auditor has substantially completed the auditor's review of the taxpayer's books and records unless the taxpayer agrees to a reasonable extension of the time in which the auditor must complete the audit under the applicable statute of limitations.

2. A final notice of decision or notice of reconsideration withdrawing an assessment on the same issue during an informal protest of a proposed assessment in a prior audit of the same taxpayer was issued by the Department. Correspondence from the Department in which an issue is discussed prior to issuance of a final notice or any offer to compromise the assessment in lieu of or in conjunction with the issuance of a notice of decision or notice of reconsideration is not a written determination on the issue for purposes of establishing doubt as to liability. This subparagraph applies only to a notice of decision or a notice of reconsideration that resolves the issue in favor of the taxpayer based on a determination that the assessment was not supported by the governing legal authorities.

3. A technical assistance advisement was issued to the same taxpayer pursuant to s. 213.22, F.S., in regard to the same issue. For purposes of this paragraph, a technical assistance advisement issued to an industry association as the representative of its members in accordance with Rule Chapter 12-11, F.A.C., will be considered a written determination as to any taxpayer that was a member of the association at the time the taxpayer reasonably relied upon the advisement.

(b) Only audit workpapers, notices of decision or reconsideration, and technical assistance advisements described in paragraph (a) are written determinations of the Department for purposes of s. 213.21(3), F.S. Audit workpapers, notices of decision or reconsideration, and technical assistance advisements are written determinations only as to the specific taxpayer or taxpayers to whom they were issued. For this purpose, if a taxpayer has multiple locations, the taxpayer may rely on a written determination issued as to any of the taxpayer's locations for purposes of the taxpayer's other locations so long as it is otherwise reasonable to do so under the criteria set forth in paragraph (c).

(c) A taxpayer must demonstrate that reliance on a written determination was reasonable. This requires that the taxpayer fully disclosed all material facts and did not misrepresent any material facts when the Department was considering the issue for purposes of issuing the written determination. Reliance on a written determination is reasonable only so long as the taxpayer continues to operate in accordance with the material facts upon which the written determination was based. Reliance by an industry association member on a technical assistance advisement issued to the association as the representative of its members is reasonable only when that member's facts and circumstances conform in all material

respects with the facts and circumstances upon which the technical assistance advisement to the industry association was based. If specific facts and circumstances change in a material manner, reliance on the written determination is no longer reasonable. Reliance on a written determination is not reasonable if the law applicable to an issue has changed so that the legal analysis on which the written determination was based is no longer valid. This would be the case if governing statutes or regulations have been materially revised or if a court of competent jurisdiction has published a final decision overruling the Department's determination. Reliance is not reasonable if the Department notifies the taxpayer in writing that the previous written determination is no longer correct and should not be relied upon after the date of such notification.

DEPARTMENT OF REVENUE

RULE NO.:	RULE TITLE:
12-26.003	Application for Refund
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made based on the proposed amendments to Rule 12-26.003, F.A.C., as published in Vol. 27, No. 17, pp. 2104-2105, April 27, 2001, issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee regarding the forms a taxpayer is required to use to apply for a refund of estate tax.

In response to these comments, the Department's instructions for completing Form DR-26 will be amended to eliminate a reference in the first paragraph to taxpayers using Form DR-26 to obtain a refund of Estate Tax due to the Department depositing the funds in error, or due to a duplicate payment of the final return.

Also, in response to these comments, subsection (5) of Rule 12-26.003, F.A.C., has been changed, so that, when adopted, the rule will read as follows:

(5) Notwithstanding the provisions of subsection (3), Form DR-26 may be used to apply for those refunds of corporate income tax or insurance premium tax which constitute:

- (a) ~~Amounts A-check~~ deposited by the Department in error; or
- (b) through (8) No change.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON AUGUST 28, 2001

The Governor and Cabinet, on August 28, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rules 12-26.003, F.A.C. (Application for Refund), 12-26.004, F.A.C. (Refund Approval Process), and 12-26.008, F.A.C. (Public Use Forms). A Notice of Rule Development Workshop was published in the February 9, 2001 edition of the Florida Administrative Weekly (Vol. 27, No. 6, pp. 534-536), and the workshop was held on February 27,

2001. No testimony was received at the workshop, and no written comments were submitted. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on April 27, 2001 (Vol. 27, No. 17, pp. 2104-2105), and a public hearing was conducted on May 22, 2001. No testimony was received at the public hearing, and no written comments were submitted.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON AUGUST 28, 2001

The Governor and Cabinet, on August 28, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms). A Notice of Rule Development Workshop was published in the February 9, 2001 edition of the Florida Administrative Weekly (Vol. 27, No. 6, p. 539), and the workshop was held on February 27, 2001. No testimony was received at the workshop, and no written comments were submitted. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on April 27, 2001 (Vol. 27, No. 17, pp. 2136-2137), and a public hearing was conducted on May 22, 2001. No testimony was received at the public hearing, and no written comments were submitted.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-10	Outdoor Advertising Sign Regulation and Highway Beautification
RULE NOS.:	RULE TITLES:
14-10.0011	General Provisions
14-10.004	Permits
14-10.006	Additional Permitting Criteria
14-10.007	Maintenance of Nonconforming Signs

CHANGE NOTICE

SUMMARY OF CHANGE:

1. In 14-10.0011(1)(i), the definition of "Public or Court Official," the word "appointed" is changed to "authorized" so that the definition reads as follows:

"(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 authorized by the Governor."

2. Because of the deletion of the previous 14-10.0011(1), the formerly identified #(3) Names and Addresses, needs to be changed to (2).

3. In 14-10.004(1)(d)5., "from the landowner" is reinstated (not to be struck out in the first sentence. Also, the second sentence regarding a lease document is reinstated (not struck out) so that the section reads as follows:

"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:"

4. In 14-10.004(1)(g), the required statements regarding incorporation by reference and how one can obtain a copy of the incorporated form are inserted so that the section reads as follows:

"(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, incorporated herein by reference and permit Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 07/01, must be submitted simultaneously to the Department appropriate district office. Form 575-070-12 may be obtained from the address listed in Rule Section 14-10.003(2). The date the Department district office receives the cancellation and complete application documents shall be considered the date the application is received."

5. 14-10.004(1)(h) is changed to read as follows:

"(h) When a permit application is received for a new sign site requiring vegetation management pursuant to Section 479.106, Florida Statutes, the permit application will not be considered complete until the applicant has been issued a vegetation management permit by the Department and has removed two nonconforming signs, which the Department has approved as meeting the requirements of Section 479.106(5), Florida Statutes, 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 permit 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 Section 14-10.004(1)(c)."

6. 14-10.004(1)(j) is changed to read as follows:

"(j)(i) A permit shall not be issued to an applicant 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 the applicant has submitted the 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.”

7. In 14-10.004(6), the sentence relating to where to obtain a copy of the form is added as follows: “Form 575-070-01 may be obtained from the address listed in Rule Section 14-10.003(2).”

8. In 14-10.004(7), the sentence relating to where to obtain a copy of the form is added as follows: “Form 575-070-25 may be obtained from the address listed in Rule Section 14-10.003(2).”

9. In the Law Implemented citations for Rule 14-10.004, 479.106(5) is added.

10. In Rule 14-10.006, a new Section (8) is added as follows:

“(8) Copies of the agreement between the state and the United States Department of Transportation, referenced in Section 479.02(1), Florida Statutes, may be obtained from the address listed in Rule Section 14-10.003(2).”

11. In 14-10.007(2)(a)1., “may” is changed to “will” in the first sentence, new sentences relating to OSHA documentation are added, and the words “If structural alteration is approved by the Department” are deleted. The revised wording is as follows:

“1. The Department will 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. The Department will accept a notice or other writing from OSHA to the permittee requiring the intended alteration as documentation of safety requirements. If the structural alterations are intended to be made to comply with OSHA regulations, the permittee must submit to the Department a statement in writing citing the OSHA regulation with which it is intending to comply and explaining how the intended alteration is required by the cited OSHA regulation. 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. 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.”

12. In 14-10.007(4), the cross reference is changed from “(4)(a)” to “(6)(a).”

13. In 14-10.007(6)(a)3., the cross reference is changed from “(4)(a)2.b.” to “(6)(a)2.b.”

Changes resulted from a review by the Joint Administrative Procedures Committee and a review of comments presented at the May 24, 2001, public hearing.

Notice was published in Florida Administrative Weekly, Vol. 27, No. 16, April 20, 2001, Pages 1871-1880.

STATE BOARD OF ADMINISTRATION

RULE NOS.:

19-10.002

19-10.003

RULE TITLES:

Asset Transfer Procedures: True Up Transfer for Initial Transfers Occurring Between 7/1/02 and 3/31/03

Asset Transfer Procedures: for Employees Who Become Eligible to Participate in PEORP by Reason of Employment in a Regularly Established Position With a State Employer Commencing After June 1, 2002; or With a District School Board Employer Commencing After September 1, 2002; or With a Local Employer Commencing After December 1, 2002

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Florida State Board of Administration announces a public hearing to which all persons are invited. This is an amendment to the notice that has been published for the June 26, 2001, Cabinet date. These rules will be considered on August 14, 2001 rather than June 26, 2001.

DATE AND TIME: Tuesday, August 14, 2001, 9:00 a.m. – conclusion

PLACE: Cabinet Meeting Room, The Capitol, Lower Level, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on August 14, 2001, will consider two proposed new rules in Rule Chapter 19-10, F.A.C., and will be asked for permission to file these two rules for adoption:

These proposed new rules implement two additional asset transfer procedures after the initial transfer which occurs between July 1, 2002 and March 31, 2003. Proposed new Rule 19-10.002, F.A.C., adopts procedures for the true-up transfer from the defined benefit plan to the defined contribution plan after the initial transfers outlined in adopted Rule 19-10.001, F.A.C. Proposed new Rule 19-10.003, F.A.C., adopts asset transfer procedures for employees hired after the initial transfer dates set out in adopted Rule 19-10.001, F.A.C., and adopts an enrollment election form. The rule development workshop was held on January 23, 2001. Changes were made and incorporated in the draft which was proposed for rulemaking at

the Trustees meeting on May 15, 2001. Notice was filed with the Secretary of State and printed in the Florida Administrative Weekly on May 25, 2001. The rule hearing was scheduled for June 18, 2001, but was not held because it was not requested. Technical comments received from the Joint Administrative Procedures Committee are incorporated into the proposed rulemaking.

A copy of the State Board of Administration's agenda for the August 14, 2001, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1350.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-601.602	Community Release Programs
33-601.606	Placement of Inmates into Community Release Programs

NOTICE OF 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. 21, May 25, 2001, issue of the Florida Administrative Weekly:

- 33-601.602 Community Release Programs.
 - (1) Definitions.
 - (a) through (d) No change.
 - (e) Modality II ~~IV~~ – A community based residential substance abuse treatment program for inmates.
 - (f) through (16) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History–New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023 Amended 3-13-01, _____.

33-601.606 Placement of Inmates into Community Release Programs.

- (1) No change.
- (2) Eligibility and Ineligibility Criteria.
 - (a) An inmate is ineligible for community release programs if he has:
 - 1. through 4. No change.
 - 5. Refused to complete substance abuse programs Modality I, II, or III, ~~or IV~~ unless the refusal was based upon objections to the religious based content of the program, in which case, an alternate non-deity based substance abuse program will be offered and must be successfully completed.
 - 6. through 7. No change.
 - (b) In order to be eligible for community release programs an inmate must:
 - 1. through 5. No change.

6. The Secretary of the Florida Department of Corrections, or his designee who shall be the Director of Institutions, shall have the authority to place an inmate who is in community custody at any work release center regardless of time constraints for the purpose of a specialized work detail.

(3) through (5) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History–New 3-13-01, Amended.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-4.051	Exemptions Form Permitting NOTICE OF CORRECTION

The South Florida Water Management District published notice of Proposed Rule 40E-4.051, F.A.C., in the Vol. 27, No. 26, June 29, 2001, issue of the Florida Administrative Weekly reflecting IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. In accordance with subparagraph 120.54(3)(d)1, F.S., the South Florida Water Management District makes the following correction in lieu of the above:

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

TIME AND DATE: 8:30 a.m., August 9, 2001
PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

Notice is hereby given that the hearing date for the above proposed rule chapter, published in Vol. 27, No. 23, June 8, 2001, page 2725, Florida Administrative Weekly was incorrect. The correct time and date is as follows:

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

TIME AND DATE: 8:30 a.m., July 12, 2001
PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

DEPARTMENT OF THE LOTTERY

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
53-29.005	FANTASY 5 Rules and Prohibitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule has been withdrawn. The Notice of Proposed Rule Development was noticed in the Vol. 27, No. 16, April 20, 2001, issue of the Florida Administrative Weekly.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE CHAPTER NO.: 59A-4
 RULE CHAPTER TITLE: Minimum Standards for Nursing Homes

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. 13, March 30, 2001, issue of the Florida Administrative Weekly.

59A-4.200 Definitions.

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

(2) through (3) No change.

(4) Region means a geographical area of the state of Florida defined by a list of counties reflected by the ~~agency's department's~~ 11 area offices. The regions are defined in the AHCA Gold Seal Scoring and Ranking Algorithm dated August 2000, which is incorporated by reference. Copies of this form may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, Tallahassee, FL 32308.

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

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

59A-4.201 Gold Seal Award.

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

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

(3)(2) A completed Application for Gold Seal Award (September 2000) which is incorporated by reference. Copies of this form may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, Tallahassee, FL 32308;

(4)(3) No change.

(5)(4) No change.

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

59A-4.202 Quality of Care.

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

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

(a) through (b) No change

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

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

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

(6) through (7) No change.

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

59A-4.203 Financial Requirements.

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

one-year set of pro-forma financial statements, including balance sheet, income statement and statement of cash flows. For a facility that is audited as part of a consolidated entity, the facility can satisfy the audit requirement by submitting the three most recent consecutive years of CPA audited consolidated financial statements if the statements break out the balance sheet, income statement, and statement of cash flows of the individual facility.

(2) Each facility and parent company must meet at least two of the three following financial soundness and stability thresholds listed below for at least two of three years of the statements, to include the most recent year submitted and the pro-forma statements. Otherwise, its facilities cannot be recommended for the Gold Seal Award except as described in (3)(e) below.

(a) through (b) No change.

(c) A times interest earned ratio of at least 1.15 or 115 percent. This shall be determined by dividing interest expense into net income before deducting such interest and income tax. Net income is defined as revenues (receipts or earnings) less expenses (costs). Not-for-profit providers may include non-operating income, such as public or governmental support and foundation transfers in determining net income.

(3) If a facility or parent company can meet only one of the three financial ratios in (2)(b) above for one of the two required years, the facility may be recommended for a Gold Seal Award only if the most recent CPA prepared financial statements provided for the facility and parent company, if applicable, are for a period ending within six months of the date of the application and these financial statements meet all three of the financial criteria set forth in (2)(b) above and the provider received an unqualified CPA report.

(4) No change.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History–New _____.

59A-4.204 Turnover Ratio.

(1)(a) Have a turnover rate no greater than 85 percent for the most recent 12 month period ending on the last workday of the most recent calendar quarter prior to submission of an application. The turnover rate will be computed in accordance with s. 400.141(15)(b), Florida Statutes, ~~quarterly with the annual rate being the cumulative sum of the quarterly rates. The formula to determine the quarterly turnover rate will be the total number of separations experienced during the quarter divided by the total number of staff employed at the end of the period for which the rate is computed and expressed as a percent, or stated as:~~

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

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

(b) Have a stability rate indicating that at least 50 percent of its staff have been employed at the facility for at least one year. ~~This rate determines the percentage of staff that did not turnover. The stability rate will be computed in accordance with s. 400.141(15)(c), Florida Statutes, calculated by dividing the number of employees that have been employed over 12 months by the total number of employees at the end of the 12-month period and expressed as a percent or stated as:~~

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

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

(2) No change.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History–New _____.

