

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLES:	RULE NOS.:
Procedures for Filing Claim	3D-20.0021
Proof of Entitlement to Unclaimed Property	3D-20.0022
Definitions	3D-20.030
Remitting of Safe Deposit Box	3D-20.036
Contents and Reimbursement of Expenses	
Written Notice	3D-20.040

PURPOSE AND EFFECT: To address amendments to Chapter 717, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Unclaimed Property.
SPECIFIC AUTHORITY: 717.117(1), 717.117(2)(g), 717.119(5), 717.119(5)(b), 717.124(5)(b)2., 717.1311(1), 717.138 FS.

LAW IMPLEMENTED: 92.525, 717.102(1), 717.117(1), 717.117(4), 717.119, 717.1201, 717.1201(7), 717.124, 717.125, 717.126, 717.127, 717.134 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., Wednesday, July 27, 2001
PLACE: Department of Banking and Finance, Room 547, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Donna Clay, Financial Specialist, Suite 330, Department of Banking and Finance, Room 547, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9950

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE TITLE: Commercial Values for Penalty Assessments
RULE NO.: 5E-1.016
PURPOSE AND EFFECT: The purpose of the rule is to provide the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizer.
SUBJECT AREA TO BE ADDRESSED: Rule 5E-1.016 updates the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizers.

SPECIFIC AUTHORITY: 576.181(2), 570.07(23) FS.
LAW IMPLEMENTED: 576.051(2),(3),(7), 576.061, 576.071, 576.181 FS.

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

TIME AND DATE: 10:00 a.m., July 27, 2001
PLACE: Agricultural Environmental Services Conference Room, 3125 Conner Blvd., Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Steven J. Rutz, Director, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, Room 130, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650 (850)488-3731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-1.016 Commercial Values for Penalty Assessments.

The commercial values used in assessing penalties for plant nutrient deficiencies are determined by the annualized average market prices published by the Chemical Market Reporter Publication (effective 6/8/98), which is hereby incorporated by reference. Commercial Values not provided in Industry Publications will be established thru survey approved by the Fertilizer Technical Council. Copies may be obtained from the Chemical Market Reporter, 307 Southgate Court, Brentwood, TN 37027. This rule shall be reviewed annually.

(1) PRIMARY PLANT NUTRIENTS

	Guaranteed	Commercial Values	
	as	(Per unit*)	
Total Nitrogen	N	<u>\$5.65</u>	\$4.00
Nitrate Nitrogen	N	<u>5.38</u>	4.54
Ammoniacal Nitrogen	N	<u>4.76</u>	4.15
Water Soluble or Urea Nitrogen	N	<u>4.75</u>	4.45
Slow Release Nitrogen (from other SRN sources)	N	<u>15.85</u>	19.25
Water Insoluble Nitrogen	N	<u>12.93</u>	14.65
Available Phosphorus	P ₂ O ₅	<u>3.62</u>	3.95
Slow Release Phosphate	P ₂ O ₅	<u>19.60</u>	24.00
Potassium (from Muriate)	K ₂ O	<u>2.30</u>	2.27
Slow Release Potassium	K ₂ O	<u>15.04</u>	15.25
Potassium (from any source other than Muriate or a combination of sources)	K ₂ O	<u>4.41</u>	4.40

(2) SECONDARY PLANT NUTRIENTS.

	Guaranteed as	Commercial Values (per unit*)	
Total and water Soluble			
Magnesium (from any source)	Mg	<u>\$6.55</u>	\$6.80
Manganese (from sulfate)	Mn	<u>16.19</u>	16.70
<u>Manganese (from Sucrate)</u>	<u>Mn</u>	<u>11.33</u>	11.00
Manganese (from chloride)	Mn	6.10	6.10
Manganese (from oxide)	Mn	7.55	7.55
Manganese (from chelate in group 1**)	Mn	231.00	231.00
Manganese (from chelate in group 2**)	Mn	70.90	70.90
Copper (from sulfate)	Cu	<u>42.45</u>	39.30
Copper (from chloride)	Cu	22.15	22.15
Copper (from oxide)	Cu	<u>20.50</u>	22.45
Copper (from chelate in group 1**)	Cu	156.00	156.00
Copper (from chelate in group 2**)	Cu	113.20	113.20
Zinc (from sulfate)	Zn	<u>17.72</u>	16.34
Zinc (from sucrate)	Zn	<u>14.20</u>	
Zinc (from chloride)	Zn	18.45	18.45
Zinc (from oxide)	Zn	<u>10.05</u>	10.45
Zinc (from chelate in group 1**)	Zn	184.00	184.00
Zinc (from chelate in group 2**)	Zn	65.00	65.00
Iron (from sulfate)	Fe	<u>13.27</u>	12.85
<u>Iron (from sucrate)</u>	<u>Fe</u>	<u>6.28</u>	5.80
<u>Iron (from humate)</u>	<u>Fe</u>	<u>16.09</u>	18.40
Iron (from oxide)	Fe	<u>4.00</u>	3.95
Iron (from chelate in group 1**)	Fe	<u>267.29</u>	290.35
Iron (from chelate in group 2**)	Fe	<u>80.00</u>	83.00
Aluminum	Al	<u>14.00</u>	13.70
Sulfur (free)	S	<u>2.64</u>	2.45
Sulfur (combined)	S	<u>2.21</u>	2.20
Boron	B	<u>34.12</u>	34.55
Molybdenum	Mo	<u>185.50</u>	189.00
Cobalt	Co	89.90	89.90
Calcium (from any source)	Ca	<u>.60</u>	.59

(3) DOLOMITE and LIMESTONE (when sold as material).

Magnesium	MgCO ₃	<u>.16</u>	.15
Calcium	CaCO ₃	<u>.09</u>	.07

(4) CALCIUM SULFATE (land plaster, gypsum) (when sold as material).

Calcium	CaSO ₄	.30	.30
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*A "Unit" of plant nutrient is one percent (by weight) of a ton or 20 pounds.

**Chelates in "group 1" have aminopolycarboxylic acids, such as EDTA, HEDTA, DTPA and NTA, or related compounds as chelating agents. Chelates in "group 2" have chelating agents other than those in group 1.

Specific Authority 576.181(2), 570.07(23) FS. Law Implemented 576.051(2),(3),(7), 576.061, 576.071, 576.181 FS. History--New 1-23-67, Amended 10-22-68, 11-20-69, 10-22-70, 3-9-74, 6-28-74, 10-25-74, 7-6-76, 7-26-77, 7-22-79, 4-23-80, 10-27-80, 10-18-81, 2-16-84, 12-2-85, Formerly 5E-1.16, Amended 11-16-86, 10-8-87, 9-26-88, 11-19-89, 3-28-91, 2-25-92, 8-3-93, 7-12-94, 10-25-98.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: _____ RULE NO.:

Course Requirements – Grades 6-12 Basic and Adult Secondary Programs 6A-1.09412

PURPOSE AND EFFECT: The purpose of this rule development is to review the course requirements to be used in grades 6-12 for the 2001-2002 school year. The effect will be to prepare for consideration of the State Board of Education a document that ensures instructional consistency in courses taught in grades 6-12.

SUBJECT AREA TO BE ADDRESSED: Course requirements for grades 6-12, basic and adult secondary programs.

SPECIFIC AUTHORITY: 229.565 FS.

LAW IMPLEMENTED: 229.565, 229.592, 230.23(7), 233.165 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Barbara Elzie, Administrator, Curriculum Support Section, Division of Public Schools and Community Education, 325 West Gaines Street, Room 444, Tallahassee, Florida 32399-0400, (850)488-1701

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: _____ RULE NO.:

Sex Offender Conditions of Supervision 33-302.108

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish procedures whereby the conditions of supervision of sex offenders may be monitored. The effect of the proposed rule is to ensure supervision orders for sexual offenders meet statutory requirements and ensure sex offender driving restrictions are complied with, and establish procedures

relating to: prohibited victim contact, prohibition of living within one thousand feet of places where children regularly congregate, collection of blood samples for DNA analysis, polygraph testing, HIV testing, prohibition of pornographic materials, and restrictions relating to computer and internet access.

SUBJECT AREA TO BE ADDRESSED: Sex offender conditions of supervision.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 948.03 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Giselle Lylen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.108 Sex Offender Conditions of Supervision.

(1) The circuit administrator shall review supervision orders utilized in the circuit to determine whether they contain the required sex offender conditions mandated by statute. Where the circuit administrator determines that supervision orders are not in compliance, she or he shall contact the judge or clerk of the court to notify her or him of the area of noncompliance.

(2) Conditions of supervision can only be enforced when they are delineated on the specific order of supervision. The department does not have the authority to impose any condition that is not included in the supervision order regardless of statutory provisions.

(3) Prohibited victim contact – If the court or releasing authority imposes a condition prohibiting offender contact with the victim, the officer will ensure:

(a) The offender has been instructed regarding the special condition imposed of no contact with the victim or the victim's family; and,

(b) The victim is aware of the special condition prohibiting the offender from having contact with the victim or the victim's family. The officer shall forward a No Contact with Victim Letter, Form DC3-247, to the victim's last known address. A copy of Form DC3-247 will be maintained in the offender file as documentation that the victim was notified of this condition. Form DC3-247 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(4) Prohibition of Living Within 1000 Feet of Place Where Children Regularly Congregate – If the court or releasing authority imposes this condition of supervision, the supervisor shall ensure:

(a) The officer has researched the offender's residence location for known places where children regularly congregate to ensure compliance; and,

(b) The officer documents research conducted and measurements obtained, if applicable, in the electronic case notes.

(5) DNA Analysis – If the court or releasing authority imposes this condition, or if the offender's offense meets statutory criteria pursuant to s. 948.03 (5)(a) and (b), F.S.:

(a) The circuit administrator shall ensure agreements are formulated and upheld with DNA collection sites within the circuit; and,

(b) The officer will ensure documentation is received from the collection site verifying the DNA blood specimens were drawn.

(6) Sex Offender Driving Log – If the court or releasing authority imposes a condition of supervision requiring maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer, the officer shall:

(a) Instruct the offender to complete entries on the Driving Log, Form DC3-244, for each travel occurrence when the offender is driving, either alone, or when accompanied by someone. Form DC3-244 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(b) Officers shall utilize the following criteria in considering whether to allow a sex offender to drive alone:

1. Circumstances that indicate it is not reasonable to request the offender to be accompanied by another adult.

2. Offenders can be authorized to drive alone for routine and scheduled work, religious purposes, therapeutic or treatment appointments, educational or vocational school attendance, public service purposes, and scheduled meetings with the officer in the office.

3. Offenders can also be authorized, with prior approval from the officer, to drive alone for routine and necessary activities such as banking, shopping, and medical appointments.

(c) An offender shall not be allowed to travel alone for other purposes unless approved by a supervisor.

(d) The offender shall submit all completed Driving Logs, Form DC3-244, to the supervising officer at least once a month. The completed driving logs will be maintained in the offender file.

(7) Polygraph Testing – If the court or releasing authority imposes this condition of supervision, the officer shall:

(a) Ensure offenders sentenced to sex offender probation receive a mandatory polygraph on a yearly basis to be paid for by the offender;

(b) Ensure that a polygraph examiner specially trained to perform polygraphs on sex offenders conducts the polygraph examination whenever an examiner with such specialized training is available, otherwise another qualified examiner, without specialized training may perform the polygraph examination; and,

(c) Ensure results of the polygraph are not used as grounds to file a violation of community supervision.

(8) HIV Testing – If the court or releasing authority imposes this condition of supervision the circuit administrator shall ensure arrangements are made to set up a testing location in each circuit for sex offenders required to submit to HIV testing.

(9) Pornographic Material – If the court or releasing authority imposes a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs or computer services that are relevant to the offender’s deviant behavior pattern, the officer shall ensure compliance by conducting walk-through searches during the initial and subsequent visits to the offender’s residence, which can lead to warrantless planned searches if pornographic material is observed.

(10) Computer or Internet Restrictions – If the court or releasing authority imposes a condition of supervision that limits or prohibits use of computers or the internet, the officer shall monitor compliance by:

(a) Conducting walk through searches during the initial and subsequent visits to the offender’s residence to ensure the offender is in compliance with the condition of supervision;

(b) If the officer verifies or suspects that the offender has access to the internet, and this is prohibited as a condition of supervision, the officer shall contact FDLE or local law enforcement computer experts to investigate further. The officer will not attempt to view icons for internet access or other graphic file formats created by the Joint Photographic Experts Group, unless the officer has successfully completed the Basic Computer Data Recovery Class and has been authorized, in writing, by the circuit administrator to conduct computer searches.