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

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

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History–New _____.

59A-4.206 Termination and Frequency of Review.

(1)(a) No change.

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

(c) through (4) No change

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

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History–New _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-7.002
RULE TITLE: Training Program Providers
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. 41, October 13, 2000, issue of the Florida Administrative Weekly. The change is in response to comments from the Joint Administrative Procedures Committee and from the Board meeting held on June 12, 2001 in St. Augustine, Florida.

The rule shall now read as follows:

61G19-7.002 Training Program Providers.

(1) Prospective training program providers shall register with the Board on Board-approved registration form BPR/BCAI/15, effective _____, with instructions, which is hereby incorporated by reference, copies of which may be obtained from the Board office.

(2) The Board shall maintain a list of all registered training program providers.

(3) Training program 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.

(4) Registered training program providers seeking approval of a training program for building inspectors or plans examiners who meet the eligibility requirements described in 61G19-7.001 shall apply for training program approval pursuant to the requirements described in 61G19-7.004.

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

Division of Medical Quality Assurance Boards

RULE NOS.: 64B-2.001, 64B-2.002, 64B-2.003
RULE TITLES: Practitioner Profile, Information Required Upon Renewal, Form

NOTICE OF PUBLIC HEARING

The Board of Operations hereby gives notice of a public hearing on the above-referenced proposed rules to be held on July 20, 2001, at 9:00 a.m., or as soon thereafter as can be heard, at the Department of Health, Bureau of Operations Conference Room, 4052 Bald Cypress Way, Room 110J, Tallahassee, Florida 32399.

The proposed rules were originally published in Vol. 27, No. 25, of the June 22, 2001 Florida Administrative Weekly. The proposed rule public hearing is in response to a request for hearing following publication.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lucy C. Gee, Bureau Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-1700

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Bureau Chief 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).

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the Department with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

**Section IV
Emergency Rules**

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Form Used by Public
RULE NO.: 12BER01-2

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Communications Services Tax Simplification Law (Chapters 2000-260 and 2001-140, L.O.F.) requires that local governments provide certain information on local tax rates to the Department of Revenue on forms provided by the Department. The first deadline for filing such information is July 16, 2001. Failure to promptly implement this statutory mandate poses an immediate danger to the public health, safety or welfare.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized promulgation of emergency rules to administer the provisions of the Communications Services Tax Simplification Law. Additionally, an emergency

rule is the most appropriate means of adopting public use forms that are required under the specific provisions of the Communications Services Tax Simplification Law to be available for filing with the Department of Revenue on or prior to July 16, 2001.

The Department of Revenue has sought comment on the form to the extent possible within the time restraints resulting from the statutory requirements. The form is designed to be available both in hardcopy form and on an electronic format on-line.

SUMMARY OF THE RULE: This emergency rule adopts and incorporates by reference one (1) form required to be available by the Communications Services Tax Simplification Law. This form is: DR-700021, "Local Communications Services Tax Rate and Jurisdiction Changes." The emergency rule also provides information as to how a copy of the form may be obtained.

THE PERSONS TO BE CONTACTED REGARDING THE EMERGENCY RULE ARE: Gary Gray, Tax Law Specialist (850)922-4729, and Jennifer Silvey, Senior Attorney (850)922-4727, Technical Assistance and Dispute Resolution, Office of the General Counsel, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

THE FULL TEXT OF THE EMERGENCY RULE IS:

12BER01-2 Form Used by Public.

The following public use form and instructions are utilized by the Department of Revenue, dated below, and are made part of this by reference. The instructions on the form has the same authority as the rules. Copies may be obtained 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/revenue.html>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331. For those with other disabilities, please inform the Department as to how your inquiry may be reasonably accommodated.

<u>Form Number</u>	<u>Title</u>	<u>Effective Date</u>
<u>(1) DR-700021</u>	<u>Local Communications Services Tax Rate and Jurisdiction Changes</u>	<u>06/26/01</u>

Specific Authority 202.26(4) FS. Law Implemented 202.21, 202.22(2)(b), 337.401(3)(c) FS. History--New 6-22-01.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: June 22, 2001

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation has received a Petition for Variance from Flint Ink North America Corporation on June 20, 2001, seeking a variance from the provisions of Rule 14-57.003, Florida Administrative Code. Rule Section 14-57.003(5)(b)1., Florida Administrative Code, establishes a minimum side clearance of eight (8) feet from the center line of standard gauge railroad tracks to adjacent structures and obstructions above the top of the rail. Flint Ink North America Corporation proposes the Department grant a waiver to allow construction of a vertical support structure to be located with a side clearance of seven and one-half (7.5) feet of the center lines of a proposed track and a parallel existing track, at its facility located at 5409 Highway Avenue, Jacksonville, Florida.

Comments on this proposed variance should be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice.

A copy of the Petition for Variance may be obtained from the Clerk of Agency Proceedings. For additional information, contact Scott Matthews, Assistant General Counsel, at (850)414-5265.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Board of Funeral Directors and Embalmers hereby gives notice that it received a petition for variance filed by Josette Camacho. The Petitioners sought a variance of Rule 61G8-25.001, F.A.C., which requires a grade of 75% on all sections of the embalmer's examination administered by the Conference of Funeral Service Examining Boards, to be licensed as an embalmer by endorsement in the State of Florida. Petitioner is also seeking waiver of Rule 61G8-25.002, F.A.C., which requires requirement of a grade of 75% on all sections of the funeral director's examination administered by the Conference of Funeral Service Examining Boards, to be licensed as a funeral director by endorsement in the State of

Florida. Based on its review of the facts and circumstances presented in the petition, the Board DENIED the petition pursuant to the Order filed in this matter.

A copy of the order can be obtained from Anthony Spivey, Executive Director, Board of Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

The Board of Funeral Directors and Embalmers hereby gives notice that it received a petition for variance filed by Shawn L. Watters. The Petitioners sought a variance of Rule 61G8-25.001, F.A.C., which requires a grade of 75% on all sections of the embalmer's examination administered by the Conference of Funeral Service Examining Boards, to be licensed as an embalmer by endorsement in the State of Florida. Petitioner is also seeking waiver of Rule 61G8-25.002, F.A.C., which requires requirement of a grade of 75% on all sections of the funeral director's examination administered by the Conference of Funeral Service Examining Boards, to be licensed as a funeral director by endorsement in the State of Florida. Based on its review of the facts and circumstances presented in the petition, the Board DENIED the petition pursuant to the Order filed in this matter.

A copy of the order can be obtained from Anthony Spivey, Executive Director, Board of Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

On July 10, 2000, the Department received a petitions from Brown & Root Services, Inc., requesting a permanent Variance/Waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case number 00-1405. A Notice of Receipt of Petition for Variance/Waiver was published in the July 28, 2000, F.A.W. On April 4, 2001, the petition was granted for certain documentation that was required from Larry M. Jacobs & Associates and QED Environmental Systems, Inc. No comments were received.

Copies may be received from: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Lisa Randolph.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on January 17, 2001 a petition from Brown & Root Environmental Services Inc., for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition has been assigned OGC

case number 00-1726 and is for the Circle K #7071 site located at 3503 U.S. Highway 41, North, Palmetto, Florida, FDEP Facility #418623960.

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.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on January 17, 2001 a petition from Brown & Root Environmental Services Inc., for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition has been assigned OGC case number 00-1727 and is for the Circle K #7313 site located at 14th Street & Buckhead Road, Okeechobee, Florida, FDEP Facility #478942737.

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.

On November 28, 2000, the Department received a request for variance/waiver pursuant to Section 120.542, F.S., from Mobil Oil Corporation, Inc. requesting a permanent Variance/Waiver for the Mobil Port Eveglades Terminal of the requirement to cleanup petroleum contact water discharges pursuant to Rule 62-770.160(1)(c), F.A.C. The petition was assigned OGC case #00-2208. A Notice of Receipt of Petition for Variance/Waiver was published in the December 15, 2000, F.A.W. On February 23, 2001, the petition was granted. No comments were received.

Copies may be received from: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Lisa Randolph.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on June 8, 2001, a petition from Geo-Cleanse International, Inc., seeking a variance under Section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under Rule 62-522.300(3), Florida Administrative Code, for the use of sodium permanganate to clean up sites that are contaminated with chlorinated solvents. The petition has been assigned OGC File No.: 01-0952.

Copies may be received from, and written comments submitted to: Department of Environmental Protection, Underground Injection Control Section, Mail Station 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida

32399-2400; Attn: Cathy McCarty. 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 June 8, 2001, a petition from Geo-Cleanse International, Inc., seeking a variance under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under Rule 62-522.300(3), Florida Administrative Code, for the use of potassium permanganate to clean up sites that are contaminated with chlorinated solvents. The petition has been assigned OGC File No.: 01-0953.

Copies may be received from, and written comments submitted to: Department of Environmental Protection, Underground Injection Control Section, Mail Station 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400; Attn: Cathy McCarty. 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 June 15, 2001, a petition from LFR Levine-Fricke Inc., seeking a variance under Section 120.542 of the Florida Statutes from the prohibition of a zone of discharge under Rule 62-522.300(3), Florida Administrative Code, for the use of a cosolvent solution to clean up sites that are contaminated with dense non-aqueous phase liquid chlorinated solvent. The petition has been assigned OGC File No.: 01-0991.

Copies may be received from, and written comments submitted to: Department of Environmental Protection, Underground Injection Control Section, Mail Station 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400; Attn: Cathy McCarty. 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 June 20, 2001, a petition from the Miami-Dade County Aviation Department seeking a temporary waiver for Tank Farm #2 from the aboveground storage tank secondary containment upgrade requirements of Rule 62-761.510, F.A.C., because the tanks were needed for backup storage capacity for three months after the upgrade deadline. The petition has been assigned OGC case number 01-1012.

Copies may be received from, and written comments submitted to: Ms. Rebecca Grace, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900

Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Comments must be received no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors hereby gives notice that on June 13, 2001, it received a petition from Scott Graham, seeking a variance from Rule 64B4-11.007, F.A.C. which addresses the definition and qualifications of an applicant's supervisor.

The Board will discuss this matter on July 23, 2001 at 9:00 a.m., or shortly thereafter, at the Hawthorn Suites, 7450 Augusta National Drive, Orlando, Florida 32822, (407)438-2121.

Comments on this petition should be filed with the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that the Florida Housing Finance Corporation received a petition pursuant to Section 120.542, Florida Statutes, from Little Haiti Gateway, Inc., for a variance and/or waiver from Rule 67-48.012(3), Florida Administrative Code. Florida Housing received a withdrawal of the Petition on May 29, 2001. Based on the withdrawal of the Petition, Florida Housing entered an Order Closing File on June 19, 2001 accepting the withdrawal.

Requests for copies or inspections of the withdrawal or the Order Closing File should be made to Deanne Coughlin, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail to Deanne.Coughlin@floridahousing.org.

NOTICE IS HEREBY GIVEN that the Florida Housing Finance Corporation received a petition pursuant to Section 120.542, Florida Statutes, from the City of Key West for a Waiver from Rule 67-38.007, Florida Administrative Code. Florida Housing received a withdrawal of the Petition on June 5, 2001. Based on the withdrawal of the Petition, Florida Housing entered an Order Closing File on June 19, 2001 accepting the withdrawal.

Requests for copies or inspections of the withdrawal or the Order Closing File should be made to Deanne Coughlin, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail to Deanne.Coughlin@floridahousing.org.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Private Investigation, **Recovery and Security Advisory Council** announces a public meetings to which all persons are invited.

DATE AND TIME: Thursday, September 27, 2001, 9:00 a.m.

PLACE: Embassy Suites, 555 North Westshore Blvd., Tampa, Florida, (813)875-1555

DATE AND TIME: Thursday, December 6, 2001, 9:00 a.m.

PLACE: DoubleTree Hotel in the Gardens, 4431 PGA Boulevard, Palm Beach Gardens, Florida, (561)622-2260

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Council pursuant to the requirement of Section 493.6104(4), Florida Statutes. The Council will conduct a general business meeting.

A copy of the agenda may be obtained by writing: Department of State, Division of Licensing, Attention: April Howard, Post Office Box 6687, Tallahassee, Florida 32314-6687.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact the Director, Division of Licensing, not later than 48 hours prior to the meeting at the address given on the notice, telephone (850)488-6982.

DEPARTMENT OF LEGAL AFFAIRS

The Executive Committee of the **Florida Commission on the Status of Women** will hold a telephone conference.

DATE AND TIME: August 1, 2001, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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.

DATE AND TIME: Wednesday, July 25, 2001, 8:30 a.m. – 5:00 p.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Meeting Room (tentatively Santa Rosa), Tampa, Florida 33607
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 you need an accommodation because of disability in order to participate, please call Patsy Rushing at least 48 hours before the meeting.

If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: August 6, 2001, 3:00 p.m. – 5:00 p.m.

PLACE: Tradewinds Island Grand Beach Resort and Conference Center, 5500 Gulf Boulevard, St. Petersburg Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the DACS Marketing Division to discuss current and proposed Council programs and budget issues.

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 Florida **Department of Education** announces a public meeting which all interested parties are invited to participate in.

DATES AND TIMES: Monday, July 16, 2001, 9:00 a.m. – 5:00 p.m.; Tuesday, July 17, 2001, 8:00 a.m. – 5:00 p.m.

PLACE: Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399, Room #: TBA, (850)201-6134

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Council of Student Financial Aid Advisors.

A copy of the agenda may be obtained by writing: Bureau of Student Financial Assistance, Department of Education, Attention: Sherall Jackson, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759.

Pursuant to the provisions of the American Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency by contacting Sherall Jackson, (850)410-6804, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the agency by calling (850)410-6804.

The **Department of Education**, Office of Student Financial Assistance announces a public hearing to which all persons are invited.

DATE AND TIME: Thursday, July 19, 2001, 3:00 p.m.

PLACE: Office of Student Financial Assistance, Conference Room, Suite 70, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: An Appeals Committee appointed pursuant to Section 240.4042(1), Florida Statutes, will hear an appeal of the determination of ineligibility for a "Chappie" James Most Promising Teacher Scholarship.

Any written materials must be submitted to the Appeals Committee by Thursday, July 12, 2001. Materials may be submitted to: the Office of Student Financial Assistance, Attn: Theresa Antworth, Suite 70, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32303.

If a person decides to appeal any decision made by this committee with respect to any matter considered at this hearing, he or she must 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 is requested to advise the Department at least five calendar days prior to the meeting by contacting Ms. Antworth, (850)410-5151.

Notice is hereby given that **New College of Florida**, Board of Trustees will meet on:

DATE AND TIME: Saturday July 14, 2001, 10:00 a.m. or as soon thereafter as possible

PLACE: Music Room, College Hall, New College of Florida campus, 5700 North Tamiami Trail, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Trustees of New College of Florida will meet for the following purposes:

- Organization of the Board of Trustees.
- Selection of Board Officers.
- Selection of a President of New College of Florida.
- Discussion and action on preliminary and permanent pro-

cedures, rules and by-laws.

- Approval of a preliminary budget.

This is a public meeting: therefore, all interested persons will be entitled to personally testify at the hearing on the subject matters as each is presented.

Testimony must be by sworn testimony, submission of written statements for exhibits or by other documentary evidence. The Board of Trustees shall be entitled to question or cross-examine witnesses.

If a person decides to appeal any decision made by the Board of Trustees with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceeding and for such purpose, he or she may need to ensure that a verbatim record of the proceeding is made, which record includes a record of the testimony and evidence upon which the appeal is to be based.

Should this meeting be adjourned, it will be adjourned to July 21, 2001, 10:00 a.m., to be held in the same place as above set forth.

The Florida **Department of Education, Division of Community Colleges** and the Florida **Board of Nursing** announces the following meeting to which all persons are invited.

DATE AND TIME: July 19, 2001, 9:30 a.m. – 4:00 p.m.

PLACE: The Ballroom, Tampa Airport Hilton Hotel, 2225 Lois Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To begin the planning and development of an implementation plan to submit to the Florida Legislature as mandated in Chapter 2001-203, Laws of Florida, which requires the State Board of Nursing and the Department of Education to submit a plan detailing both the impact and the cost of any proposed rule changing faculty/student clinical ratios.

The **Rehabilitation Council for the Blind** announces the following Public Forum to which all interested individuals are invited to attend.

DATE AND TIME: Thursday, July 26, 2001, 5:00 p.m. – 7:00 p.m.

PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Boulevard, Jacksonville, Florida 32207, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: For consumer input on the effectiveness of services provided by the Florida Division of Blind Services in assisting individuals with visual impairments achieving employment and independence under Title I of the Rehab Act.

CONTACT: Phyllis Dill, The Division of Blind Services, 2551 Executive Center Circle, W., Suite 200, Tallahassee, FL 32399-2050, (850)488-1330, Ext. 139 or through the Florida Telephone Relay System at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the meeting should contact the individual listed above no later than five working days prior to the meeting.

The Florida **Division of Blind Services and the Rehabilitation Council for the Blind** announces the following meeting:

DATES AND TIMES: July 27 2001, 8:30 a.m. – 5:00 p.m.; July 28, 2001, 8:30 a.m. – 12:00 Noon

PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Boulevard, Jacksonville, Florida 32207, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Meeting of the Council.

A copy of the agenda may be obtained by contacting: Phyllis Dill, The Division of Blind Services, 2551 Executive Center Circle, West, Suite 200, Lafayette Bldg., Koger Building, Tallahassee, FL 32399 or (850)488-1330 or through the Florida Telephone Relay System at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a meeting of the State Energy Program (SEP) Clean Fuel Florida Advisory Board (CFF) to which all interested parties are invited.

SEP CFF MEETING

DATES AND TIMES: July 25, 2001, 1:00 p.m. – 4:00 p.m.; July 26, 2001, 9:00 a.m. – 1:00 p.m.

PLACE: Florida Solar Energy Center, 1679 Clearlake Road, Cocoa, Florida 32922-5703

ACTIONS TO BE TAKEN: The CFF will consider the following items:

- 1) Federal Proposed Legislation
- 2) Legislative Committee Report
- 3) CFF Conference Proposal
- 4) Staffing Updates
- 5) State Energy Program Report
- 6) Center for Urban Transportation Research Expanded Scope of Contract
- 7) Energy 2020 Study Commission Update
- 8) CFF Member Roundtable – What’s new?

APPEAL INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting he or she may need a record or transcript of the proceeding, and for such

purposes he or she may need to ensure that a record of the proceeding is made, which record may include testimony and evidence relevant to the appeal.

Anyone who wants a copy of the agenda or additional information on this meeting may write or call: Emily Cook, Administrative Assistant, Department of Community Affairs, 2255 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-2475.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a public hearing to receive input from all interested parties on the Low-Income Home Energy Assistance Program (LIHEAP) state administrative plan for federal fiscal year (FFY) 2002 to which all interested parties are invited.

Public Hearing for the LIHEAP State Plan for FFY 2002

DATE AND TIME: July 30, 2001, 9:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Community Affairs, 2555 Shumard Oak Boulevard, Conference Room 220N, Tallahassee, Florida 32399-2100, (850)488-7541

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain input and recommendations from the public and interested parties concerning the State Administrative Plan for FFY 2002 which will be submitted to the United States Department of Health and Human Services.

A copy of the state plan and agenda may be obtained by writing: Department of Community Affairs, Hilda S. Frazier, Planning Manager, The Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488 or by appearing in person at the agency headquarters.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a record of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Any person requiring a special accommodation at this public hearing because of a disability or physical impairment should contact the Community Assistance Section, (850)488-7541, at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a teleconference meeting of the Affordable Housing Study Commission's Legislative Committee to which all interested persons are invited.

DATE AND TIME: Tuesday, July 17, 2001, 1:00 p.m. – 2:30 p.m.

PLACE: Contact Nancy Muller, (850)488-4197 for information on how to access the meeting via telephone

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission is charged with developing recommendations to the Governor and Legislature to address the state's acute need for housing for very low-, low-, and moderate-income households. At this meeting the committee will discuss legislative recommendations.

People who are hearing impaired should contact Ms. Muller using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD) at least five calendar days prior to the meeting.

A copy of the agenda may be obtained from: Nancy Muller, The Affordable Housing Study Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-4197.

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 18, 2001, 3:00 p.m.

PLACE: The Rosen Plaza Hotel, 9700 International Drive, Salons 7 & 8, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Criminal and Juvenile Justice Information Systems Council will conduct its regular meeting to discuss state and national issues in areas of criminal and juvenile justice information and information systems.

Individuals with a disability as defined by the Americans with Disabilities Act (ADA) may call Senior Management Analyst Chris Ferris, (850)410-7117, about accommodations that would enable attendance.

A copy of the agenda may be obtained by writing: Senior Management Analyst, Chris Ferris, Florida Department of Law Enforcement, Division of Criminal Justice Information Systems, Strategic Planning and Systems Integrity, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-7117, Suncom 210-7117.

DEPARTMENT OF TRANSPORTATION

The **FSTED Council Project Review Group** announces a meeting in which all interested persons are invited to participate.

DATE AND TIME: July 9, 2001, 8:00 a.m. – 12:00 Noon

PLACE: Florida Department of Transportation, Suwannee Conference Room, 2nd Floor, 605 Suwannee Street, Tallahassee, Florida 32399, (866)374-3368, Extension 2451

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Tara Vercellone, Florida Ports Council, 315 South Calhoun Street, Suite 712, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Tara Vercellone, (850)222-8028.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (SBA) of a meeting of the Florida State Board of Administration regarding the Request for Information and Invitation to Negotiate for bundled providers (RFI/ITN #2001-16) for the Public Employee Optional Retirement Program to which all persons are invited.

DATE AND TIME: Monday, August 6, 2001, 9:00 a.m. – conclusion of the meeting

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Investment Services Implementation Group (ISIG) will discuss the recommendations by the general consultant, William R. Mercer, regarding candidates for oral interviews, and will discuss the oral interview process. The meeting will also include a discussion of the general business of PEORP. Although this meeting will be primarily in person, anyone wishing to participate by telephone is free to use the following conference call number: (850)410-0966 or Suncom 210-0966.

At the conclusion of the meeting, a decision will be made regarding whether, and if so, where, on-site visits will be conducted. Persons wishing to participate in the on-site visits are encouraged to remain to the end of the meeting regarding the Mercer recommendations in order to ascertain which companies will be visited. The SBA will not pay any travel expenses except for members of the on-site visit team.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail at: lazar_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (SBA) of meetings of the Florida State Board of Administration regarding the Request for Information and Invitation to Negotiate for bundled providers (RFI/ITN #2001-16) for the Public Employee Optional Retirement Program to which all persons are invited.

DATES AND TIME: Wednesday, August 8, 2001 through Tuesday, August 21, 2001, 8:00 a.m. – conclusion of the on-site visits

PLACE: To be determined at the conclusion of the public meeting on Monday, August 6, 2001

GENERAL SUBJECT MATTER TO BE CONSIDERED: These on-site visits will be to evaluate a candidate or candidates for bundled providers for PEORP. The chairs of the on-site visit team will prepare a report or reports for consideration of the PEORP Investment Services Implementation Group prior to the bundled provider oral interviews scheduled to begin on August 27, 2001.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail at: lazar_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (SBA) of meetings of the Florida State Board of Administration regarding Bundled Providers for the Public Employee Optional Retirement Program to which all persons are invited.

DATES AND TIME: Monday, Tuesday and Wednesday, August 27-29, 2001; Friday, August 31, 2001; Tuesday, Wednesday and Thursday, September 4-6, 2001, 7:30 a.m. – conclusion

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: These meetings will be oral interviews for the finalist candidates for bundled providers for investment products and services for the Public Employee Optional Retirement Program (PEORP) and will also include discussions of other PEORP implementation issues.

DATE AND TIME: Friday, September 7, 2001, 9:00 a.m. – conclusion

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the evaluation team will make a final selection from among the bundled providers interviewed. This final selection will be a recommendation to the Executive Director and to the Trustees for final approval. The meeting will also include discussions of other PEORP implementation issues.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail at: lazar_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (FSBA) of a meeting of the Investment Advisory Council (IAC) to which all persons are invited.

DATE AND TIME: Thursday, August 30, 2001, 10:00 a.m. – 11:00 a.m.

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a business meeting of the Investment Advisory Council (IAC). The IAC will discuss the proposed incentive compensation plan for SBA employees and other issues relating to the Florida Retirement System and the investments of the FSBA.

Although this meeting will be primarily in person, anyone wishing to participate by telephone is free to use the following conference call number: (850)410-0966 or Suncom 210-0966.

Anyone wishing further information should contact: Cheryl Creel, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or via e-mail at: creel_cheryl@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Cheryl Creel, (850)413-1248, 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 meeting of the Investment Advisory Council (IAC) and the Public Employee Optional Retirement Advisory Committee (PEORPAC) to which all persons are invited. Note that both these groups will meet concurrently.

DATE AND TIME: Thursday, August 30, 2001, 11:00 a.m. – conclusion of the meeting

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a joint business meeting of the IAC and PEORPAC. The two groups will discuss recommendations regarding several unbundled investment product providers and other issues relating to the implementation of the Public Employee Optional Retirement Program. Although this meeting will be primarily in person, anyone wishing to participate by telephone is free to use the following conference call number: (850)410-0966 or Suncom 210-0966.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or via e-mail at: lazar_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

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: July 18, 2001, 9:00 a.m. (The Commission will convene for the purposes of standing committee meetings and for the regular monthly meeting.)

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will address issues pertaining to contracts, programs, budget items, rulemaking, licensing and other matters that are addressed during monthly meetings of the Commission.

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, July 18, 2001, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C, Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, telephone (850)488-3417.

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: July 18, 2001, 2:00 p.m.

PLACE: 2601 Blairstone Road, Building C, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Commission Business Meeting.

A copy of the agenda and subsequent agenda, if any, may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450, Attention: Monica David, Commissioner-Secretary.

If you need an accommodation in order to participate in this process, please notify the Commission in advance.

PUBLIC SERVICE COMMISSION

The **Florida Energy 2020 Study Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: July 11, 2001, 9:30 a.m.

PLACE: TECO Hall, TECO Plaza, 702 N. Franklin St., Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will be discussing restructuring Florida's electricity market information relevant to determining what Florida's electric energy needs will be over the next 20 years, and how best to supply those needs in an efficient, affordable, and reliable manner that will ensure adequate electric reserves.

A copy of the agenda for this meeting may be obtained by writing: Executive Director, Florida Energy 2020 Study Commission, Office of the Governor, Room 225B, Knott Building, Tallahassee, Florida 32399-0001.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Executive Director, (850)413-7777, at least 48 hours prior to the meeting.

Any person who is hearing or speech impaired may contact the Florida Energy 2020 Study Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a Status Conference to be held in the following docket, which all interested persons and parties are invited to attend.

DOCKET NO. 010827-EI – Petition by Gulf Power Company for Approval of Purchased Power Arrangement Regarding Smith Unit 3 for Cost Recovery Through Recovery Clauses Dealing With Purchased Capacity and Purchased Energy.

DATE AND TIME: Friday, July 13, 2001, 1:30 p.m.

PLACE: Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To decide on a hearing date for this docket and other procedural matters.

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

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor** announces a meeting of the Florida Black Business Investment Board, its loan and transition committees to which all interested persons are invited.

DATE AND TIME: July 20, 2001, 10:00 a.m.

PLACE: Hyatt Regency/Orlando International Airport, 9300 Airport Blvd., Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To further discuss the Board’s business plan to identify areas for future Board priorities, loan committee discussion/review/approval of loan related issues, transition committee discussion and approve actions taken by the Chairman under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend these meeting, please notify the FBBIB office, (850)487-4850, at least seven (7) days prior to the meetings. If you are hearing or speech impaired, please contact the Office of the Governor by using the Citizen Service Office, (850)488-4441.

The **Florida Black Business Support Corporation** announces a meeting of its board of directors, loan and transition committees to which all interested persons are invited.

DATE AND TIME: July 20, 2001, 1:00 p.m.

PLACE: Hyatt Regency/Orlando International Airport, 9300 Airport Blvd., Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To plan and discuss the Board’s business plan to identify areas for future Board priorities, loan committee discussion/review/approval of loan related issues, transition committee discussion and approve actions taken by the Chairman under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Support Corporation, 1713 S. Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at this meeting, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend this meeting, please notify the FBBSC office, (850)487-4850, at least seven (7) days prior to the meeting.

REGIONAL PLANNING COUNCILS

The District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE NAME: Training Subcommittee

DATE AND TIME: Monday, July 16, 2001, 9:15 a.m. – 10:15 a.m.

COMMITTEE NAME: Local Emergency Planning Committee

DATE AND TIME: Monday, July 16, 2001, 10:30 a.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE DISCUSSED: Chairman report, Committee updates, and other organizational matters regarding the committees.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact Charlotte Neupauer, (352)732-1315.

The **Withlacoochee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 19, 2001, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular July meeting as scheduled. This is a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, July 18, 2001, 4:30 p.m.

PLACE: Citrus County Board Room, Old Masonic Bldg., 111 W. Main Street, Third Floor, Inverness, FL 34450

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, FL 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: July 17, 2001, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Human and Health Services Subcommittee Meeting of the Southwest Florida Regional Planning Council.

For further information, please contact the Council's offices in writing: Southwest Florida Regional Planning Council, P. O. Box 3455, North Fort Myers, Florida 33918-3455.

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: July 19, 2001, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Subcommittee Meeting of the Southwest Florida Regional Planning Council.

For further information, please contact the Council's offices in writing: Southwest Florida Regional Planning Council, P. O. Box 3455, North Fort Myers, Florida 33918-3455.

NOTICE OF CANCELATION – The **Southwest Florida Regional Planning Council** announces that its regular meeting has been canceled:

DATE AND TIME: July 19, 2001, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33917.

The next regular meeting is scheduled for August 16, 2001, 9:30 a.m.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 19, 2001, 12:00 Noon – 4:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the State Road 7/U.S. 441 Corridor Steering Committee to continue to develop their organizational structure as well as creating their Mission Statement and Objectives.

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 State Road 7/U.S. 441 Collaborative Steering Committee 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.

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 **Treasure Coast Regional Planning Council** announces a meeting of the Council's Comprehensive Economic Development Strategy Committee to which all persons are invited:

DATE AND TIME: July 12, 2001, 2:00 p.m.

PLACE: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Regional Planning Council Comprehensive Economic Development Strategy Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces the following public meeting:

DATE AND TIME: July 19, 2001, 9:30 a.m.

PLACE: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Planning Council Energy Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: July 20, 2001, 9:30 a.m.

PLACE: Howard Johnson's Motor Lodge, 950 U.S. Highway One, Stuart, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The Florida District X, **Local Emergency Planning Committee** announces the following meeting to which all persons are invited.

DATE AND TIME: July 26, 2001, 10:00 a.m.

PLACE: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the meeting of the District X, Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The District II, **Local Emergency Planning Committee** (LEPC) announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: July 18, 2001, 10:00 a.m. (Eastern Time), 9:00 a.m. (Central Time)

PLACE: Tallahassee Fire Department Training Facility, 2964 Municipal Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regularly scheduled LEPC meeting.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** announces that communications among the members of an independent peer review panel established pursuant to Section 373.042(4), F.S. (2000) for the category 3 lakes will occur via communications media technology to which all persons are invited.