Specific Authority 944.09 FS, Law Implemented 944.09, 947.1405, 948.03 FS, History–New

DEPARTMENT OF ELDER AFFAIRS

RULE TITLE: Rule Title Not Available
PURPOSE AND EFFECT: Rules are proposed, in consultation with the Agency for Health Care Administration, to implement Section 26 of Chapter 2001-45 (SB 1202), Laws of Florida, which directs the Department of Elder Affairs in newly created

s. 400.1755(5), F.S., to adopt rules establishing standards for the Alzheimer’s disease or related disorders trainers and for the training required in that section for certain nursing home employees.

SUBJECT AREA TO BE ADDRESSED: Nursing Home training standards.

SPECIFIC AUTHORITY: 400.1755(5) FS.

LAW IMPLEMENTED: 400.1755 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., Monday, July 30, 2001

PLACE: Sunrise Dan Pearl Library, 10500 West Oakland Park Bldg., Sunrise, FL 33351

TIME AND DATE: 10:00 a.m. – 12:00 p.m., Tuesday, July 31, 2001

PLACE: Orlando County Public Library, Community Relations Room, 101 East Central Blvd, Orlando, FL 32801-2471

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

PLACE: Agency for Health Care Admn, Bldg 3, Conf. Room D and E, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, or Linda McDonald, Statewide Community-Based Services, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE TITLE: Assisted Living Facilities
RULE NO.: 58A-5

PURPOSE AND EFFECT: This rules chapter is being amended to implement Section 33 of Chapter 2001-45, Laws of Florida, (SB 1202) which among other things requires the Department of Elder Affairs to define temporary license, reference adverse incident and liability claims forms, in consultation with the Agency for Health Care Administration.

SUBJECT AREA TO BE ADDRESSED: Temporary license, adverse incident and claims forms.

SPECIFIC AUTHORITY: 400.407, 400.423(10), 400.441 FS.
LAW IMPLEMENTED: 400.407, 400.423(10) FS.

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

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Monday, July 30, 2001

PLACE: Sunrise Dan Pearl Library, 10500 West Oakland Park Bldg., Sunrise, FL 33351

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Tuesday, July 31, 2001

PLACE: Orlando County Public Library, Community Relations Room, 101 East Central Blvd., Orlando, FL 32801-2471

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

PLACE: Agency for Health Care Administration, Bldg 3, Conf. Room D and E, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, or Linda McDonald, Statewide Community-Based Services, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Responsibility Program

RULE TITLE: Florida Health Care Indigency Eligibility Certification Standards

RULE NO.: 59H-1.0035

PURPOSE AND EFFECT: The purpose of this rule amendment is to amend the existing rules to incorporate the changes passed by the 2001 Legislature in SB 2092. The effect will be to update the definition of Maximum County Financial Responsibility as defined in Section 154.306(3), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Health Care Responsibility Act (HCRA).

SPECIFIC AUTHORITY: 154.3105 FS.

LAW IMPLEMENTED: 154.306 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Hazel Greenberg, CPM, Bureau of Managed Care, Data Analysis Unit, 2727 Mahan Drive, Building 1, Mail Stop 26, Tallahassee, Florida 32308, (850)414-8983

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59H-1.0035 Definitions.

The following words and phrases shall have the following meanings for the purpose of this rule.

(1) through (22) No change.

(23) Maximum County Financial Responsibility: That amount obtained by multiplying total county population, as defined in Section 154.306(3), Florida Statutes, by \$4 per capita using the most recent official state population estimate for the total county population published by the Executive Office of the Governor and the Bureau of Economic and Business Research.

(24) through (38) No change.

Specific Authority 154.3105 FS. Law Implemented 154.304, 154.306, 154.308, 154.309 FS. History–New 3-29-89, Amended 12-24-90, 2-24-92, Formerly 10C-26.0035, Amended 6-7-00.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Purses and Florida Owners’ Awards, Horse Racing

RULE NO.: 61D-8.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to address the issues related to the requirements for the payment of purses and breeders’ awards for horse racing.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is payment of purses and breeders’ awards for horse racing.

SPECIFIC AUTHORITY: 550.2614(1),(2), (3),(4), 550.2625(2)(d) FS.

LAW IMPLEMENTED 550.2614, 550.2625(2), 550.625, 550.655 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., July 31, 2001

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, Room 130, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Incorporated and Approved Forms
RULE NO.: 61D-10.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to amend the various forms used by the Division of Pari-Mutuel Wagering.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule are the forms of the Division of Pari-Mutuel Wagering.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.01215(4), 550.0251(2),(3),(5),(6), 550.0351(8), 550.054(5),(8)(b), 550.105(1),(2)(c),(4)(b),(4)(d),(5),(9), 550.125(2)(b),(3)(a), 550.155(1), 550.1815(5), 550.2415(2),(3)(b),(5)(a),(b),(6)(b), (8)(a),(b),(c),(e),(9)(b),(c),(13), 550.2614(4), 550.2625(2)(d), 550.3551(10), 550.495(2)(a),(4), 550.6305(5) FS.

LAW IMPLEMENTED 120.633, 120.80, 550.01215, 550.0251, 550.0351, 550.054, 550.105, 550.125, 550.155, 550.1815, 550.2415, 550.2625, 550.354, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., July 31, 2001
PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, Room 130, 1940 N. Monroe Street, Tallahassee, Florida 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Incorporated and Approved Forms
RULE NO.: 61D-12.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to amend the various forms related to cardrooms used by the Division of Pari-Mutuel Wagering.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule are the forms of the Division of Pari-Mutuel Wagering related to cardrooms.

SPECIFIC AUTHORITY: 849.086(4),(5),(6),(7),(9),(11),(13), (16),(17), 550.0251(12) FS.

LAW IMPLEMENTED 849.086 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., July 31, 2001
PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, Room 130, 1940 N. Monroe Street, Tallahassee, Florida 32399

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-36R

RULE TITLE: Additional Requirements for Phosphate Mines
RULE NO.: 62-343.076

PURPOSE AND EFFECT: The purpose of this rule development is to develop and adopt a rule based on best engineering judgment that establishes criteria for whether a proposed mining activity, including reclamation following mining, will have an adverse affect on the flow of water or cause flooding. Issues to be discussed include definitions, standards and criteria.

SUBJECT AREA TO BE ADDRESSED: Criteria for demonstration of non-adverse hydrologic affects from phosphate mining and reclamation.

SPECIFIC AUTHORITY: 373.026, 373.043, 373.044, 373.046, 373.113, 373.118, 373.414, 373.415 FS.

LAW IMPLEMENTED: 373.026, 373.043, 373.046, 373.117, 373.118, 373.413, 373.414, 373.415, 373.416, 373.418, 373.422, 373.426, 373.430, 373.433, 373.436, 373.439 FS.

THE DEPARTMENT ALSO ANNOUNCES A PUBLIC WORKSHOP FOR RULE DEVELOPMENT TO BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Tuesday, August 21, 2001

PLACE: Southwest Florida Water Management District, 170 Century Blvd., Bartow, FL 33830

If an Americans With Disabilities Act accommodation is needed to participate in this activity, please contact Linda Harvey, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE RULE UNDER DEVELOPMENT AND FROM WHOM A COPY OF THE WORKSHOP AGENDA MAY BE OBTAINED IS: Steve Partney, Florida Department of Environmental Protection, Division of Water Resource Management, Bureau of Mine Reclamation, Mail Station 715, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, telephone (850)488-8217

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Comprehensive Assessment Test Requirements

RULE NO.: 6A-1.09422

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish passing scores for the grade ten Florida Comprehensive Assessment Test (FCAT) and to extend for two additional years the current achievement levels currently specified in rule for grades 4, 5, 8, and 10 tests. The effect will be to permit high school students to earn a passing score on this test and, thereby, complete one of the requirements for award of a regular high school diploma and to permit schools and school districts more time to prepare students who reach the academic expectations defined by the FCAT achievement levels. Student performance on the grade ten test is one factor used in calculating school accountability grades.

SUMMARY: This rule is to be amended to establish passing scores for the grade ten Florida Comprehensive Assessment Test (FCAT) and to extend for two additional years the current achievement levels currently specified in rule for grades 4, 5, 8, and 10 tests.

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 the notice.

SPECIFIC AUTHORITY: 229.57 FS.

LAW IMPLEMENTED: 229.053, 229.0535, 229.57 FS.

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

TIME AND DATE: 9:00 a.m., August 14, 2001

PLACE: Room 212, Knott Building, 400 South Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director, Division of Public Schools and Community Education, Room 514, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09422 Florida Comprehensive Assessment Test Requirements.

(1) No change.

(2) The test shall be developed in consultation with teachers and other appropriate professionals and shall be approved by the Commissioner prior to being administered to students. The FCAT shall:

(a) Consist of three (3) sections: two (2) sections: one (1) measuring reading skills, and one (1) measuring mathematics skills, and one (1) measuring writing skills.

(b) No change.

(3) The FCAT shall be administered as follows:

(a) All eligible students in grades three through ten shall take the reading and mathematics tests. All eligible students in grades four, eight, and ten shall take the writing test. ~~Fourth grade students shall take the reading test; fifth grade students shall take the mathematics test; eighth and tenth grade students shall take the reading and mathematics tests.~~

(b) through (e) No change.

(4) No change.

(5) The total scores on FCAT shall be reported in terms of the following achievement levels for each specified time period:

(a) Beginning with the effective date of this rule through December 31, 2003 ~~2004~~, the achievement levels shall be:

1. through 6.e. No change.

(b) For the time period beginning January 1, ~~2004~~ 2002, the achievement levels shall be:

1. through 6.e. No change.

(7) Pursuant to Section 229.57(3)6., Florida Statutes, students who were enrolled in grade nine in the fall of 1999 and thereafter, shall be required to earn passing scores on the grade ten Florida Comprehensive Assessment Test in reading and mathematics.

(8) The passing score for the reading test shall be a score equal to or greater than 287. The passing score for the mathematics test shall be a score equal to or greater than 295.

(9) After July 1, 2002, and before March 1, 2003, the Commissioner of Education shall review student performance levels and determine whether to maintain the existing passing scores or to increase one or both of the requirements.

(6) through (8) renumbered (10) through (12) No change.

Specific Authority 229.57 FS. Law Implemented 229.053, 229.0535, 229.57 FS. History--New 1-24-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Program, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Statewide Assessment for Students with Disabilities

RULE NO.: 6A-1.0943

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt procedures to provide accommodations for eligible exceptional education and handicapped students who take the state student assessment tests. The effect will be to allow exceptional education and handicapped students greater access to appropriate test modifications, thus allowing them to more fully participate in the statewide assessment testing program, and to allow more such students to meet the requirements for a regular high school diploma.

SUMMARY: This rule is amended to adopt procedures to provide accommodations for eligible exceptional education and handicapped students who take the state student assessment tests.

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 the notice.

SPECIFIC AUTHORITY: 229.57(3)(c)6., 229.57(14), 232.246(9) FS.

LAW IMPLEMENTED: 229.57(3)(c)6., 232.246(8) FS.

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

TIME AND DATE: 9:00 a.m., August 14, 2001

PLACE: Room 212, Knott Building, 400 South Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director, Division of Public Schools and Community Education, Room 514, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

~~6A-1.0943 Statewide Modification of the State Student Assessment Test Instruments and Procedures for Exceptional Students with Disabilities and Other Eligible Handicapped Students.~~

(1) The Division of Public Schools and Community Education shall assure the inclusion of students with disabilities as defined by Section 228.041(18), Florida Statutes, in the statewide assessment program, develop the ~~modified~~ test instruments required herein and provide technical assistance to school districts in the implementation of the requirements of this rule including appropriate accommodations to instruments and statewide assessment procedures administered pursuant to Section 229.57, Florida Statutes. Students who are identified solely as gifted are not eligible for state assessment accommodations. ~~modified test instruments and procedures.~~

(a) The decision to exclude any student with a disability, as defined in Section 228.041(18), Florida Statutes, from statewide or district assessment programs is made by the Individual Educational Plan (IEP) team and recorded on the IEP. Students may be excluded from statewide or district assessment programs if the following criteria are met:

1. The student's demonstrated cognitive ability prevents the student from completing required coursework and achieving the Sunshine State Standards as incorporated by reference in Rule 6A-1.09401, F.A.C., even with appropriate and allowable course modifications, and

2. The student requires extensive direct instruction to accomplish the application and transfer of skills and competencies needed for domestic, community living, leisure, and vocational activities.

(b) Students who are excluded from statewide or district assessment will be assessed through an alternate assessment procedure identified by the IEP team. The alternate assessment procedure shall be recorded on the student's IEP.

(c) Students who are excluded from the state-required graduation test using the criteria in paragraphs (1)(a) and (b) of this rule will not be eligible for a standard high school diploma.

(2) Each school board shall ~~utilize~~ ~~implement~~ appropriate accommodations to ~~modifications~~ of the statewide assessment test instruments and test procedures established for issuance of a standard or special high school diploma, pursuant to Rules 6A-1.0942, 6A-1.095, and 6A-1.0995, F.A.C., within the limits prescribed herein. Accommodations are defined as adjustments to the presentation of the assessment questions, method of recording examinee responses to the questions, schedule for administration of the assessment, or use of assistive devices to facilitate administration of the assessment. Statewide assessment accommodations may be used only if they do not alter the underlying content that is being measured by the assessment or negatively affect the assessment's reliability or validity. Accommodations shall be identified for each eligible student and recorded on the student's IEP or plan developed under Section 504 of the Rehabilitation Act. Allowable accommodations are those that have been used by the student in classroom instruction as long as the accommodations are within the limits specified in this rule. Such accommodations may ~~modifications~~ shall include:

(a) Presentation. The student may be administered any statewide assessment through the following presentation formats:

1. Regular print versions of the test may be enlarged through mechanical or electronic means.

2. The district test coordinator may request large print versions.

3. Braille versions may be requested for students who use Braille materials. Some test items may be altered in format for Braille versions of the test as authorized by the Department. Test items that have no application for the Braille reader will be deleted as authorized by the Department. Student performance standards that cannot be assessed in the Braille format will be deleted from the requirements of Section 229.57, Florida Statutes.

4. Signed or oral presentation may be provided for all directions and items other than reading items. Reading items must be read by the student through visual or tactile means.

5. The student may use means to maintain or enhance visual attention to test items.

6. Presentation formats not covered by this rule may be requested through the Department of Education and will be provided, as appropriate, upon approval by the Commissioner of Education.

(b) Responding. The student may use varied methods to respond to the test, including written, signed and verbal response. Written responses may include the use of mechanical and electronic devices. A test administrator or proctor may transcribe student responses to the format required by the test. Transcribed responses must accurately reflect the response of the student, without addition or edification by the test administrator or proctor.

~~(c)(a)~~ Flexible Scheduling. The student may be administered a test during several brief sessions; allowing frequent breaks during the testing sessions, within specifications of the test administration manual. Students may be provided additional time for the administration of the test so long as all testing is completed by the final allowed test date specified by the Commissioner.

~~(d)(b)~~ Flexible SSetting. The student may be administered a test individually or in a small group setting by a proctor rather than in a classroom or auditorium setting. The student may be provided with adaptive or special furniture and special lighting or acoustics.

~~(e) Recording of answers. The student may mark answers in a test booklet, type the answers by machine, or indicate the selected answers to a test proctor. The proctor may then transcribe the student's responses onto a machine-scorable answer sheet.~~

~~(d) Mechanical aids. The student may use a magnifying device, a pointer, a noncalibrated rule or template or other similar devices to assist in maintaining visual attention to the test booklet. An abacus and a braille writer may be used. Use of electronic calculators, including talking calculators, is prohibited.~~

(e) Assistive devices. The student may use the following assistive devices typically used in classroom instruction. Revised format. The student may be tested by one or more of the following three (3) methods specifically developed by the Department:

1. If the purpose of the assessment requires complex computation, calculators may be used as authorized in the test administration manual. A calculator may not be used on assessments of basic computation as specified in the test administration manual. Visual reading. The student may be tested with materials which are enlarged print or may be tested with regular print materials enlarged through mechanical or electronic means. Enlarged materials shall be provided only for students who meet the eligibility criteria for visually impaired programs specified in Rule 6A-6.03014, F.A.C.

2. Visual magnification and auditory amplification devices may be used. For students with visual impairments, an abacus may be used. Tactile reading. The student may be tested with materials which have been transformed to braille code or tested by using devices which permit optical to tactile transformations. Test items which have no application for the nonsighted person will be deleted from the tactile forms

authorized or provided by the Department and shall be deleted from the requirements of Rules 6A-1.0941 and 6A-1.0942, F.A.C.

3. Technology may be used without accessing spelling or grammar-checking applications for writing assessments and without using speech output programs for reading items assessed. Other assistive technology typically used by the student in classroom instruction may be used provided the purpose of the testing is not violated. Implementation of assistive devices must assure that test responses are the independent work of the student. Unusual circumstances of accommodations through assistive devices must be approved by the Commissioner of Education before use. Auditory or sign language presentation. The test administrator may sign, provide oral interpretation or read to the student the following portions of the test: all mathematics items, all writing items, all oral reading items, and all directions. The reading items shall be read by the student using visual or tactile means.

(3) The preceding accommodations described in paragraphs (2)(a) through (e) of this rule ~~modifications~~ are authorized, when determined appropriate by the school district superintendent or designee, for any student who has been determined to be an eligible ~~exceptional~~ student with disabilities pursuant to Section 228.041(18), Florida Statutes, and Rules 6A-6.0301 and 6A-6.0331, F.A.C., and has a current IEP individual educational plan, or who has been determined to be a student with a disability handicapped person pursuant to Rule 6A-19.001(6), F.A.C. Students classified solely as gifted shall not receive any special test modifications. Satisfaction of the requirements of Rule 6A-1.0942, F.A.C., by any of the above accommodations ~~modifications~~ shall have no bearing upon the type of diploma or certificate issued to the student for completing school.

(4) The need for any unique accommodations for use on state assessments not outlined in this rule must be approved by the Commissioner of Education.

(5) District personnel are required to implement the accommodations in a manner that ensures the test responses are the independent work of the student. Personnel are prohibited from assisting a student in determining how the student will respond or directing or leading the student to a particular response. Upon receipt of a written request from the district school superintendent, the Commissioner may exempt an exceptional student, or one who has been determined to be a handicapped person pursuant to Rule 6A-19.001(6), F.A.C., from meeting specific requirements for graduation, due to extraordinary circumstances which would cause the results of the testing to not represent the student's achievement, but rather, reflect the student's impaired sensory, manual, speaking, or psychological process skills. The written request must document the specific extraordinary circumstances which prevent the student from meeting the requirements of Rules 6A-1.0942 and 6A-1.095(4), F.A.C.

(4) In no case shall the accommodations ~~modifications~~ authorized herein be interpreted or construed as an authorization to provide a student with assistance in determining the answer to any test item.

(6) The test scores of students with disabilities, as defined in Section 228.041(18), Florida Statutes, will be included in the state's accountability system as determined by the Commissioner of Education.

(7) Procedures for exemption from the assessment required for graduation with a standard high school diploma due to extraordinary circumstances of a student with a disability, as defined in Section 228.041(18), Florida Statutes, are specified in Rule 6A-1.09431, F.A.C.

Specific Authority 229.57(3),(11), 120.53(1)(b), 228.2001, 229.053(1), 232.246(8),(9) FS. Law Implemented 229.57(3),(11), 120.53(1)(b), 228.2001, 232.246(8),(9) FS. History--New 9-12-78, Amended 3-4-84, Formerly 6A-1.943, Amended 6-12-90,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Program, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Procedures for Special Exemption from Graduation Test Requirement for Students with Disabilities Seeking a Standard High School Diploma 6A-1.09431

PURPOSE AND EFFECT: The purpose of this rule amendment is to specify the procedures under which a student with disabilities may apply for and be given a waiver from the high school graduation testing requirements specified in statute. The effect will be to permit certain students with disabilities to be granted a waiver from the testing requirements thus allowing them to receive a high school diploma.

SUMMARY: This rule is amended to specify the procedures under which a student with disabilities may apply for and be given a waiver from the high school graduation testing requirements specified in statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.57(3)(c)6.,(14), 232.246(8), 232.248(5)(a) FS.

LAW IMPLEMENTED: 229.57(3)(c)6., 232.246(8) FS.

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

TIME AND DATE: 9:00 a.m., August 14, 2001

PLACE: Room 212, Knott Building, 400 South Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director, Division of Public Schools and Community Education, Room 514, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09431 Procedures for Special Exemption from Graduation Test Requirement for Students with Disabilities Seeking a Standard High School Diploma.

Students with disabilities, as defined in Section 228.041(18), Florida Statutes, are eligible for consideration of a special exemption from the graduation test requirement under extraordinary circumstances that create a situation where the results of administration of the graduation test would reflect a student's impaired sensory, manual or speaking skills rather than the student's achievement. Such circumstances are defined as physical conditions that affect a student's ability to communicate in modes acceptable through accommodation of the statewide test. Extraordinary circumstances are events or conditions that prevent the student from physically demonstrating mastery of skills that have been acquired and are measured by the test. Learning process deficits and cognitive deficits do not constitute extraordinary circumstances. A request may be made for an exemption from any or all sections of the test required for high school graduation.

(1) The Commissioner may exempt a student with a disability as defined by Section 228.041(18), Florida Statutes, from meeting the testing requirement for high school graduation with a standard diploma, as specified in Section 229.57(3)(c), Florida Statutes.

(2) The procedure for consideration of this special exemption must originate with receipt of a written request from the district school superintendent at least one semester before the anticipated graduation date. This request must be due to extraordinary circumstances which would cause the results of the testing to reflect the student's impaired sensory, manual or speaking skills rather than the student's achievement. The Commissioner shall determine whether the exemption shall be granted based upon the documentation provided by the district school superintendent which shall include:

(a) Written description of the student's disabling condition, including a specific description of the student's impaired sensory, manual or speaking skills and the extraordinary circumstances for the exemption request;

(b) Written documentation of the most recent and other available re-evaluation or psychological reports and course transcript;

(c) Written description of the disability's effect on the student's achievement;

(d) Written description of accommodations or modifications provided in the student's high school course of study;

(e) Written evidence that the student has had the opportunity to learn the skills being tested, has been prepared to participate in the testing program and has been provided appropriate test accommodations as defined in Rule 6A-1.0943, F.A.C.; and

(f) Written evidence that the manifestation of the student's disability prohibits the student from responding to the written test even when appropriate accommodations are provided so that the result of the testing reflects the student's impaired sensory, manual or speaking skills rather than the student's achievement.

(g) Written description of academic accomplishments indicating mastery of skills assessed on the graduation test as described in Section 229.57(3), Florida Statutes.

(3) Upon receipt of the request for exemption, the Commissioner shall determine whether sufficient documentation has been provided and may request additional information.

(4) If the Commissioner determines that the criteria for an exemption have been met, the request for exemption from one or both parts of the test will be granted. Students granted a request for exemption from the graduation test must meet all other criteria for graduation with a standard diploma as outlined in Section 232.246, Florida Statutes.

(5) Students who are not granted an exemption under this rule and who have not demonstrated mastery of the skills measured by the test for graduation continue to be eligible for the provision of a free appropriate public education until the age of twenty-two (22).

(6) Students with disabilities who do not meet the graduation criteria for a standard high school diploma may be eligible for a special diploma as outlined in Rule 6-1.0996, F.A.C.

Specific Authority 229.57(3)(c), 232.246(9) FS. Law Implemented 229.57, 232.246(9) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for Educational Program,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Application Information
 RULE NO.: 6A-4.0012

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt updated and revised application forms for the Florida educator’s certificates. The effect is revised and updated application forms for the Florida Educator’s Certificate and the Renewal of Reinstatement of a Professional Florida Educator’s Certificate.

SUMMARY: This rule is amended to adopt updated and revised application forms.

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 the notice.

SPECIFIC AUTHORITY: 229.053(1), 231.15(1), 231.17(1) FS.

LAW IMPLEMENTED: 231.02, 231.145, 231.15, 231.17, 231.263(12), 231.30, 943.0585 FS.

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

TIME AND DATE: 9:00 a.m., August 14, 2001
 PLACE: Room 212, Knott Building, 400 South Monroe, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Ashburn, Director, Division of Professional Educators, Department of Education, Room 203, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)487-3663

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0012 Application Information.

(1) Application process. To apply for a Florida Educator’s Certificate, an individual shall submit to the Bureau of Educator Teacher Certification the following:

(a) A completed Form CG-10 and a nonrefundable application fee. Form CG-10, Application for Florida Educator’s Certificate, effective September 2001 ~~July 1995~~, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of Educator Teacher

Certification, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399-0400. The nonrefundable application fee is prescribed below:

1. Request for a professional certificate – \$56.00,
2. Request for a temporary certificate – \$56.00,
3. Request for a part-time certificate – \$56.00,
4. Request for an addition of a coverage or endorsement to a valid certificate – \$56.00,
5. Request for a name change only – \$20.00,
6. Request for a duplicate certificate/subject deletion – \$20.00; or
7. ~~Request for the addition of the ESOL endorsement to a valid certificate — no fee; or~~

(b) A completed Form CG-10R and a nonrefundable application fee. Form CG-10R, Application for Renewal or Reinstatement of a Professional Florida Educator’s Certificate effective September 2001 ~~July 1995~~, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of Educator Teacher Certification, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399-0400. The nonrefundable application fee is \$56.00. An application for renewal of a professional certificate that is received by the Bureau of Educator Teacher Certification after the expiration of the professional certificate as specified in Rule 6A-4.0051(4)(b), F.A.C., shall be submitted with a \$30.00 late fee in addition to the nonrefundable application fee.