DATE AND TIME: Beginning on or after July 13, 2001 through September 17, 2001, the public may access communications among panel members, may access electronically stored communications and other public records associated with communications of the peer review panel.

PLACE: Interested persons may access these communications via the Internet at the following access point: Website Address <http://www.swfwmd.state.fl.us>, Discussion Panels; Minimum Flows and Levels – 2001 Discussion Panel; Category 3 Lakes Methodology Peer Review Panel.

This Internet address will be accessible to view communications among the peer review panel, and to provide comment on relevant issues to interested persons 24 hours a day using non-District computers, and during normal business hours using a District computer.

To arrange use of a District computer contact Pam Gifford, 1(800)423-1476 or (352)796-7211, Extension 4156 or Suncom 628-4156.

Communications and documents posted are preserved and can be accessed at anytime after they occur or are posted.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The review of scientific or technical data and methodologies supporting establishment of a minimum levels for category 3 lakes (lakes without fringing cypress wetlands of .5 acres or greater) and other related information, pursuant to Section 373.042(4), F.S. (2000).

A copy of the agenda may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899 or by calling Pam Gifford, 1(800)423-1476 or (352)796-7211, Extension 4156 or Suncom 628-4156, or for any additional information regarding access to these proceedings or to obtain documents posted at the Internet site.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meeting communications is asked to advise the agency at least 48 hours before they will access the meeting communications by contacting Dianne Lee, (352)796-7211 or 1(800)423-1476, Extension 4658, Fax number (352)754-6878, Suncom 663-6878. If you are hearing or speech impaired, please contact the agency by calling TDD only number 1(800)231-6103.

NOTICE OF CANCELLATION – The Southwest Florida Water Management District announces cancellation of the Public Supply Advisory Committee Meeting scheduled for Friday, July 20, 2001. Notice of the next meeting will be published later.

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: July 18, 2001, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD budget and finance-related matters.

All those wishing to attend may do so at the location listed above.

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, or those wishing to submit written or physical evidence may contact Marcie Daniel, Budget Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public hearing required under Sections 373.59 and 373.139, Florida Statutes, to which all interested persons are invited:

DATE AND TIME: August 9, 2001, Governing Board Meeting, 8:50 a.m.

PLACE: District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33407

GENERAL SUBJECT MATTER TO BE CONSIDERED: The acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

Part of the Kissimmee Chain of Lakes Project comprised of thirteen parcels referred to as SFWMD Tract Nos. 18-402-002, 18-402-003, 18-402-006, 18-402-019, 18-402-020, 18-302-037, 18-402-038, 18-402-041, 18-404-003, 18-404-004, 18-404-005, 18-406-002 and 18-406-005 consisting of approximately 52.83 acres and lying in Sections 5, 7, 8, 17 and 18, Township 30 South, Range 30 East and Sections 1 and 12, Township 30 South, Range 29 East, Polk County, Florida.

FAW Reference No. 2174

Part of the Critical CREW (Southern Corkscrew Regional Ecosystem Watershed) Project comprised of eighteen parcels referred to as SFWMD Tract Nos. 09-003-695, 09-003-701, 09-003-702, 09-003-705, 09-003-706, 09-003-708, 09-003-709, 09-003-710, 09-003-711, 09-003-712, 09-003-713, 09-003-715, 09-003-717, 09-003-720, 09-003-721, 09-003-723, 09-003-724 and 09-003-736 consisting of approximately 110 acres and lying in Section 35, Township 47 South, Range 26 East, Lee County, Florida.

FAW Reference No. 2176

Part of the East Coast Buffer Project being acquired under the terms of an Interlocal Agreement with Palm Beach County comprised of one parcel referred to as SFWMD Tract No. W9-100-085 consisting of approximately 626.97 acres and lying in Section 12, Township 41 South, Range 46 East in Palm Beach, Florida.

FAW Reference No. 2177

An Interlocal Agreement between the District and Palm Beach County, for the commitment of funds by the District to Palm Beach County, in an amount not to exceed \$1,000,000 to assist Palm Beach County in acquiring land interests in Unit 11.

FAW Reference No. 2178

Part of the East Coast Buffer Project comprised of one parcel referred to as SFWMD Tract No. W9-200-917 consisting of approximately 10 acres and lying in Section 34, Township 51 South, Range 39 East in Broward County, Florida.

FAW Reference No. 2180

Part of the Water Conservation Areas Project comprised of four parcels referred to as SFWMD Tract Nos. 27-100-045, 27-100-041, 27-100-042 and 27-100-046 consisting of approximately 865 acres and lying in Sections 2, 3, 21 and 28, Townships 50, 52 and 53 South, Ranges 35, 38 and 39 East in Miami-Dade County, Florida.

FAW Reference No. 2181

Part of the Biscayne Coastal Wetlands Project comprised of ten parcels referred to as SFWMD Tract Nos. GZ-100-001, GZ-100-002, GZ-100-003, GZ-100-004, GZ-100-005, GZ-200-001, GZ-200-002, GZ-200-003, G-200-004 and GZ-200-005 consisting of approximately 549.77 acres and lying in the South 1/2 of Section 28, Township 56 South, Range 40 East, and in Sections 4 and 9, Township 57 South, Range 40 East, lying east of the L-31 East Levee, Miami-Dade County, Florida.

FAW Reference No. 2182

Additional information concerning specific parcels or interests can be obtained from: Blair R. LittleJohn, III, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416-4680, (561)686-8800.

Appeals from any South Florida Water Management District Board decision requires a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

For additional information, please contact Mr. Blair R. LittleJohn, III, Interim Division Director, Land Acquisition Division, (561)686-8800.

The **South Florida Water Management District** announces public meetings to which all interested parties are invited:

DATES AND TIMES: September 24, 2001, 8:15 a.m. – 5:00 p.m.; September 25, 2001, 8:30 a.m. – 5:00 p.m.; September 26, 2001, 8:30 a.m. – 2:00 p.m.

PLACE: Sheraton West Palm Beach Hotel at City Place, Regency Conference Room, 630 Clearwater Park Road, West Palm Beach, Florida 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2002 Everglades Consolidated Report – Peer Review and Public Workshops

Tentative agenda includes: September 24, 2001 (Morning Session) – Introduction, Water Quality Compliance in the Everglades Protection Area; September 24, 2001 (Afternoon Session) – Water Quality Compliance in the Everglades Protection Area, Performance and Optimization Research on Agricultural Best Management Practices, Stormwater Treatment Technologies; September 25, 2001 (Morning Session) – Ecological and Hydrological Needs of the Everglades Protection Area; September 25, 2001 (Afternoon Session) – Implementation of the Comprehensive Everglades Restoration Plan, Status of Other Everglades Programs; September 26, 2001 – Panel Working Session.

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.

Those who desire more information may contact: Dr. Garth Redfield, (561)682-6611, gredfiel@sfwmd.gov or Linda Davis, (561)682-6205, ldavis@sfwmd.gov.

REGIONAL UTILITY AUTHORITIES

The **Walton/Okaloosa/Santa Rosa Regional Utility Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: August 1, 2001, 2:00 p.m.

PLACE: Ft. Walton Beach City Hall, 107 Miracle Strip Parkway, S. W., Ft. Walton Beach, FL 32549

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Regional Utility Authority. The RUA-TAC will meet at 1:00 p.m.

A copy of the agenda may be obtained by contacting: Lel Czeck, Executive Director, West Florida Regional Planning Council, P. O. Box 486, Pensacola, Florida 32593-0486.

SPACEPORT FLORIDA AUTHORITY

The **Florida Commercial Space Financing Corporation** announces a teleconference meeting of the Personnel Committee of the Board of Directors and full Board, if needed, to which the public is invited.

DATE AND TIME: July 13, 2001, 1:00 p.m. – 4:00 p.m.

PLACE: This is a telephone conference call meeting. The number to call is 1(800)939-8909, participant code 665956

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Personnel Committee will be discussing and reviewing the contract for the President's position, the full Board will review financings and other proposed matters related to the business of the Corporation.

For more information, contact Ms. Judy Blanchard, (321)267-2877.

To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, Florida/NASA Business Incubation Center, 1311 N. Highway U.S. 1, Suite 129, Titusville, FL 32796.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Commercial Space Financing Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure

that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF ELDER AFFAIRS

The **State Long-Term Care Ombudsman Council** announces a public meeting for all districts in Florida to which all persons are invited. You may contact the State Long-Term Care Ombudsman Office, (850)488-6190 for further information.

DATE AND TIME: July 26, 2001, 9:00 a.m.

PLACE: North West Florida LTCOP

DATE AND TIME: July 18, 2001, 10:00 a.m.

PLACE: Panhandle LTCOP

DATE AND TIME: July 19, 2001, 12:30 p.m.

PLACE: North Central Florida LTCOP

DATE AND TIME: July 12, 2001, 1:00 p.m.

PLACE: Withlacoochee Area LTCOP

DATE AND TIME: July 17, 2001, 12:00 Noon

PLACE: First Coast LTCOP

DATE AND TIME: July 19, 2001, 1:30 p.m.

PLACE: Mid and South Pinellas LTCOP

DATE AND TIME: July 12, 2001, 1:30 p.m.

PLACE: Pasco and North Pinellas LTCOP

DATE AND TIME: July 17, 2001, 10:00 a.m.

PLACE: West Central Florida LTCOP

DATE AND TIME: July 5, 2001, 12:30 p.m.

PLACE: East Central Florida LTCOP

DATE AND TIME: July 3, 2001, 11:00 a.m.

PLACE: Southwest Florida LTCOP

DATE AND TIME: July 16, 2001, 2:30 p.m.

PLACE: Treasure-Gold Coast LTCOP

DATE AND TIME: July 10, 2001, 1:30 p.m.

PLACE: Broward County LTCOP

DATE AND TIME: July 17, 2001, 1:15 p.m.

PLACE: South Dade and the FL Keys LTCOP

DATE AND TIME: July 12, 2001, 10:30 p.m.

PLACE: North Dade LTCOP

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues related to the Long-Term Care Ombudsman Program.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Health Care Risk Manager Advisory Council to which all interested parties are invited.

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

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 1, Office of Plans and Construction, Conference Room, Tallahassee, Florida 32308, (850)487-1709

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on issues related to criteria for licensure as Health Care Risk Manager and related topics.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Susan Buchan, (850)921-4314, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Susan Buchan, Agency for Health Care Administration, Division of Managed Care and Health Quality, Office of Risk Management, 2727 Mahan Drive, Tallahassee, Florida 32308.

DEPARTMENT OF MANAGEMENT SERVICES

The **State Technology Office**, State of Florida announces a public meeting to which all persons are invited.

DATE AND TIME: July 18, 2001, 10:00 a.m. – 11:30 a.m.

PLACE: Conference Room 124, Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Chief Information Officers Council.

A copy of the agenda may be obtained upon request: State Technology Office, Attention: Elaine Womble, Bldg. 4030 Esplanade Way, Tallahassee, Florida 32399-0950, (850)410-3204.

SPECIAL ACCOMMODATIONS: Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Elaine Womble, (850)410-3204.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Florida Barbers' Board** announces a Board Meeting open to the public and all persons are invited to participate.

DATE AND TIME: Monday, July 23, 2001, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Board Meeting Room, 1940 North Monroe Street, Tallahassee, Florida 32399-0790

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business and Committee Matters.

A copy of the agenda may be obtained by writing: Barbers' Board, 1940 North Monroe Street, Suite #60, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five

calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: July 17, 2001, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, FL 32301, (850)922-2708

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Robert A. Crabill, Lead Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, FL 32399-2202, (850)922-2708.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Florida **Board of Veterinary Medicine** announces the following meeting to be held by telephone conference call, to which all persons are invited to attend.

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

PLACE: Access Phone: (850)488-0979, Suncom 278-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting, agenda available on request.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 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)488-0698, 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 Real Estate Appraisal Board** announces a workshop to which everyone is invited.

DATE AND TIME: Monday, August 6, 2001, 1:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Public Meeting Room, 400 W. Robinson St., Room 301, North Tower, Orlando, Florida, (407)245-0800

GENERAL SUBJECT MATTER TO BE DISCUSSED: Workshop session to discuss Florida Administrative Code, Chapter 61J1 for possible changes.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Appraisal Board, P. O. Box 1900, Orlando, Florida 32802-1900.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, July 18, 2001, 6:00 p.m.

PLACE: Guana Tolomata Matanzas National Estuarine Research Reserve, 9741 Ocean Shore Blvd., Town of Marineland, St. Augustine, Florida 32080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group (MAG) for the Guana Tolomata Matanzas National Estuarine Research Reserve (GTMNERR) meets regularly on the second Wednesday of the third month of each quarter. This is a special meeting of the MAG for the purpose of addressing the recent addition of two members to the MAG for representatives of the Friends of Guana River State Park (FroG). The MAG is now composed of ten citizens appointed by the three state legislators with overlapping jurisdictions within the reserve boundaries, the two new members of the FroG, and ten representatives of the local, state and federal government entities with authority and responsibility in the reserve. The government entities are the National Park Service; the Florida Park Service; the Florida Fish and Wildlife Conservation Commission; the St. Johns River Water Management District; the Florida Inland Navigation District; the Flagler County Board of County Commissioners; the St. Johns County Board of County Commissioners; the St. Augustine Port, Waterway and Beach

Authority; the City of St. Augustine; and the Town of Marineland. The MAG provides advisory input to the Office of Coastal and Aquatic Managed Areas for the management of the GTMNERR.

The meeting agenda will include the announcement of the two new MAG positions for representatives of the FroG, the dissemination of the revised Charter of the GTMNERR MAG showing the inclusion of the two new members, a discussion of the role of the MAG, discussion of candidates for Chairman and Vice-Chairman of the MAG, and progress reports on a variety of GTMNERR activities including the planned construction of an environmental education center at the Guana River State Park.

A copy of the agenda may be obtained by contacting: Mr. Kenneth Berk, GTMNERR, 9741 Ocean Shore Blvd., Marineland, Florida 32080, (904)461-4054.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey, (850)488-0450, 1(800)955-8771 (TDD), at least seven days prior to the event.

The Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 19, 2001, 9:00 a.m.

PLACE: City Council Chambers, City Hall, 400 S. Orange Ave., Orlando, Florida 32802

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting to discuss Florida's recycling and waste reduction goals, in accordance with Chapter 2001-224, Laws of Florida. That law requires the Department to "conduct a comprehensive review of the waste reduction and recycling goals set out in Part IV of Chapter 403, Florida Statutes, and other legislative requirements in view of reduced available funding for these purposes. The review shall include, but is not limited to, the appropriateness of maintaining, extending, or revising the goals; the effectiveness of current programs for meeting the goals; the role of Keep Florida Beautiful, Inc.; the need to continue those programs; alternative techniques for improving those programs; alternative strategies for meeting the needs of the programs; and any other issues related to resource recovery and management."

While anyone attending the meeting will be afforded the opportunity to speak, you are also invited to submit comments in writing. You may submit comments at the meeting, by mail to Suzanne Boroff, Department of Environmental Protection, 2600 Blairstone Rd., MS #4570, Tallahassee, FL 32399-2400 or by e-mail to Suzanne.Boroff@dep.state.fl.us.

If accommodation for a disability is needed to participate in this activity, please notify Suzanne Boroff, (850)488-0300, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Department by using the Florida Relay service at 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing or calling: Suzanne Boroff, 2600 Blair Stone Road, MS #4570, Tallahassee, Florida 32399-2400, (850)488-0300.