(2) College transcripts. Each college transcript filed for certification purposes shall bear the seal of the institution and the signature of the registrar or other official designated by the president of the institution and shall include descriptive titles, credits, and grades for all courses listed. Transcripts from institutions outside the United States shall include an English translation. Transcripts shall not be returned after the application has been processed and the applicant has been advised regarding eligibility for certification.

(3) Completed applications.

(a) A completed application shall consist of the completed application form, fee, official transcripts, and other documents required by rule or law to process the application. The applicant shall be advised of additional information that is required to complete the application.

(b) If the information required to complete the application has not been received in the Bureau of Educator Teacher Certification, Florida Department of Education, within twelve (12) months from the date of receipt of the application, the application shall expire and the fee shall be forfeited.

(4) Funding for the recovery network program for educators. Two (2) dollars of each fifty-six (56) dollar certification fee shall be designated to fund the recovery network program for educators.

Specific Authority 229.053(1), 231.15(1), 231.17(1)(4), 231.30 FS. Law Implemented 231.02, 231.145, 231.15, 231.17, 231.263(12), 231.30, 943.0585 FS. History—New 7-6-82, Amended 9-27-83, Formerly 6A-4.012, Amended 12-25-86, 10-26-88, 5-2-90, 4-24-91, 7-7-92, 5-3-94, 7-18-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for Educational Program,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Charlie Crist, Commissioner of
Education

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 4, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Specialization Requirements For
Certification in the Area of
Speech-Language Impaired/
Associate – Academic Class

RULE NO.:

6A-4.01761

PURPOSE AND EFFECT: The purpose of this rule is to provide relief in the critical shortage area of speech-language pathology for small and rural districts by establishing a provider of speech-language services at the bachelor’s degree level. The effect will be the provision of needed speech-language services to eligible students in the school districts that qualify for the sparsity supplement. It will not affect bachelor’s level persons with certification in speech/language corrections, issued prior to 1989.

SUMMARY: This rule establishes a certification coverage that will allow individuals with bachelor’s degrees in speech-language pathology, employed by school districts that qualify for the sparsity supplement, to provide services to speech and language impaired students.

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 the notice.

SPECIFIC AUTHORITY: 231.15(1), 231.17, 231.167 FS.

LAW IMPLEMENTED: 231.02, 231.15, 231.17 FS.

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

TIME AND DATE: 9:00 a.m., August 14, 2001
PLACE: Room 212, Knott Building, 400 South Monroe Street,
Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director, Division of Public Schools and Community Education, Room 514, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.01761 Specialization Requirements for Certification in the Area of Speech-Language Impaired/Associate – Academic Class.

A bachelor’s degree with an undergraduate major in speech-language pathology or speech-language impaired. This coverage is limited to a period of not more than three (3) years for the provision of services in school districts that qualify for the sparsity supplement as described in Section 236.081(6), Florida Statutes. This coverage shall be identified on the temporary certificate when requested by the superintendent of an eligible school district. This rule shall be reviewed by the Florida Board of Education by October 1, 2003.

Specific Authority 231.15(1), 231.167, 231.17 FS. Law Implemented 231.02, 231.15, 231.17 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for Educational Program,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Charlie Crist, Commissioner of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 28, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 12, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Special Programs for Students Who are Speech
and Language Impaired

RULE NO.:

6A-6.03012

PURPOSE AND EFFECT: This amendment allows a bachelor’s degree level person to provide services under the direction of a certified speech-language pathologist with a master’s degree or higher to students who are speech and language impaired. The effect will be to allow school districts that qualify for the sparsity supplement options to meet the needs of students who are speech and language impaired.

SUMMARY: This rule describes the provisions of services to students who are speech and language impaired. The proposed modification to the rule will allow individuals with bachelor’s degrees in speech-language pathology to provide services for speech and language impaired students in school districts that qualify for the sparsity supplement. These individuals must be under the direction of a certified speech-language pathologist with a master’s degree or higher. In addition, this rule deletes

the requirement for the screening of all kindergarten students for language, articulation, fluency, and voice disorders, as these screenings are part of the School Readiness Program. This amendment is the companion to the proposed new rule 6A-4.01761, FAC., Specialization Requirements for Certification in the Area of Speech-Language Impaired/ Associate – Academic Class.

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 the notice.

SPECIFIC AUTHORITY: 231.15(1), 231.167, 231.17 FS.

LAW IMPLEMENTED: 231.02, 231.15, 230.23(4)(m) FS.

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

TIME AND DATE: 9:00 a.m., August 14, 2001

PLACE: Room 212, Knott Building, 400 South Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director, Division of Public Schools and Community Education, Room 514, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03012 Special Programs for Students Who are Speech and Language Impaired.

(1) through (2) No change.

(3) Procedures for screening.

~~(a) All kindergarten students shall be screened for language, articulation, fluency, and voice disorders.~~

~~(a)(b)~~ Students being considered for language or speech programs shall be screened for hearing and vision.

~~(b)(e)~~ Students being considered for exceptional student programs, excluding gifted and homebound or hospitalized who may be screened on a referral basis, shall be screened for language, articulation, fluency and voice disorders prior to staffing for eligibility.

~~(6) Instructional Program. Effective date. This rule shall become effective August 1, 1988.~~

~~(a) The instructional program shall be based on the student's individual educational plan or family support plan.~~

~~(b) Speech-language services shall be provided by a speech-language pathologist, pursuant to Rule 6A-4.0176, F.A.C., a licensed speech-language pathologist pursuant to Section 468.1185, Florida Statutes, or a speech-language associate, pursuant to Rule 6A-4.01761, F.A.C.~~

1. Speech-language services provided by an associate, as specified in Rule 6A-4.01761, F.A.C., must be under the direction of a certified or licensed speech-language pathologist

with a master's degree or higher. Services under this subsection can be provided for a period of no more than three (3) years as described in Section 231.167, Florida Statutes, in districts that qualify for the sparsity supplement as described in Section 236.081(6), Florida Statutes.

2. Districts shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:

a. The model specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction;

b. The rationale for using this model;

c. The manner in which the associate will demonstrate competency;

d. The process for monitoring the quality of services; and

e. The measurement of student progress.

This plan must also describe the process for changing the intensity of direction for the associate based upon the associate's demonstrated competencies and their students' needs and progress.

(c) This rule shall be reviewed by the Florida Board of Education by October 1, 2003.

~~Specific Authority 231.15(1), 231.167, 231.17, 228.041(18), 229.053(1), 230.23(4)(m) FS. Law Implemented 231.23(4)(m), 231.02, 231.15, 228.041(18)(19), 229.565(3)(b), 230.23(4)(m), 236.081(1)(c) FS. History—New 7-1-77, Amended 7-13-83, Formerly 6A-6.3012, Amended 8-1-88, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Program, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2001

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

RULE TITLE: Florida Workers' Compensation Health Care Provider Fee for Service Reimbursement Manual 38F-7.020

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt by reference the Florida Workers' Compensation Health Care Provider Fee for Service Reimbursement Manual, 2001 Edition, which contains reimbursement policies and maximum reimbursement allowances for physician services, non-physician services, pharmaceutical and medical supplies, as determined by the

Three-Member Panel on November 29, 2000. The manual also provides basic instructions and information for providers and carriers in the preparation and reimbursement of bills for medical services. The Physician's Current Procedural Terminology (CPT™), 4th Edition, copyright 1999, American Medical Association; the Current Dental Terminology (CDT-3), 3rd Edition, copyright 1999, American Dental Association; and the 2000 HCPCS (HCPCS), 11th Edition, copyright 1999, Ingenix, are adopted as part of this rule.

SUMMARY: This rule adopts current versions of the above-stated manuals.

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: 440.13(8),(11)-(14), 440.591 FS.

LAW IMPLEMENTED: 440.13(6)-(8),(11)-(14) 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: Nancy M. Rice, RN Consultant, Suite 101, Forrest Building, 2728 Centerview Drive, Tallahassee, FL 32399-0664 (850)410-1093

THE FULL TEXT OF THE PROPOSED RULE IS:

38F-7.020 Florida Workers' Compensation Health Care Provider Fee for Service Reimbursement Manual.

(1) The ~~1997~~ Florida Workers' Compensation Health Care Provider Fee for Service Reimbursement Manual, 2001 Edition, and ~~replacement pages i, iii, 1, 2, 3, 4, 6, 7, 7a, 9, 13, 14, 16, 20-24, 26, 26a, 26b, 26c, 29, 29a, 32, 34-35, 41, 47-48, 62, 67, 69, 79, 86-90, 94-96, 118, 140, 145, 173, 175, 189-190, 192, 196, 204, 207, 222, 227, 232-237, 241-242, 244-248, 250-251, 253, 256-257, 265, 380, 389-391, 392, 394 and 421-422~~ are is adopted by reference as part of this rule ~~and apply to medical services provided on or after September 1, 1997~~. The manual contains reimbursement policies and maximum reimbursement allowances for physician services, non-physician services, pharmaceutical and medical supplies, as well as. ~~The manual contains~~ basic instructions and information for all providers and insurance carriers in the preparation and reimbursement of bills ~~claims~~ for medical services. The Florida Workers' Compensation Health Care Provider Fee for Service Reimbursement Manual, 2001 Edition, is available for inspection during normal business hours at the Division of Workers' Compensation, Bureau of Rehabilitation and Medical Services, 101 Forrest Building, 2728 Centerview Drive, Tallahassee, Florida 32399-0664, or

via the Division's home page at <http://www2.myflorida.com/les/wc/>. The manual is distributed by the Bureau of Rehabilitation and Medical Services of the Division of Workers' Compensation.

(2) The ~~1996~~ Physicians' Current Procedural Terminology (CPT™-4), 4th Edition, copyright ~~1999~~ 1995, American Medical Association; the ~~1995~~ Current Dental Terminology (CDT-~~3~~ 2), ~~3rd~~ 2nd Edition, copyright ~~1999~~ 1994, American Dental Association; and 2000 HCPCS the Health Care Financing Administration's Common Procedural Coding System (HCPCS), 11th Level II, 1995 Edition, copyright 1999, Ingenix, are adopted by reference as part of this rule. When a procedure or service is performed, which is not listed in the ~~1997~~ Florida Workers' Compensation Health Care Provider Fee for Service Reimbursement Manual, 2001 Edition, the provider must use a code ~~and descriptor~~ contained in either the CPT™-4, CDT-2 or HCPCS.

Specific Authority 440.13(7), 440.13(8), 440.13(11), 440.13(12), 440.13(13), 440.13(14), 440.591 FS. Law Implemented 440.13(6), 440.13(7), 440.13(8), 440.13(11), 440.13(12), 440.13(13), 440.13(14) FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nancy M. Rice, RN Consultant, Bureau of Rehabilitation and Medical Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William A. Wood, Deputy Bureau Chief, Bureau of Rehabilitation and Medical Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2001 issue of the FAW (Vol. 27, No. 26, Page 2957)

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

RULE TITLE:

RULE NO.:

Florida Workers' Compensation Reimbursement

Manual for Work Hardening Programs and

Pain Programs, 1992 Edition

38F-7.900

PURPOSE AND EFFECT: The Division is proposing to repeal Rule 38F-7.900 because the work hardening and pain program reimbursement policies and maximum reimbursement allowances contained in the 1992 manual will be provided in the proposed 2001 Florida Workers' Compensation Health Care Provider Fee for Service Reimbursement Manual, which will be adopted by reference as part of Rule 38F-7.020. The notice of rule development for Rule 38F-7.020 appeared in the June 29, 2001 issue of the Florida Administrative Weekly.

SUMMARY: Rule 38F-7.900 incorporates the 1992 Florida Workers' Compensation Reimbursement Manual for Work Hardening Programs and Pain Programs by reference.

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: 440.591, 440.13(4)(d) FS.

LAW IMPLEMENTED: 440.13(4)(d) 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: Nancy M. Rice, R.N. Consultant, Bureau of Rehabilitation and Medical Services, Suite 101, Forrest Building, 2728 Centerview Drive, Tallahassee, FL 32399-0664, (850)410-1093

THE FULL TEXT OF THE PROPOSED RULE IS:

38F-7.900 Florida Workers' Compensation Reimbursement Manual for Work Hardening Programs and Pain Programs, 1992 Edition.

Specific Authority 440.13(4)(d), 440.591 FS. Law Implemented 440.13(4)(d) FS. History--New 2-18-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nancy M. Rice, R.N. Consultant, Bureau of Rehabilitation and Medical Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William A. Wood, Deputy Bureau Chief, Bureau of Rehabilitation and Medical Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2001

DEPARTMENT OF JUVENILE JUSTICE

Division of Commitment

RULE TITLES:	RULE NOS.:
Administration and Management	63E-2.004
Program Orientation	63E-2.007
Boot Camp Program Components	63E-2.008
Visitation	63E-2.009
Correspondence	63E-2.010
Personal Hygiene	63E-2.012
Mechanical Restraints	63E-2.015
Staff Conduct and Security	63E-2.016
Release and Transfer Procedures	63E-2.017
Case Records	63E-2.018
Employee Training	63E-2.019
Facility Structural and Operational Standards	63E-2.020
Disaster Plans	63E-2.021
Client Information System	63E-2.022

PURPOSE AND EFFECT: This rule exceeds statutory authority under Chapter 99-379, Laws of Florida, amending Section 120.536, Florida Statutes.

SUMMARY: To repeal Rules 63E-2.004, 63E-2.007-.010, 63E-2.012, 63E-2.015-.022.

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: 985.405 FS.

LAW IMPLEMENTED: 985.309 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 10, 2001

PLACE: Room 312, Knight Building, 2737 Centerview Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Milla, Asst. General Counsel, Department of Juvenile Justice, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100, phone number (850)487-9078

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 Dawn Hanson, (850)921-4129.

THE FULL TEXT OF THE PROPOSED RULES IS:

63E-2.004 Administration and Management.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.002, 39.054, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.004, Amended 12-4-97, Repealed.

63E-2.007 Program Orientation.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.002, 39.054, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.007, Amended 12-4-97, Repealed.

63E-2.008 Boot Camp Program Components.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.002, 39.054, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.008, Amended 12-4-97, Repealed.

63E-2.009 Visitation.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.002, 39.054, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.009, Amended 12-4-97, Repealed.

63E-2.010 Correspondence.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.002, 39.054, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.010, Amended 12-4-97, Repealed.

63E-2.012 Personal Hygiene.

Specific Authority 39.12, 39.021 FS. Law Implemented 39.002, 39.021, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.012, Amended 12-4-97, Repealed.

63E-2.015 Mechanical Restraints.

Specific Authority 39.012, 39.021 FS. Law Implemented 39.021, 39.001, 39.002, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.015, Amended 12-4-97, Repealed.

63E-2.016 Staff Conduct and Security.

Specific Authority 39.012 FS. Law Implemented 415.103, 39.012, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.016, Amended 12-4-97, Repealed.

63E-2.017 Release and Transfer Procedures.

Specific Authority 39.012 FS. Law Implemented 39.11(3), 39.054(4), 39.057, 39.511 FS. History--New 1-31-94, Formerly 10Q-5.017, Amended 12-4-97, Repealed.

63E-2.018 Case Records.

Specific Authority 39.012 FS. Law Implemented 39.01, 39.045, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.018, Amended 12-4-97, Repealed.

63E-2.019 Employee Training.

Specific Authority 39.012, 39.021 FS. Law Implemented 39.021, 39.024, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.019, Amended 12-4-97, Repealed.

63E-2.020 Facility Structural and Operational Standards.

Specific Authority 39.012, 39.021 FS. Law Implemented 39.002, 39.021, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.020, Amended 12-4-97, Repealed.

63E-2.021 Disaster Plans.

Specific Authority 39.012 FS. Law Implemented 39.01, 39.001, 39.002, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.021, Amended 12-4-97, Repealed.

63E-2.022 Client Information System.

Specific Authority 39.012 FS. Law Implemented 39.01, 39.045, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.022, Amended 12-4-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Milla, Asst. General Counsel, Department of Juvenile Justice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Chervanik, Assistant Secretary for Residential and Correctional Facilities, Department of Juvenile Justice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2001

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-1	Manufactured Buildings
RULE NOS.:	RULE TITLES:
9B-1.004	Adoption of Model Codes
9B-1.006	Certification of Third Party Agencies
9B-1.007	Manufacturer Certification
9B-1.0085	Inspections
9B-1.011	Alterations
9B-1.022	Manufacturer Obligations Upon Sale of Building
9B-1.026	Factory-built Schools, Certifications
9B-1.027	Factory-built Schools, Plan Review
9B-1.028	Factory-built Schools, Inspections and Work Progress Reports
9B-1.030	Factory-built Schools, Insignia and Data Plate

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.543(3)(d)1., F.S., published in Vol. 27, No. 12, March 23, 2001, issue of the Florida Administrative Weekly.

9B-1.004 Adoption of Model Codes.

(1) through (5) No change.

(6) Mechanical Code – The design, fabrication and installation of mechanical systems and equipment, in or on manufactured buildings shall comply with the requirements of the Standard Mechanical Code, referenced in Rule 9B-3.047, F.A.C., except as follows: Chapter 1 shall be deleted.

(7) through (15) No change.

(16) Notwithstanding the foregoing provisions of this section, factory-built schools shall be subject to the following:

(a) Existing Buildings. Factory-built schools utilized as educational facilities prior to July 1, 2001 ~~October 4, 2000~~, are hereby designated as existing buildings and shall comply with the requirements of Chapter 5, State Requirements for Educational Facilities (SREF), 1999 edition, adopted herein by reference, subject to the amendment to s. 235.212(1)(a) passed in s. 2, Chapter 2001-186, Laws of Florida. A copy of SREF can be obtained from Department of Education, Division of Educational Facilities, 325 West Gaines Street, Room 1054, Tallahassee, Florida 32399-0400.

(16)(b) through (17) No change.

9B-1.006 Certification of Third Party Agencies.

(1) No change.

(2) Application – The applicant shall submit a completed application (Form FMBP 2-00) with application fee amount stated in the Schedule of Fees. The application shall contain the following information.

(a) and (b) No change.

(c) A statement of independence which shall be signed by the individual, each of the partners of a partnership, or the chief operating officer of a corporation to be certified. The statement shall be notarized and dated within the twelve months immediately preceding its submission. The statement shall affirm that the agency, any independent contractors utilized by the agency and its employees ~~are have no financial interest in any manufacturer other than providing professional plans review and inspection services and that the third party agency~~ is not owned, operated, or controlled by any manufacturer or dealer.

(d) through (4) No change.

(5) The agency shall maintain its independence as certified until the expiration or resignation of its certification. An agency shall not perform plans review or inspect buildings that are designed by the agency, its employees or those of its contractors working on such review or inspection.

(6) No change.

9B-1.007 Manufacturer Certification.

(1) No change.

(2) Initial Certification Requirements – A manufacturer must submit to the department the following for certification:

(a) Application Package – a completed application; application fee; certificate of product liability insurance with coverage not less than \$1,000,000; and a copy of ~~a the~~ contract with a certified third-party agency for plan review and inspection services.

(b) through (3) No change.

(4) Renewal – The manufacturer shall renew its certification once every three years and update the information provided in its initial application using Form FMBP 3-00. Renewal must be requested no fewer than 60 days and no more than 90 days prior to the expiration date of the manufacturer's ~~third party agency's~~ certification. If application is made for renewal fewer than 60 days prior to the expiration date, but not after the expiration date, a late fee of \$25.00 shall be charged. The manufacturer must meet the qualifications in effect upon the date of renewal to have its certification renewed.

9B-1.0085 Inspections.

(1) Inspections shall be conducted at the manufacturing facility by an appropriately licensed representative of ~~a the~~ Third Party Agency selected by the manufacturer. The inspections shall be to ensure that the buildings are being manufactured in compliance with the applicable codes and the approved plans. Once a Third Party Agency has inspected a

manufactured building, the manufacturer shall not seek to have the building inspected by another agency, nor shall any agency inspect a building that has already been inspected by another unless the subsequent inspection is at the direction of the Department or unless the building or modification thereto is being inspected for recertification by the Department.

(2) At a minimum, a certified Third Party Agency shall:

(a) With regard to manufactured buildings, observe the manufacture of the first building built subsequent to the plan approval or the selection of the agency, whichever occurs last, from start to finish, inspecting all subsystems thereof. Continual observation and inspection shall continue until the third party agency determines that the implementation of the manufacturer's quality control program in conjunction with application of the approved plans and specifications and the manufacturer's capabilities result in a building that meets or exceeds the standards adopted herein. Thereafter, the agency shall inspect each module produced ~~during that production run~~ during at least one point during the manufacturing process and shall inspect the entire production line during each plant inspection, so that a minimum of seventy-five percent (75%) of the modules inspected will have a minimum of one of the subsystems (electrical, plumbing, structural, mechanical or thermal) exposed for inspection.

(b) With regard to components, observe the manufacture of the first unit assembled subsequent to the plan approval or the selection of the agency, whichever occurs last, from start to finish, inspecting all subsystems thereof. Continual observation and inspection shall continue until the third party agency determines that the implementation of the manufacturer's quality control program in conjunction with application of the approved plans and specifications and the manufacturer's capabilities result in a component that meets or exceeds the codes and standards adopted herein. Thereafter, the Third Party Agency shall inspect not less than fifty percent (50%) of the components manufactured pursuant to the approved plan in that production run.

(c) through (d) No change.

(3) When a Third Party Agency discovers a deviation from the Code or the approved plans which creates or threatens an imminent life safety hazard, all buildings or components which have progressed through that stage of production since the agency's ~~agency's~~ previous inspection shall be inspected to ensure the absence of that deviation, and the agency shall immediately notify the manufacturer and the Department in writing. Any building or component exhibiting the deviation shall be brought into conformance with the applicable code or the approved plans by the manufacturer within thirty days of notification of the deviation by the third party agency. The corrective action must be left available for reinspection by the Third Party Agency.

(4) through (5) No change.

9B-1.011 Alterations.

(1) through (3) No change.

(4) In order to recertify a used manufactured building that is being relocated and not otherwise altered, the owner must provide the approved inspection agency with a set of the original approved plans for the building and any modification of the building. As built plans shall be acceptable as an alternative to approved plans for factory-built schools manufactured prior to July 1, 2001. Once the agency has evaluated the continued compliance of the building with those plans and certifies to the Department that the building is in compliance with the applicable codes, the approved inspection agency shall affix a recertification insignia to the building. If a building complied with the code in effect on the date of the original plan approval, the applicable code as set forth above shall be that which was in effect on the date of the original plan approval. The relocation of a manufactured building does not constitute an alteration.

9B-1.022 Manufacturer Obligations Upon Sale of Building.

The manufacturer shall provide a TRANSPORTATION AND INSTALLATION BOOKLET with each building and component package. This requirement shall not apply to manufactured buildings which are being modified and not otherwise manufactured. It shall include:

- (1) Precautions and instructions for transportation of modules; and
- (2) Installation instructions.

9B-1.026 Factory-built Schools, Certifications.

(1) No change.

(2) Third Party Plan Review. The Department shall contract with an individual or entity to perform plan review pertaining to newly constructed factory-built schools. Such individual or entity shall be subject to certification as a Third Party Agency as provided in Rule 9B-1.0067, F.A.C. Maximum fees that the third party entity may charge those seeking plan approval shall be established by contract between the Department and the Plan Review entity. Plans for modification of factory-built schools shall be reviewed by an approved Third Party Agency selected by the manufacturer as set forth in Rule 9B-1.009, F.A.C.

(3) Inspectors and Third Party Inspection Entities. All entities that perform inspections of factory-built schools shall be agencies certified by the Department as provided in Rule 9B-1.006, F.A.C.; Individual inspectors shall be licensed pursuant to Part XII, Chapter 468, F.S. or, until January 1, 2002, certified by Department of Education as Uniform Building Code Inspectors ~~and shall be subject to the continuing requirements thereof to maintain certification.~~ Inspectors permanently employed by local school boards and community colleges shall be granted an exemption from certification by the Department pursuant to Rule 9B-1.006, F.A.C., upon

written request of the Local School Board or Community College. All entities that perform inspections, whether exempt from certification or not, shall submit a quality assurance manual to the Department with the application, which shall at a minimum contain the following sections:

(a) through (e) No change.

9B-1.027 Factory-built Schools, Plan Review.