DEPARTMENT OF HEALTH

The **Department of Health**, Bureau of Chronic Disease Prevention will hold the following meeting:

MEETING: Arthritis Action Planning Meeting
 DATE AND TIME: July 12, 2001, 10:00 a.m. – 4:00 p.m.
 PLACE: FSU Center for Professional Development/Turnball Center, Tallahassee, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a working meeting, which will ask participants to focus on the development of action steps and evaluation efforts as a part of arthritis strategic planning in Florida. The meeting will begin with an overview of past activities and a summary of the state of arthritis in Florida, and then move into workgroup sessions where action planning will occur.
 For more information, contact: Don Mullins, (850)245-4330.

The **Department of Health**, Bureau of Chronic Disease Prevention will hold the following meeting:

MEETING: Comprehensive Tobacco Control Annual Action Plan Development
 DATE AND TIME: July 13, 2001, 8:30 a.m. – 4:00 p.m.
 PLACE: Holiday Inn Select, 613 West Tennessee Street, Tallahassee, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be the 2001-2002 update to our annual action plan for comprehensive statewide tobacco prevention and control.

The **Department of Health, Division of Medical Quality Assurance**, Florida **Board of Medicine**, Probationers Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 20, 2001, 10:00 a.m.
 PLACE: Tampa Marriott Westshore, 1001 N. Westshore Blvd., Tampa, FL 33607, (813)287-2555
 GENERAL SUBJECT MATTER TO BE DISCUSSED: To conduct general business of the Committee.
 A copy of the agenda may be obtained by writing: Timothy Callaghan, Compliance Officer, Department of Health, Division of Medical Quality Assurance, Client Services Unit, 4052 Bald Cypress Way, BIN #CO1, Tallahassee, FL 32399-3251.

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, he will need a record of the proceeding, and for such purpose, he may need to insure that a verbatim proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Timothy Callaghan, (850)245-4444, Ext. 3547, at least 10 calendar days prior to the meeting. If you are hearing or speech impaired, please call Mr. Callaghan using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATES AND TIME: July 23-24, 2001, 9:00 a.m.
 PLACE: Hawthorne Suites, 7450 Augusta National Dr., Orlando, FL 32822, (407)438-2121
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, by July 16, 2001.

The **Board of Massage Therapy** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: July 25, 2001, 6:00 p.m. or soon thereafter
 PLACE: Adams Mark Hotel, 1500 Sand Lake Road, Orlando, Florida 32809
 GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting of the Probable Cause Panel for reconsiderations. Agenda available upon request.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Massage Therapy, (850)488-0595, at least five (5) 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 at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Massage Therapy, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Massage Therapy** announces a meeting to which all interested persons are invited to attend.

DATES AND TIMES: Thursday, July 26, 2001, 9:00 a.m. or soon thereafter; Friday, July 27, 2001, 9:00 a.m., if necessary
PLACE: Adams Mark Hotel, 1500 Sand Lake Road, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business and Disciplinary Matters.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Massage Therapy, (850)488-0595, at least five (5) 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 at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Massage Therapy, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Medicine**, Rules Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, August 2, 2001, 6:00 p.m.

PLACE: Florida Department of Health, Bldg. 4042, Room 301, 4042 Bald Cypress Way, Tallahassee, FL 32399, (850)245-4131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

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).

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 ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The Florida **Board of Medicine**, announces a meeting to which all persons are invited.

DATES AND TIME: August 3-5, 2001, 8:00 a.m.

PLACE: Florida Senate Office Building, The Capitol, 404 S. Monroe Street, Room 110, Tallahassee, FL 32399-1100, (850)245-4131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

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).

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 ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Dietetics-Nutrition/Electrolysis Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, August 3, 2001, immediately following the full Board meeting or soon thereafter

PLACE: Florida Senate Office Building, The Capitol, 404 S. Monroe Street, Room 110, Tallahassee, FL 32399-1100, (850)245-4131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

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).

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 ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The Florida **Board of Medicine**, Expert Witness Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, August 3, 2001, immediately following the Board meeting or soon thereafter

PLACE: Florida Senate Office Building, The Capitol, 404 S. Monroe Street, Room 110, Tallahassee, FL 32399-1100, (850)234-4131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

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).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health**, Dietetics and Nutrition Practice Council, under the **Board of Medicine**, announces a conference call to which all persons are invited.

DATE AND TIME: August 10, 2001, 9:00 a.m. or soon thereafter

PLACE: Department of Health, 4042 Bald Cypress Way, 3rd Floor, Room 301, Tallahassee, FL 32399, Number: Nonsuncom (850)921-5601, Suncom 291-5601

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting/Rules Review and Conference call.

A copy of the agenda may be obtained by writing: Department of Health, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the council office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the council office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the council with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Nursing** announces it will hold the following meeting to which all persons are invited.

Board Legislative Committee

DATE AND TIME: July 14, 2001, 9:00 a.m. – 12:00 Noon

PLACE: 4080 Woodcock Dr., Jacksonville, FL, telephone conference (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss all upcoming legislative issues concerning the Board of Nursing and Nursing issues.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal to be based.

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

NOTICE OF CHANGE – The **Department of Health, Board of Nursing** announces it will hold the following meetings to which all persons are invited. Board Legislative Committee. Please note date and phone number change from original notice.

DATE AND TIME: July 21, 2001, 9:00 a.m. – 12:00 Noon

PLACE: 4080 Woodcock Dr., Jacksonville, FL, telephone conference (850)921-5230

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss all upcoming legislative issues concerning the Board of Nursing and Nursing issues.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal to be based.

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

The **Board of Optometry** will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Monday, July 16, 2001, 9:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399-3257, at Meet Me Number (850)921-2530

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Optometry, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda may be obtained by writing: Sherra Causey, Board of Optometry, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Board of Orthotists and Prosthetists** will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Friday, July 13, 2001, 9:00 a.m.

PLACE: Radisson Bay Harbor Hotel, 7700 Courtney Campbell Causeway, Tampa, FL 33607-1430, (813)281-8900

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Orthotists and Prosthetists, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda may be obtained by writing: Sherra Causey, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Physical Therapy Practice** announces a meeting to which all persons are invited.

DATE AND TIME: September 21, 2001, 8:00 a.m. or soon thereafter

PLACE: The Department of Health, 4042 Bald Cypress Way, 3rd Floor, Room 301, Tallahassee, FL 32399-3255, (850)245-4373

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting, Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN #C05 Tallahassee, Florida 32399-3255 or by calling the board office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Psychology** announces a conference call to which all persons are invited:

DATE AND TIME: July 13, 2001, 8:00 a.m. or soon thereafter

PLACE: Numbers: Nonsuncom (850)921-5400, Suncom 291-5400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Workshop.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the

workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Psychology** announces a meeting to which all persons are invited.

DATES AND TIME: September 14-15, 2001, 9:00 a.m. or soon thereafter

PLACE: The Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by contacting the board office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Division of Environmental Health and Statewide Programs**, Bureau of Radiation Control announces a workshop to which all persons are invited:

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

PLACE: 2044 All Children's Way, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Changes to the scope of practice of general radiographers and radiation therapy technologists.

A copy of the agenda may be obtained by contacting: William A. Passetti, Chief, Bureau of Radiation Control, 4052 Bald Cypress Way, BIN #C21, Tallahassee, FL 32399-1741, (850)245-4266.

The Florida **Department of Health**, Bureau of Epidemiology, on behalf of the Biomedical Research Advisory Council announces a public meeting.

DATE AND TIME: Wednesday, July 18, 2001, 9:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Health, Bureau of Epidemiology, Conference Room 320-P, Prather Building, 3rd Floor, 2585 Merchant's Row Boulevard, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to develop funding recommendations based on the criteria outlined in Section 215.5602, Florida Statutes, and review program progress.

CONTACT: To ensure adequate space, observers are asked to contact Cathy Hughes, (850)245-4444, Ext. 2438, by 5:00 p.m., Monday, July 16, 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.

The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATE AND TIME: July 16, 2001, 8:00 a.m. – 5:00 p.m.

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, FL 32819-8122, Toll Free Number 1(800)800-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this study is to develop a methodology to assess the costs of providing trauma care to be specifically used for reporting to the Florida Legislature. This cost includes pre-hospital and inpatient hospital costs, and the investment required of a hospital to become an approved trauma center.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency before July 11, 2001, by contacting Charlotte Sorrell, (850)245-4440. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Purchase Order Number F00396.

The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATE AND TIME: July 19, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, FL 32819-8122, Toll Free Number 1(800)800-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: This a workshop set up to address the hospital's and individual physician responsibility of on-call specialty consultants and Emergency Department diversion issues.

A copy of the agenda may be obtained by writing: Department of Health, Bureau of Emergency Medical Services, 2020 Capital Circle, Southeast, BIN #C18, Tallahassee, FL 32399-1738 or by calling George Schaffer, (850)245-4440.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency before July 12, 2001, by contacting George Schaffer, (850)245-4440. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Purchase Order Number F00396.

The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATE AND TIME: July 19, 2001, 2:00 p.m. – 5:00 p.m.

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, FL 32819-8122, Toll Free Number 800-800-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: A committee appointed by the Bureau of Emergency Medical Services is holding a meeting to assist the Department of Health in the implementation of the 1999 trauma legislation which requires the development of criteria for the consultation and transfer of trauma victims between trauma centers and acute care hospitals.

A copy of the agenda may be obtained by writing: Department of Health, Bureau of Emergency Medical Services, 2020 Capital Circle, Southeast, BIN #C18, Tallahassee, FL 32399-1738 or by calling George Schaffer, (850)245-4440.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency before April 16, 2001, by contacting George Schaffer, (850)245-4440. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Purchase Order Number F00396.

The **Correctional Medical Authority** announces a meeting of the Mental Health Committee via conference call. All persons are invited to participate.

DATE AND TIME: July 18, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Number: (850)921-5230 (Tallahassee surrounding area), Suncom 291-5230, toll free 1(888)816-1123

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to mental health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Kathy Pilkenton, Correctional Medical Authority, 4052 Bald Cypress Way, BIN #B-04, Tallahassee, FL 32399-1732 or phone (850)245-4044.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

The **Correctional Medical Authority** announces a Board Meeting by Conference Call, to which all persons are invited to participate.

DATE AND TIME: July 20, 2001, 8:30 a.m. – 12:30 p.m.

PLACE: Number: (850) 921-2470, Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, BIN #B-04, Tallahassee, FL 32399-1732, (850)245-4044.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Osceola Alliance for Children and Families and the **Department of Children and Family Services** announces its regularly scheduled monthly meeting.

Alliance Meeting

DATES AND TIME: August 28, 2001; September 25, 2001; October 23, 2001; November 27, 2001; December 2001, TBD (The fourth Tuesday of every month), 11:30 a.m. – 1:00 p.m.

PLACE: The Osceola County Information Systems Conference Room, Suite 2052, Osceola County Administration Building, 1 Courthouse Square, Kissimmee, Florida 34741

For more information, please contact: Keith Carpenter, CBC Liaison, 400 W. Robinson Street, Suite S-1129, Orlando, Florida 32801, (407)245-0400.

The **Department of Children and Family Services**, District 1, Developmental Disabilities Program, A Matter of Choice, announces a coalition meeting to which all persons are invited.

DATE AND TIME: Saturday, July 14, 2001, 10:00 a.m.

PLACE: West Florida Medical Center Rehabilitation Center, Community Rooms A and B, 8383 N. Davis Highway, Pensacola, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Participant issues.

A copy of the agenda for this meeting can be obtained from: Jim Moody, Area Coordinator, (850)595-8173

Persons needing accommodation to participate in this meeting should call at least 4 days in advance of the meeting, (850)595-8173 or TDD (850)921-1304.

The Florida **Department of Children and Family Services**, District 4 announces public meetings to which all persons are invited:

WHAT: Nassau County Community Alliance

DATE AND TIME: July 16, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Library, Yulee Elementary School, 389 Felmore Road, Yulee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bylaw amendment to increase advocacy representation; vote on membership; nominations for officers; education regarding elder issues.

WHAT: Children and Families Community Alliance of Northeast Florida, Executive Committee

DATE AND TIME: July 11, 2001, 3:00 p.m.

PLACE: Roberts Building, Room 354, 5920 Arlington Expressway, Jacksonville, FL 32211

GENERAL SUBJECT MATTER TO BE CONSIDERED: Plan for full Alliance Meeting on July 18, 2001.

WHAT: Children and Families Community Alliance of Northeast Florida

DATE AND TIME: July 18, 2001, 2:30 p.m. – 4:30 p.m.

PLACE: Roberts Building, Auditorium, 5920 Arlington Expressway, Jacksonville, FL 32211

GENERAL SUBJECT MATTER TO BE CONSIDERED: Priorities, projects and community planning. There will be no meeting of the Children and Families Community Alliance of Northeast Florida in August.

A copy of the agendas may be obtained by contacting: Department of Children and Family Services, P. O. Box 2417, Jacksonville, FL 32231-0083 (Attention: Debbi Thomas).

If you need special accommodations (i.e., assistive listening devices, sign language interpreter, etc.) please notify Debbi Thomas, (904)723-2032, at least 48 hours in advance of the meeting, TDD (904)723-8606.

NOTICE OF CANCELLATION – The Florida **Department of Children and Family Services** announces the cancellation of the Lake County Community Alliance Meeting scheduled for:

DATE AND TIME: Wednesday, July 18, 2001, 12:00 Noon

PLACE: Lake Technical Center, 2001 Kurt St., Eustis, FL

The Northwest Florida Community Alliance and the **Department of Children and Family Services**, Subdistrict 2A announces a schedule of meetings, to which all persons are invited. The Alliance encompasses Bay, Calhoun, Gulf, Holmes, Jackson and Washington counties.

DATES AND TIME: Third Thursday of each month, Thursday, July 19, 2001; Thursday, August 16, 2001; Thursday, September 20, 2001; Thursday, October 18, 2001; Thursday, November 15, 2001; Thursday, December 20, 2001; Thursday, January 17, 2002; Thursday, February 21, 2002; Thursday, March 21, 2002; Thursday, April 18, 2002; Thursday, May 16, 2002; Thursday, June 20, 2002, 2:00 p.m. (Central Time)

PLACE: W. T. Neal Civic Center, 1424 North Pear Street, Blountstown, FL 32424

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Northwest Florida Community Alliance to conduct general business.

A copy of the agenda can be obtained by writing: Ima Brown, Department of Children and Family Services, 2639 North Monroe Street, Cedars Executive Center, Suite 200A, Tallahassee, FL 32303.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Ima Brown) at least 5 working days prior to the meeting at (850)488-0569, or 1(800)226-6223 (TDD).

The Suncoast Region, **DeSoto County Community Alliance** will meet on the following dates and times:

DATES AND TIMES: July 23, 2001, 10:30 a.m.; August 27, 2001, 10:30 a.m.

PLACE: Arcadia Service Center, 805 North Mills Road, Arcadia, Florida

The public is welcome to attend. For information call (941)741-3682.

The **Department of Children and Family Services**, Refugee Services Program Office announces the following public meetings to which all interested persons are invited.

MEETING: Districts 5, 6 and 14/Tampa Bay Area Refugee Task Force

DATE AND TIME: July 31, 2001, 9:30 a.m.

PLACE: TBA, contact person is Taddese Fessehaye, (850)413-8227

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Tampa Bay Area/Children and Families, District 5, 6 and 14 areas.

A copy of the agenda may be obtained by writing: Taddese Fessehaye, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

MEETING: District 4/Jacksonville Refugee Task Force

DATE AND TIME: July 25, 2001, 1:30 p.m.

PLACE: Lutheran Social Services, 421 West Church St., Suite 322, Jacksonville, FL 32202, contact person is Osman Uzun, (850)413-8200

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of issues relevant to refugee resettlement in the Duval Area/Children and Families, District 4 area.