Plan review of plans for newly constructed factory-built schools shall be performed by the Third Party Agency selected by the Department. An applicant for plan approval shall submit complete plans to an agency in the manner and format agreed to by the agency and the applicant. Plan submittals shall include a schedule of inspections which shall be performed periodically as necessary to assure that the building complies with applicable standards. Upon determination by the agency that the plans submitted comply with all applicable standards, the agency shall certify such determination by affixing an approval stamp on each page of the plans, and shall return one copy to the applicant, maintain an original set, and submit one copy electronically to the Department. The agency shall be compensated for the actual cost of the plan review by the applicant. No manufacturing activity shall commence until plan approval has been obtained from the Third Party Agency. Plan review at a minimum shall include those items identified in Rule 9B-1.009(5)(a), F.A.C. Plans for modification of factory-built schools shall be reviewed by an approved Third Party Agency selected by the manufacturer as set forth in Rule 9B-1.009, F.A.C.

9B-1.028 Factory-built Schools, Inspections and Work Progress Reports.

(1) No change.

(2) Existing Buildings. Factory-built schools designated as existing buildings shall be inspected ~~prior to July 1, 2001,~~ to determine compliance with the ~~applicable~~ standards adopted by Rule 9B-1.004(16)(a), F.A.C. All deficiencies shall be noted in an inspection report provided to the educational entity upon completion of the inspection. Activities performed to rehabilitate a non-compliant building shall be subject to plan review and reinspection. Upon an inspector's determination that the building complies with the applicable standards, the inspector shall provide to the Department the information as required on the data plate for the building and identify the building as satisfactory for use as an educational facility on the Building Code Information System when that system becomes available on the Internet.

(3) through (5) No change.

9B-1.030 Factory-built Schools, Insignia and Data Plate.

(1) Generally. Each factory-built school building utilized for educational purposes shall bear the insignia of the Department and a data plate. Application for insignia shall be made by the educational entity utilizing the factory-built school or another in privity with the education entity acting on

~~behalf of and in the name of the educational entity~~ on the form designated in Rule 9B-1.003, F.A.C. Insignia shall be issued to the educational entity in whose name application for the insignia is made ~~inspector who completes the inspection of the building as installed~~. The data plate shall be fabricated by the manufacturer of new buildings and the owner of existing buildings of durable material with the required information inscribed thereon. The insignia and data plate shall be permanently mounted on or about the electrical panel. Insignia shall be mounted on the building for which the insignia has been issued by the inspector having completed the inspection of the building as installed. Insignia and data plates are non-transferable. The data plate shall provide the following information:

- (a) through (4) 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 12A-1.043, F.A.C. (Manufacturing), 12A-1.051, F.A.C. (Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property), 12A-1.053, F.A.C. (Electric Power or Energy), 12A-1.059, F.A.C. (Fuels), and 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations). A Notice of Rule Development Workshop was published in the January 19, 2001 edition of the Florida Administrative Weekly (Vol. 27, No. 3, pp. 147-154), and the workshop was held on February 14, 2001. Comments to Rules 12A-1.053 and 12A-1.059, F.A.C., were received at the workshop, and written comments were also submitted. In response to these comments received by the Department, changes were made to the proposed amendments to Rules 12A-1.053 and 12A-1.059, F.A.C., to clarify the exemption provided for the sale of electric power or energy or fuels for use in residential households. A Notice of Proposed Rulemaking incorporating these changes was published in the Florida Administrative Weekly on April 27, 2001 (Vol. 27, No. 17, pp. 2125-2132), and a public hearing was conducted on May 22, 2001. Comments regarding Rules 12A-1.053 and 12A-1.059, F.A.C., were received at the public hearing, in addition to written comments that were submitted after the hearing by the public and by the Joint Administrative Procedures Committee. In response to these comments the Department made changes to Rules 12A-1.053 and 12A-1.059, F.A.C., which will be published in the next available issue of the Florida Administrative Weekly.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.053	Electric Power or Energy
12A-1.059	Fuels

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rules 12A-1.053 and 12A-1.059, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly (Vol. 27, No. 17, pp. 2125-2132). These changes are in response to comments received at the public hearing conducted on May 22, 2001, written comments received as a result of the hearing, and written comments received from the Joint Administrative Procedures Committee.

In response to the comments received by the Department regarding the proposed amendments to Rule 12A-1.053, F.A.C., subsection (1), has been changed, so that, when adopted, that subsection will read as follows:

(1)(a) ~~The sale of electric power or energy by an private or public utilities and rural electric utility cooperative associations is taxable. The sale of electric~~ Electric power or energy is exempt when it is separately metered and sold for use in residential households, to owners of residential models, or to licensed family day care homes (including trailer lots) direct to the actual consumer by utilities who are required to pay the gross receipts tax imposed by Chapter 203, F.S., is exempt Section 203.01, Florida Statutes. Also exempt is electric power or energy sold by such utilities and used in the common areas of apartment houses, cooperatives, and condominiums, in residential facilities enumerated in Chapter 400, F.S., and in other residential facilities. Such electric power or energy is exempt, even though metered and billed direct to the landlord (master metered). However, if any part of the electric power or energy utility or fuel is used for a non-exempt purpose, the entire sale is subject to tax ~~taxable~~. ~~Landlords shall provide separate meters for non-exempt consumption of electric power and energy. This exemption shall also apply to electric power or energy sold to residents when separately metered and billed direct to them. Electric power or energy used in residential model homes or common areas of apartments, cooperatives and condominiums is exempt provided that none of the electric power or energy is used in residential model homes which are used as sales offices or for other non-exempt purposes. Hotels and motels cater primarily to transient guests and are not considered to be residential households. Therefore, this exemption shall not apply to electric power or energy sold for use in hotels and motels.~~

(b) An electric utility is not obligated to collect and remit tax on any sale of electric power or energy when: Effective May 1, 1982, the sale or use of electric power or energy that is subject to tax shall be taxed at the rate of 5 percent in lieu of the former rate of 4 percent. If a customer is billed for electric power or energy for a cycle ending on or after May 1, 1982, the 5 percent tax rate is applicable on the entire taxable transaction even though the billing may have been for electrical services

received prior to May 1, 1982. Where no cycle date appears on the billing, the billing date will control the rate of tax applicable.

1. The electric power or energy is sold at a rate based on the utility's "residential schedule," under tariffs filed by the utility with the Public Service Commission; or

2. The utility has on file a writing or document evidencing a representation of the utility's customer that the electric power or energy is being purchased for residential household use, including licensed family day care homes and other facilities identified in paragraph (a). The writing or document may be a customer application or a certificate that identifies the customer as purchasing the electric power or energy for residential purposes. A "customer application" includes a record of information obtained electronically or orally from the customer in the ordinary course of business. The electric utility must have acted in good faith in accepting the representation of the customer.

(c) Tax is due on electric power or energy purchased by a customer tax exempt for the claimed purpose of residential household use that does not qualify for such exemption. In such instances, if the electric utility complies with the requirements of paragraph (b), the Department will look to the customer for any applicable tax, penalty, or interest due. The Department will look to the utility for any applicable tax, penalty, or interest due when the electric utility's books and records indicate a failure to comply with the requirements of paragraph (b).

The Department has changed the proposed amendments to subsection (1) of Rule 12A-1.059, F.A.C., so that, when adopted, that subsection will read as follows:

(1)(a) No change.

(b) The charge Where the amount of the sale exceeds two dollars, and except for the filling of liquefied petroleum (L.P.) twenty-two pound gas tanks, including tanks used in recreational vehicles, is exempt when the L.P. gas will be used by the purchaser for the purposes of residential heating, cooking, lighting, or refrigeration twenty-pound tanks, the dealer must support his claim for exemption from the tax with a copy of an invoice which contains the date of sale, quantity and description of the fuel, license number, and state of issue of the travel trailer. Twenty-two pound L.P. gas tanks are used exclusively for residential household purposes and the filling of them with L.P. gas is exempt under the law. The dealer must document on the customer's invoice or other written evidence of sale that the charge is for filling a twenty-two pound tank, or that the gas is sold for the purposes of residential household cooking, heating, lighting, or refrigeration.

In response to comments received from the Joint Administrative Procedures Committee, the Department has changed the suggested exemption certificate provided in the

proposed amendments to paragraph ~~(2)(a)(10)~~ of Rule 12A-1.059, F.A.C., so that, when adopted, that paragraph will read as follows:

~~(2)(a)(10)~~ "Boiler" fuels. When purchased as a combustible fuel, purchases of natural gas, residual oil, recycled oil, waste oil, solid waste material as defined in s. 403.703(13), F.S., coal, sulfur, wood, wood residues, or wood bark used in an industrial manufacturing, processing, compounding, or production process at a fixed location in this state ~~is shall be exempt from the taxes imposed by this chapter; provided, however, that this exemption shall not apply to such fuels that are not used in manufacturing, processing, compounding, or producing items of tangible personal property for sale, or to the boiler fuels used by any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business Regulation.~~ For the purpose of this exemption, the term "residual oil" ~~means shall mean~~ ASTM Grades No. 5 and No. 6, heavy diesel, and bunker C. ~~Purchase invoices must indicate the type of residual oil purchased. This exemption does not shall NOT apply to any type of liquefied petroleum gases, naphtha, kerosene, or distillate fuel oil, such as including but not limited to diesel fuels, No. 1 and No. 2 heating oils, and No. 4 fuel oil. The term "fixed location" means shall mean being permanently affixed to one location or plant site, or any portable plant which may be set up for a period of not less than six months in a stationary manner so as to perform the same industrial manufacturing, processing, compounding, or production process that could be performed at a permanent location or plant site. To be entitled to this This exemption at the time of purchase, shall not be allowed, however, unless the purchaser must issue furnishes the seller a certificate stating that the combustible fuel is used in an industrial manufacturing, processing, compounding, or production process. The following is a suggested format of a certificate to be used for this purpose:~~

EXEMPTION CERTIFICATE
BOILER FUELS USED TO PRODUCE TANGIBLE
PERSONAL PROPERTY FOR SALE

_____, incorporated in the State of _____, its undersigned officer who is duly authorized, hereby certifies to _____ that purchases of natural gas, residual oil, recycled oil, waste oil, solid waste material as defined in s. 403.703(13), F.S., coal, sulfur, wood, wood residues, or wood bark under account number _____ will be exclusively used as a combustible fuel in the manufacturing, processing, compounding, or production of tangible personal property for sale. This industrial process is located at _____ in _____, Florida, County of _____. Further, it is certified that _____ is not subject to regulation by the Division of Hotels and Restaurants of the Department of

Business and Professional Regulation. The purchase of the combustible fuel pursuant to this certification is exempt from tax, pursuant to s. 212.08(7)(b), F.S.

Dated at _____, Florida, this _____ day of _____.

AUTHORIZED OFFICER OF COMPANY

BY: _____

TITLE: _____

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 12A-1.060, F.A.C. (Registration). A Notice of Rule Development Workshop was published in the February 9, 2001 edition of the Florida Administrative Weekly (Vol. 27, No. 6, pp. 536-539), and the workshop was held on February 26, 2001. No comments were received regarding these proposed rule amendments. The Department announced at the workshop that it would replace the word “may” with the word “will” in the rule text discussing the conditions under which multiple registrations would be considered for activities at a single contiguous location. That change has been made. A Notice of Proposed Rulemaking incorporating these changes was published in the Florida Administrative Weekly on April 27, 2001 (Vol. 27, No. 17, pp. 2132-2136), and a public hearing was conducted on May 22, 2001. No comments were received at the hearing, and no written comments were submitted.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40E-41	Surface Water Management Basin and Related Criteria
RULE NOS.:	RULE TITLES:
40E-41.011	Policy and Purpose
40E-41.320	Scope, Policy, and Implementation of Part IV
40E-41.321	Definitions
40E-41.323	Water Preserve Area & Water Preserve Area Basin Boundaries
40E-41.333	Implementation
40E-41.343	Application of Part IV
40E-41.360	Permit Thresholds
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

NOTICE OF CORRECTION

The South Florida Water Management District hereby gives notice of correction to the Notice of Proposed Rules published in the Florida Administrative Weekly, Vol 27, No. 27, July 6, 2001. The specific correction is as follows:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS (SERC) FOR THE WATER PRESERVE AREA RULE: RULE 40E-41, F.A.C.

The proposed Water Preserve Area (WPA) rules are the result of direction to the South Florida Water Management District (SFWMD) from the Florida Land and Water Adjudicatory Commission in the case of *Florida Audubon Society v. SFWMD and LSC Associates, Inc.*, FLWAC Case No. WMD RFR 98-001 to initiate rulemaking. The proposed rules place a number of additional requirements on permit applicants seeking an Environmental Resource Permit (ERP) in the WPA, the WPA Basin and adjacent protective levees, as identified in Figures 1 through 6 of the Rule. Specific provisions of the rule which are expected to increase costs to the Agency are the costs associated with an increased number of individual ERPs. The proposed rule contains a number of provisions regarding the conditions for issuance of ERP and permits in the WPA, the WPAB, and adjacent to the protective levees. Specific areas of potential added cost to permit applicants relate to limitation on excavation depths, additional retention/detention water quality treatment, prohibition of dredging or filling of wetlands in the WPA, except in certain specified conditions and limitations on the use of lower mitigation ratios under the SFWMD’s Melaleuca rule. The cost impacts to permit applicants of these additional permit conditions will be highly site-specific and will be highly dependent upon the particular circumstances faced by each applicant and the strategy selected by the applicant to comply with the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Penelope Bell, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Cost Containment Board

RULE NOS.:	RULE TITLES:
59E-5.101	Definitions
59E-5.102	Florida Hospital Uniform Reporting System
59E-5.103	Reporting Requirements
59E-5.201	Prior Year Report Requirements
59E-5.205	Notice of Violation and Response
59E-5.605	Public Medical Assistance Trust Fund Assessments

NOTICE OF WITHDRAWAL

Notice is hereby given that the amendments to the above rules, as noticed in Vol. 27, No. 4, January 26, 2001, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-59R

RULE CHAPTER NO.: 62-522
 RULE CHAPTER TITLE: Ground Water Permitting and Monitoring Requirements

RULE NO.: 62-522.300
 RULE TITLE: General Provisions for Ground Water Permitting and Monitoring

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. 22, June 1, 2001, issue of the Florida Administrative Weekly:

62-522.300 General Provisions for Ground Water Permitting and Monitoring.

(2) Zones of discharge shall be allowed for projects or facilities that allow direct contact with ground water ~~or facilities~~ listed in (a) through (c) below, which provide beneficial discharges through wells to ground water as described in the cited rules.

(a) through (c) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-60R

RULE CHAPTER NO.: 62-528
 RULE CHAPTER TITLE: Underground Injection Control

RULE NO.: 62-528.605
 RULE TITLE: Well Construction Standards for Class V Wells

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. 22, June 1, 2001, issue of the Florida Administrative Weekly:

62-528.605 Well Construction Standards for Class V Wells.

(3) Class V wells shall be constructed so that their intended use does not violate the water quality standards of Chapter 62-520, F.A.C., at the point of discharge, except where specifically allowed in Rule 62-522.300(2), F.A.C., provided that the drinking water standards of 40 C.F.R. pt. 142 (1994) are met at the point of discharge for projects and facilities described in Rule 62-522.300(2)(a) and (b), F.A.C. Migration or mixing of fluids from aquifers of substantively different water quality (through the construction or use of a Class V

well) shall be prevented by preserving the integrity of confining beds between these aquifers through cementing or other equally protective method acceptable to the Department.

**Section IV
 Emergency Rules**

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Purpose and Scope	4ER01-1
Definitions	4ER01-2
Initial Privacy Notice to Consumers Required	4ER01-3
Annual Privacy Notice to Customers Required	4ER01-4
Information to be Included in Privacy Notices	4ER01-5
Form of Opt Out Notice to Consumers and Opt Out Methods	4ER01-6
Revised Privacy Notice	4ER01-7
Delivery	4ER01-8
Limits on Disclosure of Nonpublic Personal Financial Information to Nonaffiliated Third Parties	4ER01-9
Limits on Redislosure and Reuse of Nonpublic Personal Financial Information	4ER01-10
Limits on Sharing Account Number Information for Marketing Purposes	4ER01-11
Exception to Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Service Providers and Joint Marketing	4ER01-12
Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Processing and Servicing Transactions	4ER01-13
Other Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information	4ER01-14
When Authorization Required for Disclosure of Nonpublic Personal Health Information	4ER01-15
Authorizations	4ER01-16
Authorization Request Delivery	4ER01-17
Relationship to Federal Rules	4ER01-18
Relationship to State Laws	4ER01-19
Protection of Fair Credit Reporting Act	4ER01-20
Nondiscrimination	4ER01-21
Effective Date	4ER01-22

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Insurance hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare:

Personal privacy is a fundamental freedom imbedded in the framework of American jurisprudence, long recognized by the United States Constitution and specifically identified and

preserved in Section 23, Article I of the Constitution of the State of Florida. Privacy of personal financial and health information is particularly sacred and revered by all citizens. Unfortunately, today's modern economy and technologically advanced society has compromised this fundamental expectation of privacy, and the Congress and the states have recognized the critical need to implement specific safeguards to promote and protect the precious right to privacy.

Nationally, Congress enacted the Gramm-Leach-Bliley Act of 1999, which affirmed within Title V that entities have an affirmative and continuing obligation to respect the privacy of consumers and to protect the security and confidentiality of those consumers' non-public information. This Act established time frames for compliance therewith and delegated to the states the authority to implement and enforce specific protections applicable to the business of insurance. Immediate adoption of these rules is necessary to meet this state's obligations under this Act. Specifically, compliance is required by July 1, 2001, and the states have an obligation to implement and enforce privacy protections.

Additionally, the Legislature of the State of Florida by enactment of Section 626.9651, F.S., has indicated the public necessity of this requirement by mandating the Department to adopt rules to govern the use of consumers' non-public personal financial and health information, effective July 1, 2001. Due to the lengthy procedures provided by the rulemaking process set forth in Chapter 120, F.S., it is impossible to fully comply with the regular rulemaking process prior to the mandated effective date of these privacy protections. The Department has initiated the rulemaking process and is currently obtaining public comment and feedback. Insofar as the legislation was not signed into law until June 1, 2001, the Department has not created nor contributed to the current immediate public necessity to have rules in place to assure compliance with both state and federal law to protect the fundamental privacy interests of the citizens of the State of Florida. If the protections provided in these rules are not timely implemented, the public harm is further exacerbated, as once private information is made public the valuable asset is lost and compromised, and cannot be restored. Also, it is well known that fraudulent misappropriation of personal financial information is a substantial problem due to the ready availability of personal financial and health information and inadequate privacy policies of some entities. These rules would assure that adequate standards are put in place to prevent these types of fraudulent activities, thereby protecting the people we serve.

In conclusion, these facts and circumstances constitute an immediate danger to the public health, safety, and welfare and accordingly justify the adoption of these emergency rules.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Department of Insurance believes that adopting an emergency rule is the fairest method to protect the public because communications with affected persons and information received in the rule development workshop on June 15, 2001, confirm that the absence of immediate action may further expose citizens of this state to the undesired dissemination of personal information. Furthermore, the statutory directive to adopt substantially the NAIC Model Regulation, Privacy of Consumer Financial and Health Information, which was adopted by the NAIC on September 26, 2000, has given affected persons advance notice and opportunity to review and understand the intent of the privacy regulations. Indeed, many affected persons have diligently participated in the drafting and finalization of the NAIC Model Regulation. By virtue of adoption of Title V of the Gramm-Leach-Bliley Act of 1999, affected persons have been preparing for an extended period of time and anticipated the implementation of the rules on July 1, 2001 as provided by federal law.

The Department continues to accept additional comment and is preparing public information material to assist affected persons in compliance with these rules, and has initiated the formal rulemaking process and intends to expedite said process to fully develop rules which consider the concerns of affected persons.

Therefore, the Department asserts that the process and procedures set forth above are fair under the circumstances.

SUMMARY OF THE RULE: These rules substantially adopt the NAIC Model Regulation, Privacy of Consumer Financial and Health Information, adopted September 26, 2000, in accordance with s. 626.9651, F.S., which was adopted on June 1, 2001 in Chapter 2001-222, Laws of Florida. The rules establish protections applicable to the protection of consumer privacy with respect to financial and health information obtained by licensees of the Department of Insurance. The rules require notification to consumers of the licensee's privacy policies, provide an opportunity to the consumer to prohibit the sharing of their protected financial information with non-affiliated third parties, and require affirmative consent of the consumer before sharing of health information with any other parties, with some exceptions.

THE PERSON TO BE CONTACTED REGARDING THESE EMERGENCY RULES IS: Stephen Fredrickson, Senior Attorney, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, phone (850)413-4144

THE FULL TEXT OF THE EMERGENCY RULES IS:

PRIVACY OF CONSUMER FINANCIAL AND
HEALTH INFORMATION

PART I GENERAL PROVISIONS

4ER01-1 Purpose and Scope.

(1) Purpose. These rules governs the treatment of nonpublic personal health information and nonpublic personal financial information about individuals by all licensees regulated pursuant to the Florida Insurance Code. These rules:

(a) Require a licensee to provide notice to individuals about its privacy policies and practices;

(b) Describe the conditions under which a licensee may disclose nonpublic personal health information and nonpublic personal financial information about individuals to affiliates and nonaffiliated third parties; and

(c) Provide methods for individuals to prevent a licensee from disclosing that information.

(2) Scope. These rules apply to:

(a) Nonpublic personal financial information about individuals who obtain or are claimants or beneficiaries of products or services primarily for personal, family or household purposes from licensees. These rules do not apply to information about companies or about individuals who obtain products or services for business, commercial or agricultural purposes; and

(b) All nonpublic personal health information.

(3) Rule of Construction. The examples in these rules and the sample clauses in Appendix A, incorporated by reference in Rule 4ER01-5, F.A.C., are not exclusive. Compliance with an example or use of a sample clause, to the extent applicable, constitutes compliance with this rule.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 7-1-01.

4ER01-2 Definitions.

As used in these rules, unless the context requires otherwise:

(1) “Affiliate” means a company that controls, is controlled by or is under common control with another company.

(2)(a) “Clear and conspicuous” means that a notice is reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

(b) Examples.

1. Reasonably understandable. A licensee makes its notice reasonably understandable if it:

a. Presents the information in the notice in clear, concise sentences, paragraphs and sections;

b. Uses short explanatory sentences or bullet lists whenever possible;

c. Uses definite, concrete, everyday words and active voice whenever possible;

d. Avoids multiple negatives;

e. Avoids legal and highly technical business terminology whenever possible; and

f. Avoids explanations that are imprecise and readily subject to different interpretations.

2. Designed to call attention. A licensee designs its notice to call attention to the nature and significance of the information in it if the licensee:

a. Uses a plain-language heading to call attention to the notice;

b. Uses a typeface and type size that are easy to read;

c. Provides wide margins and ample line spacing;

d. Uses boldface or italics for key words; and

e. In a form that combines the licensee’s notice with other information, uses distinctive type size, style, and graphic devices, such as shading or sidebars.

3. Notices on web sites. If a licensee provides a notice on a web page, the licensee designs its notice to call attention to the nature and significance of the information in it if the licensee uses text or visual cues to encourage scrolling down the page if necessary to view the entire notice and ensure that other elements on the web site, such as text, graphics, hyperlinks or sound, do not distract attention from the notice, and the licensee either:

a. Places the notice on a screen that consumers frequently access, such as a page on which transactions are conducted; or

b. Places a link on a screen that consumers frequently access, such as a page on which transactions are conducted, that connects directly to the notice and is labeled appropriately to convey the importance, nature and relevance of the notice.

(3) “Collect” means to obtain information that the licensee organizes or can retrieve by the name of an individual or by identifying number, symbol or other identifying particular assigned to the individual, irrespective of the source of the underlying information.

(4) “Company” means a corporation, limited liability company, business trust, general or limited partnership, association, sole proprietorship or similar organization.

(5)(a) “Consumer” means an individual who seeks to obtain, obtains or has obtained an insurance product or service from a licensee that is to be used primarily for personal, family or household purposes, and about whom the licensee has nonpublic personal information, or that individual’s legal representative.

(b) Examples.

1. An individual who provides nonpublic personal information to a licensee in connection with obtaining or seeking to obtain financial, investment or economic advisory

services relating to an insurance product or service is a consumer regardless of whether the licensee establishes an ongoing advisory relationship.

2. An applicant for insurance prior to the inception of insurance coverage is a licensee's consumer.

3. An individual who is a consumer of another financial institution is not a licensee's consumer solely because the licensee is acting as agent for, or provides processing or other services to, that financial institution.

4. An individual is a licensee's consumer if the individual is:

a.(I) A beneficiary of a life insurance policy underwritten by the licensee;

(II) A claimant under an insurance policy issued by the licensee;

(III) An insured or an annuitant under an insurance policy or an annuity, respectively, issued by the licensee; or

(IV) A mortgagor of a mortgage covered under a mortgage insurance policy; and

b. The licensee discloses nonpublic personal financial information about the individual to a nonaffiliated third party other than as permitted under Rules 4ER01-12, 13, and 14, F.A.C.