A copy of the agenda may be obtained by writing: Osman Uzun, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

MEETING: District 9/Palm Beach Area Refugee Task Force
DATE AND TIME: July 18, 2001, 1:30 p.m.

PLACE: Naval and Marine Reserve Center, 1227 Marine Drive, West Palm Beach, FL, contact person is Taddese Fessehaye, (850)413-8227

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of issues relevant to refugee resettlement in the Palm Beach Area/Children and Families, District 9 area.

A copy of the agenda may be obtained by writing: Taddese Fessehaye, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

MEETING: District 10/Broward County Refugee Task Force
DATE AND TIME: July 31, 2001, 9:00 a.m.

PLACE: First Lutheran Church, 441 N. E. 3rd Ave., Ft. Lauderdale, FL 33301, contact person is Cheraka Thomas, (850)414-0067

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of issues relevant to refugee resettlement in the Broward County/Children and Families, District 10 area.

A copy of the agenda may be obtained by writing: Cheraka Thomas, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

MEETING: District 11/Miami Area Refugee Task Force
DATE AND TIME: July 13, 2001, 10:00 a.m.

PLACE: Miami-Dade Community College, 300 N. E. Second Avenue, Building 2, Room 2106, Miami, Florida, (305)237-7069, contact persons are Bill Long, (850)413-8207 and Vinayak Sharma, (850)413-9225

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of issues relevant to refugee resettlement in the Miami Area County/Children and Families, District 11 area.

A copy of the agenda may be obtained by writing: Bill Long or Vinayak Sharma, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

MEETING: District 7/Orlando Area Refugee Task Force
DATE AND TIME: July 11, 2001, 9:30 a.m.

PLACE: Catholic Charities of Orlando, 1771 North Semoran Blvd., Orlando, FL 32897, contact person is Taddese Fessehaye, (850)413-8227

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of issues relevant to refugee resettlement in the Orlando Area County/Children and Families, District 7 area.

A copy of the agenda may be obtained by writing: Taddese Fessehaye, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

Pursuant to the Provisions of the American's with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Refugee Services Office, (850)488-3791 or Fax (850)487-4272. If you are hearing or speech impaired, please contact the agency by calling TDD Number (850)922-4449 and reference the specific Refugee Task Force Meeting by location and date.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a series of public workshops concerning shrimping in Southwest Florida, to which all interested persons are invited:

DATE AND TIME: July 24, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: The Administrative Center, Room 119, 18500 Murdock Circle, Port Charlotte, Florida

DATE AND TIME: July 25, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Lutheran Fisheries of Men Church, 10360 Stringfellow Road, Bokeelia, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a series of workshops to gather public testimony regarding the fishery for shrimp in the Southwest Region of Florida, specifically Charlotte Harbor and Pine Island Sound. This is a continuation of the statewide management plan for the fishery that includes, but is not limited to, allowable harvesting areas, bycatch and shrimp minimum size.

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.

For further information, contact Roy Crabtree, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The Florida **Fish and Wildlife Conservation Commission** announces Technical Advisory Council meeting and invites the public to attend.

DATES AND TIMES: Wednesday, July 25, 2001, 1:00 p.m. – 5:00 p.m.; Thursday, July 26, 2001, 8:00 a.m. – 3:00 p.m.

PLACE: Department of Agriculture, 3125 Conner Boulevard, Conner Complex, Room 100, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Manatee Technical Advisory Council Meeting.

A copy of the agenda may be obtained by writing: Angela Burt, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399 or by calling (850)922-4330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least seven (7) days before the meeting by contacting Angela Burt, (850)922-4330. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD) or (850)488-9542, within the Tallahassee area.

The **Fish and Wildlife Conservation Commission** announces a series of public workshops concerning oysters, to which all interested persons are invited:

DATE AND TIME: July 30, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Franklin County Courthouse, Main Courtroom (Upstairs), 33 Market Street, Apalachicola, Florida

DATE AND TIME: July 31, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Cedar Key Lab, Classroom, 11350 S. W. 153rd Court, Cedar Key, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a series of workshops to gather public testimony regarding a proposed rule amendment that would limit the application of the current 3-inch minimum size limit for oysters (with current tolerances) to harvest, possession while in or on the waters of the state and landing.

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.

For further information, contact: Roy Crabtree, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting as follows:

DATE AND TIME: Tuesday, July 10, 2001, 11:00 a.m.

PLACE: Pennington Law Firm, 215 S. Monroe Street, 2nd Floor, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors' Meeting.

A copy of the proposed agenda may be obtained by writing: Mr. Ryland B. Musick, Executive Director, Florida Comprehensive Health Association, 1210 E. Park Avenue, Tallahassee, Florida 32301, (850)309-1200 or by Facsimile (850)309-1222.

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, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by Roy Van Wyk, on April 23, 2001. The following is a summary of the agency's disposition of the petition: The fire official has exclusive jurisdiction to conduct all official firesafety plans reviews and inspections of fire alarm systems to insure compliance with firesafety standards; however, other persons, such as electrical contractors or anyone else designated by the local building official may perform such inspections as may be needed for any purpose other than official firesafety plans reviews and inspections to insure compliance with firesafety standards.

A copy of the order may be obtained from: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604.

NOTICE IS HEREBY GIVEN THAT the Department of Insurance, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed May 31, 2001, by Earl L. Carlton, O.I.C., Miami Dade County Fire Rescue. The Petition is seeking the Department's interpretation of NFPA 72-3.2.3, 1993 edition, as it applies to the Petitioner's circumstances regarding requiring all fire alarm systems to provide public mode notification throughout the evacuation area per NFPA 72, even when the system is not required by NFPA 101. Petitioner specifically requests a declaratory statement on the following questions:

1. Does NFPA 72 permit a local authority having jurisdiction to require complete public mode notification throughout the buildings in accord with Chapter 6 for non-required systems?
2. Can the occupant choose to provide public mode notification only in areas of his choosing?

3. Must the device coverage in 1. or 2., above, be per the tables in NFPA 72, Chapter 6?
4. Can the occupant choose to install a private mode notification system and then initiate evacuation through some other means, such as emergency response team or fire brigade?

A copy of the Petition for Declaratory Statement may be obtained by writing: Gabriel Mazzeo, Attorney for the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

NOTICE IS HEREBY GIVEN THAT the Department of Insurance, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed June 7, 2001, by Stephen M. Hodge. The Petition is seeking the Department's interpretation of Section 553.895, Florida Statutes, as it relates to Petitioner's circumstances regarding open garages. Petitioner specifically requests a declaratory statement on the following questions:

1. Is the intent of Section 553.895, Florida Statutes, to allow the definition of "open parking garages" to be framed by the applicable building code, or to restrict that definition to "all" sides open to the atmosphere?
2. May a four hour fire wall with all openings protected as defined in the Standard Building Code, 1997 edition, serve as an equivalency to the 20 foot separation required by Section 553.895(2), Florida Statutes?

A copy of the Petition for Declaratory Statement may be obtained by writing: Gabriel Mazzeo, Attorney for the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

NOTICE IS HEREBY GIVEN THAT the Department of Insurance, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed June 11, 2001, by Daniel Starbuck. The Petition is seeking the Department's interpretation of NFPA 101, 1994 edition, Section 7-6.3.5, NFPA 72, 1993 edition, Section 6-3.12, and Rule Chapter 4A-36, Florida Administrative Code, as they apply to the Petitioner's circumstances regarding reviewing plans to allow a Class C Assembly Occupancy in a multi-tenant building to provide day-care services. Petitioner specifically requests a declaratory statement on the following questions:

1. If only one tenant in a multiple tenant building is required by the applicable codes to install a fire alarm system, may fire separations be utilized to limit the required areas of installation for other tenants?
2. If fire separations are allowed, is there a minimum hourly rating that should be allowed of this purpose?
3. If the answer to question two is yes, what is the minimum hourly rating?

A copy of the Petition for Declaratory Statement may be obtained by writing: Gabriel Mazzeo, Attorney for the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN THAT the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on June 22, 2001 from Mark Osterback. Petitioner is seeking amendment of Rules 33-210.101-.103, Florida Administrative Code, relating to inmate mail.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Rickey Stephan Cotten. The Petitioner requested that the Department of Corrections amend Rule 33-501.301, Florida Administrative Code, to clarify that out-of-state legal materials may be ordered via inter-library loan when they are necessary to ensure the requestor's right to collaterally challenge convictions used to enhance a Florida sentence. The Petitioner contends that Departmental policy, not adopted by rulemaking, fails to give adequate guidance and constitutes an invalid exercise of delegated legislative authority.

The Department denied inmate Cotton's Petition to Initiate Rulemaking since an inmate lacks standing to challenge either what he contends is an unpromulgated rule or what he contends is Department policy that extends beyond its delegated authority.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Randall Prater. The Petitioner requested that the Department of Corrections amend Rule 33-208.002(7), Florida Administrative Code, to either require Departmental staff to answer inmate questions pertaining to the staff member's job or to provide an interpretation for the language contained therein.

The Department denied inmate Prater's Petition to Initiate Rulemaking on the ground that the rule is unambiguous. The rule applies to personnel issues and is intended to address employee conduct during internal investigations or in dealing with other employees or members of the public. It is not designed to provide a vehicle whereby employees are required

to answer inmate questions that may result in undue harassment of already overburdened staff or raise security concerns.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on June 19, 2001 from Randall T. Prater. Petitioner is seeking amendment or clarification of Rule 33-208.002(7), Florida Administrative Code, to require Departmental staff to answer inmate questions pertaining to the staff member's job or to provide an interpretation of the language therein.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on June 20, 2001 from Michael Newell. Petitioner is seeking amendment of Rule 33-103.017, Florida Administrative Code, to clarify whether all speech protected pursuant to the First Amendment is permitted in inmate grievances prior to the time staff make a written finding that the inmate used knowingly false, threatening, obscene, or profane statement thus meeting the threshold requirement allowing for the imposition of disciplinary action.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on June 20, 2001 from Michael Newell. Petitioner is seeking amendment of Rule 33-103.007, Florida Administrative Code. The petitioner seeks clarification of the provision which states, "[a]ttachments are considered a part of the grievance and shall not be returned to the inmate, except in those cases where the inmate submits sufficient copies of attachments at the time the grievance appeal is filed," as to whether only continued narrative statements or all exhibits must be submitted in triplicate.

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.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

The University of Florida for and on behalf of the Board of Regents, a public corporation of the State of Florida, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No.: BR-144, Project and Location: Library West Addition and Renovation in Gainesville, Florida. The project consists of addition of 120,000GSF addition for open book stacks and renovation of existing 117,000GSF. This will be a phased project; the first phase will be for planning and design and the second phase will be the construction. The construction delivery method will be by a Construction Management. The total budget for this project is \$30,600,000.00; the construction budget is \$24,100,000.00. The selected firm will provide

design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$2,000,000.00, and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," the latest approved version. 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 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 \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained by contacting:

Christene Eastman, Project Manager
 Facilities Planning and Construction
 232 Stadium, P. O. Box 115050
 Gainesville, FL 32611-5050
 Telephone (352)392-1256
 FAX (352)392-6378
 Internet: www.admin.ufl.edu/division/cp

Submittals must be received in the Facilities Planning and Construction office by 3:00 p.m. (Local Time), Thursday, July 26, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

The University of Florida, on and behalf of the Board of Regents, a public corporation of the State of Florida, announces that construction management services will be required for the project listed below:

Project No.: BR-144, Project and Location: Library West Addition and Renovation, Main Campus, Gainesville, Florida. The project consists of the design and construction of 120,000GSF addition for open book stacks and renovation of existing 117,000GSF. The estimated construction cost is \$24,100,00.00.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 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 a completed project specific "Construction Manager Qualifications Supplement" available from the website: www.facilities.ufl.edu. Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for

this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. The Board of Regents Construction Manager Qualifications Supplement forms, the Construction Manager Project Fact Sheet and instructions for registering as an applicant may be obtained by contacting:

Christene Eastman, Project Manager
Facilities Planning and Construction
232 Stadium, P. O. Box 115050
Gainesville, FL 32611-5050
Telephone (352)392-1256
FAX (352)392-6378
Internet: www.facilities.ufl.edu

Eight bound copies of the required proposal must be received in the Facilities Planning and Construction Division office by 3:00 p.m. (Local Time), Monday, August 20, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

Florida International University, on behalf of the State of Florida, Board of Regents announces that construction management services will be required for the project listed below:

Project: Health Care & Wellness Center Expansion, BR-824
Project Location: Florida International University, University Park, Miami, Florida.

This project is comprised of a two-story facility, which will include plans for the construction of an expansion to the existing Health Care & Wellness Center. It will provide for a major addition to enhance the scope of services by enlarging the facility that provides student health care, wellness programs, counseling and psychological services and victim advocacy. The expansion will add approximately 12,600 GSF of space to the existing facility and approximately 3,500 GSF will be remodeled or renovated. The additional space will accommodate offices and health facilities for student health services to include the Women's Health Care Center, Pharmacy, Cashier, Laboratory, Wellness Center, Victim Advocacy Center, Medical Records and departmental administration. The remodeling of the existing facility will accommodate the Counseling and Psychological Services Center and the student health facilities' Medical Clinic, Computer Area, Immunization and departmental administration.

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 analysis, 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, encouraging 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, a description of the final interview requirements, and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of

\$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Facilities Management, Florida International University, University Park, Miami, Florida 33199, (305)348-4000 or by Faxing a request to (305)348-4010. Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms questions may be directed to Mary V. Witham of Facilities Management.

Six (6) bound copies of the required proposal data will be submitted to: Mary Varela Witham, Selection Administrator, Facilities Management, Florida International University, University Park, CSC 236, Miami, Florida 33199.

Submittals must be received by 2:00 p.m. (Local Time), Monday, August 6, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

INVITATION TO BID

The Purchasing Office will receive Competitive sealed bids until the time and date shown for the following:

Date and Time: Bid Opening Date: 3:00 p.m., July 10, 2001
 Bid Number: Heartland Purchasing Consortium SBDC 0102-2
 Bid Title "Bakery Products"

This bid is to serve DeSoto and Hardee, County Schools. Approximate Purchases \$33,000.00.

Bid blanks, conditions and specifications may be obtained from: School District of DeSoto County, Purchasing Office, 530 LaSolona Ave., Arcadia, Florida 34266, (863)494-4222, Ext. 122. We reserve the right to reject any and all bids. No facsimile or telegraphic submissions will be accepted. Please contact Margaret Henderson if you have any questions.

METROPOLITAN PLANNING ORGANIZATIONS

**NOTICE OF CONSULTANT SHORT-LIST SELECTIONS
 PINELLAS COUNTY**

**METROPOLITAN PLANNING ORGANIZATION
 FLORIDA DEPARTMENT OF TRANSPORTATION**

Project: Pinellas County MPO General Planning Consultant Services

Please be advised that the following consultant firms have been short-listed:

1. Renaissance Planning Group
2. Tindale-Oliver and Associates, Inc.
3. TEI Engineers and Planners
4. TBE Group, Inc.

WATER MANAGEMENT DISTRICTS

SOLICITATION OF INTEREST FOR FIRMS TO CONDUCT EMERGENCY TIMBER SALVAGE OPERATIONS

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, is seeking to compile a list of timber harvesting firms who may be interested in bidding on and conducting emergency timber salvage operations on District lands in northwest Florida. In the event of a natural disaster, e.g. hurricane, wildfire, etc., the District would maintain a list of interested timber harvesting firms who would receive notice of the invitation to bid from the District to conduct emergency timber salvage operations.

All firms interested in bidding on the District's emergency timber salvage sales should submit a "Letter of Interest" to the District, on company letterhead, containing contact persons and telephone numbers, along with an indication that your firm "is willing to bid on emergency timber salvage sales in the event of a natural disaster."

A list of firms submitting a "Letter of Interest" will be kept on file at the District for a 12-month period. If the need arises to conduct an emergency timber salvage sale, then only those firms having a "Letter of Interest" on file at the District will receive a bid package for the sale. No other notice will be given.

Please submit the "Letter of Interest" to:
 Northwest Florida Water Management District
 Attn: Mark Herndon, Director
 Field Operations Section
 81 Water Management Drive
 Havana, Florida 32333

**REQUEST FOR QUALIFICATIONS
 (RFQ) NO. 00/01-055RM**

The Suwannee River Water Management District (SRWMD) announces its interest in obtaining the services of an incorporated professional engineering firm with a valid State of Florida Certificate of Authorization or an independent Registered Florida Professional engineer (collectively referred to as "consultant"). The District will require contract services for the design and construction of spring restoration activities.

PROJECT TITLE: Spring Restoration Design and Construction

PROJECT NUMBER: RFQ 00/01-055RM

PROJECT SCOPE: Design and construction services for restoration activities at the following springs: Rum Island, Little River Spring, Hart Spring, Charles Spring, Lafayette Blue Spring, Branford Spring and Guaranto Spring.

PROJECT LOCATION: The above listed springs are located in Columbia, Suwannee, Lafayette, Dixie and Gilchrist Counties.

REQUEST FOR QUALIFICATIONS DOCUMENTS: Any individual or firm desiring to bid on this project may obtain a copy of the Plans, Specifications and Request for Qualification by contacting:

Sandra Keiser, Administrative Assistant
 Department of Resource Management
 Suwannee River Water Management District
 9225 County Road 49
 Live Oak, Florida 32060

BID DATE AND TIME: Sealed responses to the RFQ will be received until 4:00 p.m., August 13, 2001, at the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060. All submittals shall be clearly marked "RFQ 00/01-055RM, Spring Restoration." Faxed submittals will not be accepted.

RFQ REQUIREMENTS: Submittals must be in full accordance with the requirements of the drawings, specifications and Request for Qualifications. All contractors interested in submitting qualifications are required to attend a mandatory conference to be held at 2:00 p.m., July 24, 2001, at the SRWMD Office, 9225 County Road 49, Live Oak, Florida. Failure to attend to pre-bid conference will result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

**REQUEST FOR PROPOSAL
 RFP # ESS-070101**

Grant-In-Aid for Community Agencies and Organizations serving the Homeless in Seminole, Orange, Osceola and/or Brevard Counties.

The State of Florida, Department of Children and Family Services, District 7, Economic Self Sufficiency Program Office is soliciting proposals for case management and other services for homeless families and/or individuals. Copies of the proposal package are available from: Cathleen E. Mark, 400 W. Robinson St., Suite 1009, Orlando, FL 32801, (407)245-0450.

Pre-award Conference	10:00 a.m., July 10, 2001
Proposal Submission Deadline	1:00 p.m., July 13, 2001
Opening of Proposals	1:30 p.m., July 13, 2001

The conference, location for proposal submission and opening will take place at the same address listed above. Certified Minority Enterprises are encouraged to participate. The Department reserves the right to reject any and all proposals, or accept minor irregularities in the best interest of the State.

**Invitation to Negotiate
 National Accreditation Contract**

The Florida Department of Children and Family Services is issuing an Invitation To Negotiate (ITN) to accrediting organizations, an accreditor "consortium" and/or a single lead accreditor which will result in the accreditation of the Department at the state level. The scope of work will be the preparation, review and accreditation of the Department's administrative processes as well as its accreditable programs and services which include:

- Adult Services
- Child Care (Licensing Only)
- Developmental Disabilities
- Family Safety
- Community Based Care (providing child welfare services)
- Mental Health
- Substance Abuse
- Economic Self-Sufficiency
- Refugee Services

The purpose of the ITN is to provide a pool of applicants to the Department in order to facilitate accreditation as a quality service organization, which provides financial, social and psychological services to the citizens of Florida. Specifically, accreditation will help the Department to:

- Develop and maintain current, field driven standards and processes that improve the value and responsiveness of the programs and services delivered to people in need of services from the Department.
- Recognize programs that achieve accreditation through a peer review process and that demonstrates their commitment to the continuous improvement of their programs and services, with a focus on the needs and outcomes of the persons served.
- Conduct accreditation-related research emphasizing outcomes measurement and management, and to provide information on common program strengths as well as areas needing improvement.
- Advise regarding encompassing mechanisms that may apply to the Department's administration, services provided by the Department, and services purchased from independent community organizations.

Copies of the Accreditation Invitation to Negotiate (ITN) #01LA001 will be available July 6, 2001. All inquiries must be received by July 16, 2001, 12:00 p.m. Copies may be obtained by writing the Procurement Manager at the address below:

Laura E. Pasquale
 Bureau Chief of Quality Assurance and Accreditation
 Department of Children and Families
 1317 Winewood Blvd.
 Bldg. 1, Room 306 E
 Tallahassee, FL 32399-0700

In order to receive any amendments or other information concerning this ITN, all potential applicants must submit a Notice of Intent to Submit an Application no later than July 20, 2001 at the above address.

A prospective applicant's conference will be held 10:00 a.m. (Eastern Standard Time), August 3, 2001, at the above address. All final sealed applications must be submitted to the above address no later than 12:00 p.m. (Eastern Standard Time), August 9, 2001. Initial opening of sealed applications will be 10:00 a.m., August 10, 2001.

The Department reserves the right to reject any or all bids.

DEPARTMENT OF MILITARY AFFAIRS

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS, LICENSED BY THE STATE OF FLORIDA, FOR THE CONSTRUCTION OF:

PROJECT NO: CFMO-200287 ACCOUNTING CODE:

PROJECT NAME AND LOCATION: CONSTRUCT BUILDING 3050 (GUARD HOUSE) CBTS, STARKE, FLORIDA

FOR: Department of Military Affairs, Construction and Facility Management Office.

MINORITY PROGRAM: An MBE participation goal of 10% has been established for this project. The Bidder is required to meet or exceed MBE participation goals or make good faith effort to contract with certified Minority Business Enterprises. The Bidder is advised to review the contract documents immediately in order to schedule the necessary tasks to accomplish good faith efforts.

QUALIFICATIONS: General Contractors licensed by the State of Florida.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person, or affiliate, who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

BID SECURITY: If the bid proposal amount is \$100,000 or less, a bid security (5%) is not required.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and Labor and Material Payment Bond are not required.

Sealed bids will be received and publicly read aloud on:

DATE AND TIME: August 1, 2001, until 10:00 a.m. (Local Time)

PLACE: Robert F. Ensslin Armory, 2305 State Road 207, Saint Augustine, Florida

PROPOSAL: Bids must be submitted to the Department of Military Affairs, CFMO ATTN: Mark Watkins, 2305 State Road 207, St. Augustine, Florida 32086, (904)823-0284, in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions, and Contractual Conditions, which may be examined and obtained, as of July 6, 2001, from PITMAN, HARTENSTEIN AND ASSOCIATES, Inc., (904)724-3546 for \$50.00 (non-refundable).

All Technical questions shall be directed to the A/E until close of business July 31, 2001.

ARCHITECT-ENGINEER: PITMAN-HARTENSTEIN & ASSOC., Inc., 7820 Arlington Expressway, Suite 640, Jacksonville, Florida 32211, telephone (904)724-3546, Mark Norton

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at the location where the bids were opened. In the event that the Bid tabulation and Notice of Award Recommendation can not be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C., by the Owner. AWARD OF CONTRACT IS CONTINGENT UPON THE AVAILABILITY OF FUNDS. Upon contract award, actual commencement of work may not begin until approximately December 1, 2001.

TAMPA INTERNATIONAL AIRPORT

NOTICE TO PROFESSIONAL CONSULTANTS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Section 287.055, Florida Statutes, Letters of Interest from Engineering firms or individuals desiring to render Professional Services for the following project at Tampa International Airport, Tampa, Florida:

CONSTRUCT HIGH-SPEED TAXIWAY "W-5"
AT RUNWAY 36L, CONSTRUCT RUNWAY 36L
RUN-UP PAD AND RELATED WORK

Services to be furnished shall include, but not be limited to, all engineering design and surveys related to civil, electronic and electrical systems; testing; assistance during the advertising, bid and award phase; and basic engineering services and resident inspection during construction. A more detailed scope of services will be included in the formal Request for Proposals.

Qualified Consultants desiring consideration for this Project must give written notification in the form of a Letter of Interest to:

William J. Connors, Jr.
Senior Director of Planning and Design
Hillsborough County Aviation Authority
Post Office Box 22287
Tampa, Florida 33622

Interested parties may inquire as to project description, details, and required data submissions, to: William J. Connors Jr., Senior Director of Planning and Design, (813)870-8704. ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR PROPOSALS IS REQUIRED AT THIS TIME.

The Letters of Interest (Only) must be received at or before 5:00 p.m. (Local Time), Tuesday, July 24, 2001. Subsequent to receiving Letters of Interest, a Request for Proposal will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Proposal Conference will then be held on Thursday, August 16, 2001, 10:00 a.m. (Local Time), at the offices of Hillsborough County Aviation Authority located in the Landside Terminal Building, Third Floor, Blue Side at Tampa International Airport. Details of this conference will be included in the Request for Proposals.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

By: /s/ Louis E. Miller
Louis E. Miller, Executive Director

**Section XII
Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in 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., July 27, 2001):

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Tropical Financial Credit Union, 8000 N. W. 7th Street, Miami, Florida 33126

Expansion Includes: Employees of Selective HR Solutions, Bradenton, Florida; employees of Freightliner Trucks of South Florida, Pompano Beach, Florida; employees of Trendium, Inc., Sunrise, Florida; persons who live or work in the city of Coral Springs, Florida; persons who live or work in the city of Parkland, Florida; persons who live or work in the city of Margate, Florida; persons who live or work in the city of Coconut Creek, Florida; persons who live or work in the city of Sunrise, Florida.

Received: June 26, 2001

Name and Address of Applicant: Government Employees Credit Union of Florida, Post Office Box 43310, Jacksonville, Florida 32203-3310

Expansion Includes: Anyone living or working in Duval County, Florida.

Received: June 26, 2001

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

**Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, Classic Motorcycles and Sidecars, Inc., intends to allow the establishment of Performance Born Free Motorcycles as a dealership for the sale of Ural sidecar motorcycles, Flying Tiger motorcycles, Twist n Go scooters, parts and accessories, at 1081 N. US 1, Ormond Beach (Volusia County), Florida 32174, on or after December 5, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Performance Born Free Motorcycles are: dealer operator(s) and principal investor(s): Thomas Blawn, 55 N. Ridgewood Avenue, Ormond Beach, FL 32174.

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: Bobbette Lynott, Vice President, Classic Motorcycles & Sidecars, Inc., 8146 304th Avenue, S. E., P. O. Box 969, Preston, WA 98050.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED

DECISIONS ON EXPEDITED APPLICATIONS

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for expedited review:

County: Pasco Service District: 5
CON #: 9466 Decision: A Date: 06/21/2001
Facility/Project: East Pasco Medical Center
Applicant: East Pasco Medical Center
Project Description: Convert 12 hospital-based skilled nursing unit beds to 12 acute care beds.
Approved Project Costs: \$1,906,899
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: Lee Decision: A District: 8
ID #: 0000273 Issue Date: 6/20/2001
Facility/Project: Life Care Health Resources, Inc.
Applicant: Life Care Health Resources, Inc.
Project Description: The combination of two CONs within one nursing home facility
Proposed Project Cost: \$10,039,235 Equipment Cost:
AHCA Purchase Order Number S5900I00310.

DEPARTMENT OF MANAGEMENT SERVICES

CONVICTED VENDOR LIST

Section 287.133(3)(d), Florida Statutes, provides that the Department of Management Services shall maintain a list of the names and addresses of those who have been disqualified from participating in the public contracting process under this section.

The list includes:

NAME	PLACED ON LIST
Gary Benkovitz Bay Drum & Steel Company P. O. Box 879 Coleman, Florida 33521-0849	May 17, 2001

Mr. & Mrs. Paul Barcia
PAS Consultants, Inc.
Rt. 2, Box 8484
Fort White, Florida 33308

May 17, 2001

Mr. Stephan Kasper
Cone Constructors of Miami, Inc.
For additional information, call: Office of the General Counsel,
(850)487-1082.

May 17, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF AVAILABILITY

**FLORIDA FINDING OF NO SIGNIFICANT IMPACT
PANAMA CITY BEACH WASTEWATER FACILITIES
PLAN – (RECLAIMED WATER REUSE FACILITIES AND
COLLECTION SYSTEMS)**

The Florida Department of Environmental Protection has determined that Panama City Beach's proposed Reclaimed Water Reuse Facilities and Collection Systems Project will not have a significant adverse impact on the environment. The total project cost is estimated at \$18,576,900. The project is expected to qualify for a Disadvantaged Small Community grant and a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing: Troy Mullis, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

DEPARTMENT OF HEALTH

On June 18, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Lynn Marie Davidson, M.D., license number ME 0063068. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 25, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Patricia Ann Todaro Accola, L.P.N., license number PN 828541. Accola's last known address is 3335 Barstow Street, Sarasota, FL 342365. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this

summary procedure was air under the circumstances, in that there was no other method available to adequately protect the public.

On June 25, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency SUSPENSION with regard to the license of Robin O'Day, R.N., license number RN 3059192. O'Day's last known address is 5917 Via Vermilya, Lantana, Florida 33462. This Emergency Order was predicted upon the Sectary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.621(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under he circumstances, in that there was no other method available to adequately protect the public.

Request for Public Comments on Florida's WIC Program

The WIC Program (the Special Supplemental Nutrition Program for Women, Infants and Children) is soliciting comments and suggestions about its program and how service delivery can be improved to better meet the clients' needs. WIC is federally funded by the United States Department of Agriculture, and serves low- and moderate-income pregnant, breastfeeding and postpartum women; infants; and children up to age 5. The program provides a combination of nutritious foods, nutrition education, breastfeeding support and referrals for health care. WIC is available in all 67 counties in Florida. If you have any comments or suggestions, please direct them to: Cheryl Miller, Department of Health, WIC and Nutrition Services, BIN #A-16, 4052 Bald Cypress Way, Tallahassee, FL 32399-1726 or by Fax (850)922-3936. Your feedback is essential and is appreciated before August 8, 2001. WIC is an equal opportunity provider.

P. O. #S6480F04290

**NOTICE OF THE AVAILABILITY OF THE 2001-2002
FLORIDA STATE-APPROVED TRAUMA CENTER
LETTER OF INTENT PACKAGE**

NAME OF AGENCY: Department of Health (DH)
PACKAGE TITLE: Florida State-Approved Trauma Center Letter of Intent Package
PURPOSE AND EFFECT: DH is mandated by Section 395.4025(2)(a), Florida Statutes, to notify Florida licensed acute care hospitals of their right to submit a Letter of Intent, DH Form 1840, to apply to become a State-Approved Trauma Center (SATC) or State-Approved Pediatric Trauma Referral Center (SAPTRC).
ELIGIBILITY: Florida licensed acute care hospitals are eligible to apply.
AUTHORITY: Section 395.4025(2)(a), Florida Statutes.

TO OBTAIN A PACKAGE: You may request a Letter of Intent package by telephone, fax or mail or in person.

Telephone: (850)245-4440 or Suncom 205-4440

Fax: (850)488-2512

Mail request to, or pick up in person at: Florida Department of Health, Bureau of Emergency Medical Services, Trauma Centers Program, 4052 Bald Cypress Way, BIN #C-18, Tallahassee, FL 32399-1738.

DEADLINE: Letters of Intent must be postmarked between September 1, 2001, and midnight, October 1, 2001.

CONTACTS: Wanda Wannall or Susan McDevitt, (850)245-4440 or Suncom 205-4440.

P. O. # F00396

**STATEWIDE NOMINATING COMMISSION FOR
JUDGES OF COMPENSATION CLAIMS**

The Statewide Nominating Commission for Judges of Compensation Claims is now accepting applications for the position of Deputy Chief Judge of Worker Compensation Claims. Pursuant to Chapter 2001-91, Laws of Florida, the current term of the Chief Judge expires October 1, 2001, and effective October 1, 2001, the position of Deputy Chief Judge of Compensation Claims is created. Candidates desiring consideration by the Deputy Chief Judge must demonstrate prior administrative experience and possess the same qualifications as for appointment as a judge of compensation claims. No person may be nominated unless he or she has been a member of The Florida Bar in good standing for the previous 5 years and is experienced in the practice of law of workers' compensation.

Qualified applicants must submit the original completed application and one copy to the Chairperson, and one additional copy must be submitted to each Commission member by 5:00 p.m., August 7, 2001. Applications may be obtained from the Commission chairperson.

A public hearing to be held on Tuesday, August 21, 2001, 9:30 a.m., at the Marriott Orlando World Center, 8701 World Center Drive, Orlando, FL 32821, for the purpose of conducting interviews of the applicants for this position. Written commentary concerning any applicant by any person is welcome and must be submitted to the Commission chairperson and a copy to each Commission member no later than Thursday, August 16, 2001. Names and addresses of Commission members are also available from the Commission chairperson.

Any questions should be directed to: G. Bart Billbrough, Commission Chairperson, 1390 Brickell Avenue, Third Floor, Miami, FL 33131, (305)350-5358, Fax (305)373-2294.

Section XIII
Index to Rules Filed During Preceding Week

Section XIII					Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
RULES FILED BETWEEN June 11, 2001 and June 15, 2001					40E-63.142	6/13/01	7/3/01	27/2	
Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	40E-63.143	6/13/01	7/3/01	27/2	
					40E-63.145	6/13/01	7/3/01	27/2	27/17
					40E-63.150	6/13/01	7/3/01	27/2	
					40E-63.152	6/13/01	7/3/01	27/2	
					40E-63.154	6/13/01	7/3/01	27/2	
					40E-63.156	6/13/01	7/3/01	27/2	
					40E-63.158	6/13/01	7/3/01	27/2	
					40E-63.160	6/13/01	7/3/01	27/2	
					40E-63.161	6/13/01	7/3/01	27/2	
					40E-63.162	6/13/01	7/3/01	27/2	
					40E-63.163	6/13/01	7/3/01	27/2	
					40E-63.165	6/13/01	7/3/01	27/2	
					40E-63.302	6/13/01	7/3/01	27/2	
					40E-63.310	6/13/01	7/3/01	27/2	27/17
					40E-63.312	6/13/01	7/3/01	27/2	
					40E-63.314	6/13/01	7/3/01	27/2	27/17
DEPARTMENT OF BANKING AND FINANCE					AGENCY FOR HEALTH CARE ADMINISTRATION				
Division of Banking					Medicaid Program Office				
3C-100.970	6/12/01	7/2/01	27/17		59G-4.040	6/15/01	7/5/01	27/12	
Board of Funeral and Cemetery Services					59G-4.060	6/15/01	7/5/01	27/12	27/16
3F-8.006	6/15/01	7/5/01	27/19		59G-4.110	6/15/01	7/5/01	27/12	27/16
3F-11.003	6/15/01	7/5/01	27/19		59G-4.210	6/15/01	7/5/01	27/12	27/16
DEPARTMENT OF EDUCATION					59G-4.220	6/15/01	7/5/01	27/12	
State Board of Education					59G-4.270	6/15/01	7/5/01	27/12	
6A-1.0453	6/15/01	7/5/01	27/17		DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION				
University of Florida					Construction Industry Licensing Board				
6C1-5.076	6/13/01	7/3/01	Newspaper		61G4-12.019	6/11/01	7/1/01	27/8	27/18
6C1-5.0761	6/13/01	7/3/01	Newspaper		DEPARTMENT OF ENVIRONMENTAL PROTECTION				
6C1-5.0763	6/13/01	7/3/01	Newspaper		62-699.311	6/15/01	7/5/01	27/18	
DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY					Division of Beaches and Shores				
Division of Workers' Compensation					62B-33.002	6/11/01	7/1/01	27/11	27/20
38F-7.501	6/13/01	7/3/01	27/19		62B-33.0051	6/11/01	7/1/01	27/11	27/20
WATER MANAGEMENT DISTRICTS					Division of Recreation and Parks				
South Florida Water Management District					62D-5.054	6/15/01	7/5/01	27/15	
40E-63.011	6/13/01	7/3/01	27/2		62D-5.055	6/15/01	7/5/01	27/15	
40E-63.091	6/13/01	7/3/01	27/2	27/9	62D-5.056	6/15/01	7/5/01	27/15	
40E-63.101	6/13/01	7/3/01	27/2		62D-5.057	6/15/01	7/5/01	27/15	
40E-63.102	6/13/01	7/3/01	27/2		62D-5.058	6/15/01	7/5/01	27/15	
40E-63.104	6/13/01	7/3/01	27/2						
40E-63.106	6/13/01	7/3/01	27/2						
40E-63.108	6/13/01	7/3/01	27/2						
40E-63.110	6/13/01	7/3/01	27/2	27/9					
40E-63.120	6/13/01	7/3/01	27/2						
40E-63.130	6/13/01	7/3/01	27/2						
40E-63.134	6/13/01	7/3/01	27/2						
40E-63.136	6/13/01	7/3/01	27/2	27/17					
40E-63.138	6/13/01	7/3/01	27/2						
40E-63.140	6/13/01	7/3/01	27/2						
40E-63.141	6/13/01	7/3/01	27/2						

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

64B3-5.003	6/15/01	7/5/01	26/38	27/14
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Division of Environmental Health and Statewide Programs

64E-21.001	6/11/01	7/1/01	27/14	27/20
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

65C-19.001	6/14/01	7/4/01	26/40	26/52
65C-19.002	6/14/01	7/4/01	26/40	27/6
65C-19.003	6/14/01	7/4/01	26/40	27/18
65C-19.004	6/14/01	7/4/01	26/40	26/52
65C-19.005	6/14/01	7/4/01	26/40	26/52
65C-19.006	6/14/01	7/4/01	26/40	26/52
65C-19.007	6/14/01	7/4/01	26/40	27/18
65C-19.008	6/14/01	7/4/01	26/40	
65C-19.009	6/14/01	7/4/01	26/40	27/12
65C-19.010	6/14/01	7/4/01	26/40	

Marine Fisheries

68B-4.004	6/11/01	7/1/01	27/16
68B-24.0055	6/11/01	7/1/01	27/16
68B-24.006	6/11/01	7/1/01	27/16
68B-24.009	6/11/01	7/1/01	27/16

Marine Resources

68E-9.001	6/11/01	7/1/01	27/16
68E-9.002	6/11/01	7/1/01	27/16
68E-9.003	6/11/01	7/1/01	27/16
68E-9.004	6/11/01	7/1/01	27/16
68E-9.005	6/11/01	7/1/01	27/16
68E-9.006	6/11/01	7/1/01	27/16
68E-9.007	6/11/01	7/1/01	27/16
68E-18.002	6/11/01	7/1/01	27/16
68E-18.004	6/11/01	7/1/01	27/16
68E-18.005	6/11/01	7/1/01	27/16
68E-18.007	6/11/01	7/1/01	27/16
68E-18.009	6/11/01	7/1/01	27/16

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-13.004	6/11/01	7/1/01	27/16
68A-13.008	6/11/01	7/1/01	27/16
68A-15.005	6/11/01	8/1/01	27/16

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4-149.102	23/45	24/31 26/12 26/22		4-149.1105	23/45 24/3c	24/31	
	24/3c 24/3c 24/46			4-149.111	23/45	24/31 26/12 26/22	
4-149.103	23/45	26/22 24/31 26/12 26/22			24/3c 24/3c 24/46		
	24/3c 24/3c 24/46			4-149.112	23/45	26/22 24/31 26/12 26/22	
4-149.104	23/45	26/22 24/31 26/12 26/22			24/3c 24/3c 24/46		
	24/3c 24/3c 24/46			4-149.113	24/3c 24/3c	26/22	
4-149.105	23/45	26/22 24/31 26/12 26/22		4-149.114	24/3c		
	24/3c 24/3c 24/46			4-149.115	24/3c		
	24/3c 24/3c 24/46			4-149.116	24/3c		
4-149.106	23/45	26/22 24/31 26/12 26/22		4-149.117	24/3c		
	24/3c 24/3c 24/46			4-149.118	24/3c		
	24/3c 24/3c 24/46			4-149.119	24/3c		
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4-149.107	23/45	26/22 24/31 26/12 26/22			24/3c 24/3c 24/46		
	24/3c 24/3c 24/46			4-149.121	23/45	24/31 26/12 26/22	
4-149.108	23/45	26/22 24/31 26/12 26/22			24/3c 24/3c 24/46		
	24/3c 24/3c 24/46			4-149.122	23/45	26/22 24/31 26/12 26/22	
4-149.109	23/45	26/22 24/31 26/12 26/22			24/3c 24/3c 24/46		
	24/3c 24/3c 24/46			4-149.123	23/45	26/22 24/31 26/12 26/22	
4-149.110	23/45	26/22 24/31 26/12 26/22			24/3c 24/3c 24/46		
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	24/3c 24/3c 24/46			4-149.128	24/3c		
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4-149.1325	24/20	24/20		4-166.026	27/15		27/21w
4-149.133	24/3c				27/17		
	24/3c			4-166.027	27/15		27/21w
4-149.190	23/45	26/22			27/17		
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4-154.403	26/25			4-175.009	27/21		
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4-154.411	26/25			4-184.022	27/21		
4-154.412	26/25			4-186.001	27/21		
4-154.502	26/25				27/21		
4-154.503	26/25			4-186.002	27/21		
4-154.504	26/25			4-186.003	27/21		
4-154.506	26/25			4-186.006	27/21		
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4-154.508	26/25			4-186.012	27/21		
4-154.511	26/25			4-186.014	27/21		
4-154.512	26/25			4-191.036	27/7		27/22
4-154.513	26/25			4-191.043	27/14		27/22
4-154.515	26/25			4-191.046	27/7		27/22
4-154.516	26/25			4-191.048	27/7		27/22
4-154.517	26/25			4-191.073	27/7		27/22
4-154.518	26/25			4-193.025	27/18		27/27
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4-157.004	23/10	23/42	27/23w	4-211.031	27/11		27/24
4-157.004(2)(b)	23/19c		27/26d	4-220.051	27/21		
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4-157.017	23/10	23/42	27/23w	4-228.055	26/35		
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4-157.022(3)	23/19c		27/26d	4A-2.012	27/19		
4-157.022(4)	23/19c		27/26d	4A-2.019	27/19		
4-157.022(5)	23/19c		27/26d	4A-2.022	27/19		
4-157.023	23/10	23/42	27/23w	4A-2.024	27/23		
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12A-1.107	27/7	27/16	27/24	14-22.008		21/6	27/27
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12A-12.0011	27/7		27/24	14-22.009		21/6	27/27
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28-106.106	27/16c			33-601.706	26/48		
28-106.107	27/16c			33-601.707	26/48		
REGIONAL TRANSPORTATION AUTHORITIES				33-601.708	26/48		
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33-1	27/10c			33-601.713	26/48		
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33-3.0081	25/35	25/43		33-601.714(3)	27/10c		
33-3.0082	25/35	25/43		33-601.715	26/48		
33-3.0084	25/35	25/43		33-601.716	26/48		
33-3.0085	25/35	25/43		33-601.717	26/48		
33-3.015	21/43			33-601.718	26/48		
33-3.018	17/14			33-601.719	26/48		
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33-22.003	17/12			33-601.721	26/48		
33-22.009	17/12			33-601.722	26/48		
33-22.011	17/12			33-601.723	26/48		
33-25.031	20/11c			33-601.724	26/48		
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33-32.022	19/5			33-601.726	26/48		
33-38.001	25/35	25/43		33-601.727	26/48		
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33-38.005	25/35	25/43		33-601.729	26/48		
33-38.006	25/35	25/43		33-601.730	26/48		
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33-102.202	26/39			33-601.736	26/48		
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59G-4.035	27/10		27/21	61C-3.002	22/23	22/36	
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59G-4.060	27/12	27/16	27/26	61C-76.0062	21/35		
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59G-4.170	27/27			61D-8.003		22/35	
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59M-3.005	21/25			61G1-25.003	27/6	27/14	27/20
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59O-2.003	22/34	24/49		61G2-3.005	21/33		
59O-3.002	22/34	24/49		61G2-3.0055	23/38	24/6	
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59T-15.002	23/22	23/35		61G4-12.019	27/8	27/18	27/26
59T-16.001	23/22	23/35				27/19	27/26
59T-16.002	23/22	23/35				27/20	27/26
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62-303.320	27/12	27/19		62-343.110	21/22		
62-303.330	27/12	27/19		62-343.120	21/22		
62-303.340	27/12	27/19		62-343.130	21/22		
62-303.350	27/12			62-343.140	21/22		
62-303.351	27/12			62-343.900	21/22		
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62-303.460	27/12			62-701.200	27/8		27/21
62-303.470	27/12	27/19		62-701.210	27/8		27/21
62-303.480	27/12	27/19		62-701.220	27/8	27/15	27/21
62-303.500	27/12			62-701.300	27/8	27/15	27/21
62-303.600	27/12			62-701.310	27/8		27/21
62-303.700	27/12			62-701.315	27/8		27/21
62-303.710	27/12			62-701.320	27/8	27/15	27/21
62-303.720	27/12			62-701.330	27/8		27/21
62-303.810	27/12			62-701.340	27/8		27/21
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62-304.700	27/10		27/20	62-701.410	27/8		27/21
62-312.122	24/18			62-701.430	27/8		27/21
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62-330.2001	26/9			62-701.510	27/8	27/15	27/21
62-341.602	21/22	21/22		62-701.520	27/8	27/15	27/21
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62-342.400	24/36		27/20	62-701.620	27/8		27/21
62-342.450	24/36	24/45	27/20	62-701.630	27/8		27/21
62-342.470	24/36	24/45	27/20	62-701.640	27/8		27/21
62-342.500	24/36		27/20	62-701.700	27/8		27/21
62-342.550	24/36		27/20	62-701.710	27/8	27/15	27/21
62-342.600	24/36		27/20	62-701.730	27/8	27/15	27/21
62-342.650	24/36		27/20	62-701.801	27/8		27/21
62-342.700	24/36	24/45	27/20	62-701.803	27/8		27/21
62-342.750	24/36		27/20	62-701.900	27/8	27/15	27/21
62-342.800	24/36		27/20	62-707.500	22/30		
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62-342.900	24/36		27/20	62-712.200	21/34		
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62-712.810	21/34			64-1	27/25c		
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62B-33.002	27/11	27/20	27/26			27/7	
62B-33.0051	27/11	27/20	27/26		27/6c		
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62B-41.008	27/20			64B1-8.006		27/1	
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64B5-14.010		26/24	27/20	64B19-12.002	27/20		
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64B5-25.002	27/11		27/20	64B19-12.005	27/20		
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64B8-45.003	27/25			64B21-501.007	27/21		
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68B-24.009	27/16		27/26	68E-9.005	27/16		27/26
68B-35.003	27/16	27/23		68E-9.006	27/16		27/26
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68B-35.004	27/16	27/23		68E-18.002	27/16		27/26
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68B-35.005	27/16	27/23		68E-18.005	27/16		27/26
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