5. Provided that the licensee provides the initial, annual and revised notices under Rules 4ER01-3, 4, and 7, F.A.C. to the plan sponsor, group or blanket insurance policyholder or group annuity contract holder or workers' compensation plan participant, and further provided that the licensee does not disclose to a nonaffiliated third party nonpublic personal financial information about such an individual other than as permitted under Rules 4ER01-12, 13, and 14, F.A.C., an individual is not the consumer of the licensee solely because he or she is:

a. A participant or a beneficiary of an employee benefit plan that the licensee administers or sponsors or for which the licensee acts as a trustee, insurer or fiduciary;

b. Covered under a group or blanket insurance policy or group annuity contract issued by the licensee; or

c. A beneficiary in a workers' compensation plan.

6.a. The individuals described in sub-subparagraphs 5.a. through c. of this paragraph are consumers of a licensee if the licensee does not meet all the conditions of subparagraph 5.

b. In no event shall the individuals, solely by virtue of the status described in sub-subparagraphs 5.a. through c. above, be deemed to be customers for purposes of this rule.

7. An individual is not a licensee's consumer solely because he or she is a beneficiary of a trust for which the licensee is a trustee.

8. An individual is not a licensee's consumer solely because he or she has designated the licensee as trustee for a trust.

(6) "Consumer reporting agency" has the same meaning as in Section 603(f) of the federal Fair Credit Reporting Act (15 U.S.C. 1681a(f)).

(7) "Control" means:

(a) Ownership, control or power to vote 25 percent or more of the outstanding shares of any class of voting security of the company, directly or indirectly, or acting through one or more other persons;

(b) Control in any manner over the election of a majority of the directors, trustees or general partners (or individuals exercising similar functions) of the company; or

(c) The power to exercise, directly or indirectly, a controlling influence over the management or policies of the company, as the Department determines.

(8) "Customer" means a consumer who has a customer relationship with a licensee.

(9)(a) "Customer relationship" means a continuing relationship between a consumer and a licensee under which the licensee provides one or more insurance products or services to the consumer that are to be used primarily for personal, family or household purposes.

(b) Examples.

1. A consumer has a continuing relationship with a licensee if:

a. The consumer is a current policyholder of an insurance product issued by or through the licensee; or

b. The consumer obtains financial, investment or economic advisory services relating to an insurance product or service from the licensee for a fee.

2. A consumer does not have a continuing relationship with a licensee if:

a. The consumer applies for insurance but does not purchase the insurance;

b. The licensee sells the consumer airline travel insurance in an isolated transaction;

c. The individual is no longer a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee;

d. The consumer is a beneficiary or claimant under a policy and has submitted a claim under a policy choosing a settlement option involving an ongoing relationship with the licensee;

e. The consumer is a beneficiary or a claimant under a policy and has submitted a claim under that policy choosing a lump sum settlement option;

f. The customer's policy is lapsed, expired, or otherwise inactive or dormant under the licensee's business practices, and the licensee has not communicated with the customer about the relationship for a period of 12 consecutive months, other than annual privacy notices, material required by law or rule, communication at the direction of a state or federal authority, or promotional materials;

g. The individual is an insured or an annuitant under an insurance policy or annuity, respectively, but is not the policyholder or owner of the insurance policy or annuity; or

h. For the purposes of this rule, the individual's last known address according to the licensee's records is deemed invalid. An address of record is deemed invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

(10)(a) "Financial institution" means any institution the business of which is engaging in activities that are financial in nature or incidental to such financial activities as described in Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

(b) Financial institution does not include:

1. Any person or entity with respect to any financial activity that is subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

2. The Federal Agricultural Mortgage Corporation or any entity charged and operating under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); or

3. Institutions chartered by Congress specifically to engage in securitizations, secondary market sales (including sales of servicing rights) or similar transactions related to a transaction of a consumer, as long as the institutions do not sell or transfer nonpublic personal information to a nonaffiliated third party.

(11)(a) "Financial product or service" means a product or service that a financial holding company could offer by engaging in an activity that is financial in nature or incidental to such a financial activity under Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

(b) Financial service includes a financial institution's evaluation or brokerage of information that the financial institution collects in connection with a request or an application from a consumer for a financial product or service.

(12) "Health care" means:

(a) Preventive, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, services, procedures, tests or counseling that:

1. Relates to the physical, mental or behavioral condition of an individual; or

2. Affects the structure or function of the human body or any part of the human body, including the banking of blood, sperm, organs or any other tissue; or

(b) Prescribing, dispensing or furnishing to an individual drugs or biologicals, or medical devices or health care equipment and supplies.

(13) "Health care provider" means a physician or other health care practitioner licensed, accredited or certified to perform specified health services consistent with state law, or a health care facility.

(14) "Health information" means any information or data except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or the consumer that relates to:

(a) The past, present or future physical, mental or behavioral health or condition of an individual;

(b) The provision of health care to an individual; or

(c) Payment for the provision of health care to an individual.

(15)(a) "Insurance product or service" means any product or service that is offered by a licensee pursuant to the insurance laws of this state.

(b) Insurance service includes a licensee's evaluation, brokerage or distribution of information that the licensee collects in connection with a request or an application from a consumer for a insurance product or service.

(16)(a) "Licensee" means all licensed insurers, producers and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered pursuant to the Florida Insurance Code.

(b) A licensee is not subject to the notice and opt out requirements for nonpublic personal financial information set forth in this rule if the licensee is an employee, agent or other representative of another licensee ("the principal") and:

1. The principal otherwise complies with, and provides the notices required by, the provisions of these rules; and

2. The licensee does not disclose any nonpublic personal information to any person other than the principal or its affiliates in a manner permitted by this rule.

(c)1. Subject to (b)2. above, "licensee" shall also include an unauthorized insurer that accepts business placed through a licensed surplus lines agent in this state, but only in regard to the surplus lines placements placed pursuant to Section 626.916, Florida Statutes.

2. A surplus lines agent, producing agent, or surplus lines insurer shall be deemed to be in compliance with the notice and opt out requirements for nonpublic personal financial information set forth in these rules provided:

a. The surplus lines agent, producing agent, or insurer does not disclose nonpublic personal information of a consumer or a customer to nonaffiliated third parties for any purpose, including joint servicing or marketing under Rule 4ER01-12, F.A.C. except as permitted by Rules 4ER01-13 or 14, F.A.C.; and

b. The surplus lines agent, producing agent or insurer delivers a notice to the consumer at the time a customer relationship is established on which the following is printed in 16-point type:

PRIVACY NOTICE

“Neither the U.S. brokers that handled this insurance nor the insurers that have underwritten this insurance will disclose nonpublic personal information concerning the buyer to nonaffiliates of the brokers or insurers except as permitted by law.

(17)(a) “Nonaffiliated third party” means any person except:

1. A licensee’s affiliate; or

2. A person employed jointly by a licensee and any company that is not the licensee’s affiliate (but nonaffiliated third party includes the other company that jointly employs the person).

(b) Nonaffiliated third party includes any company that is an affiliate solely by virtue of the direct or indirect ownership or control of the company by the licensee or its affiliate in conducting merchant banking or investment banking activities of the type described in Section 4(k)(4)(H) or insurance company investment activities of the type described in Section 4(k)(4)(I) of the federal Bank Holding Company Act (12 U.S.C. 1843(k)(4)(H) and (I)).

(18) “Nonpublic personal information” means nonpublic personal financial information and nonpublic personal health information.

(19)(a) “Nonpublic personal financial information” means:

1. Personally identifiable financial information; and

2. Any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available.

(b) Nonpublic personal financial information does not include:

1. Health information;

2. Publicly available information, except as included on a list described in subparagraph (19)(a)2. of this rule; or

3. Any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived without using any personally identifiable financial information that is not publicly available.

(c) Examples of lists.

1. Nonpublic personal financial information includes any list of individuals’ names and street addresses that is derived in whole or in part using personally identifiable financial information that is not publicly available, such as account numbers.

2. Nonpublic personal financial information does not include any list of individuals’ names and addresses that contains only publicly available information, is not derived in whole or in part using personally identifiable financial

information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a consumer of a financial institution.

(20) “Nonpublic personal health information” means health information:

(a) That identifies an individual who is the subject of the information; or

(b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual.

(21)(a) “Personally identifiable financial information” means any information:

1. A consumer provides to a licensee to obtain an insurance product or service from the licensee;

2. About a consumer resulting from a transaction involving an insurance product or service between a licensee and a consumer; or

3. The licensee otherwise obtains about a consumer.

(b) The following are examples of personally identifiable financial information:

1. Information a consumer provides to a licensee on an application to obtain an insurance product or service;

2. Account balance information and payment history;

3. The fact that an individual is or has been one of the licensee’s customers or has obtained an insurance product or service from the licensee;

4. Any information about the licensee’s consumer if it is disclosed in a manner that indicates that the individual is or has been the licensee’s consumer;

5. Any information that a consumer provides to a licensee or that the licensee or its agent otherwise obtains in connection with collecting on a loan or servicing a loan;

6. Any information the licensee collects through an Internet cookie (an information-collecting device from a web server); and

7. Information from a consumer report.

(c) Personally identifiable financial information does not include:

1. Health information;

2. A list of names and addresses of customers of an entity that is not a financial institution; and

3. Information that does not identify a consumer, such as aggregate information or blind data that does not contain personal identifiers such as account numbers, names or addresses.

(22)(a) “Publicly available information” means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:

1. Federal, state or local government records;

2. Widely distributed media; or

3. Disclosures to the general public that are required to be made by federal, state or local law.

(b) Reasonable basis. A licensee has a reasonable basis to believe that information is lawfully made available to the general public if the licensee has taken steps to determine:

1. That the information is of the type that is available to the general public; and

2. Whether an individual can direct that the information not be made available to the general public and, if so, that the licensee's consumer has not done so.

(c) Examples.

1. Government records. Publicly available information in government records includes information in government real estate records and security interest filings.

2. Widely distributed media. Publicly available information from widely distributed media includes information from a telephone book, a television or radio program, a newspaper or a web site that is available to the general public on an unrestricted basis. A web site is not restricted merely because an Internet service provider or a site operator requires a fee or a password, so long as access is available to the general public.

3. Reasonable basis.

a. A licensee has a reasonable basis to believe that mortgage information is lawfully made available to the general public if the licensee has determined that the information is of the type included on the public record in the jurisdiction where the mortgage would be recorded.

b. A licensee has a reasonable basis to believe that an individual's telephone number is lawfully made available to the general public if the licensee has located the telephone number in the telephone book or the consumer has informed you that the telephone number is not unlisted.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 7-1-01.

PART II PRIVACY AND OPT OUT NOTICES FOR FINANCIAL INFORMATION

4ER01-3 Initial Privacy Notice to Consumers Required.

(1) Initial notice requirement. A licensee shall provide a clear and conspicuous notice that accurately reflects its privacy policies and practices to:

(a) Customer. An individual who becomes the licensee's customer, not later than when the licensee establishes a customer relationship, except as provided in subsection (5) this rule; and

(b) Consumer. A consumer, before the licensee discloses any nonpublic personal financial information about the consumer to any nonaffiliated third party, if the licensee makes a disclosure other than as authorized by Rules 4ER01-13 and 14, F.A.C.

(2) When initial notice to a consumer is not required. A licensee is not required to provide an initial notice to a consumer under paragraph (1)(b) of this rule if:

(a) The licensee does not disclose any nonpublic personal financial information about the consumer to any nonaffiliated third party, other than as authorized by Rules 4ER01-13 and 14, F.A.C., and the licensee does not have a customer relationship with the consumer; or

(b) A notice has been provided by an affiliated licensee, as long as the notice clearly identifies all licensees to whom the notice applies and is accurate with respect to the licensee and the other institutions.

(3) When the licensee establishes a customer relationship.

(a) General rule. A licensee establishes a customer relationship at the time the licensee and the consumer enter into a continuing relationship.

(b) Examples of establishing customer relationship. A licensee establishes a customer relationship when the consumer:

1. Becomes a policyholder of a licensee that is an insurer when the insurer delivers an insurance policy or contract to the consumer, or in the case of a licensee that is an insurance producer or insurance broker, obtains insurance through that licensee; or

2. Agrees to obtain financial, economic or investment advisory services relating to insurance products or services for a fee from the licensee.

(4) Existing customers. When an existing customer obtains a new insurance product or service from a licensee that is to be used primarily for personal, family or household purposes, the licensee satisfies the initial notice requirements of subsection (1) of this rule as follows:

(a) The licensee may provide a revised policy notice, under Rule 4ER01-7, F.A.C., that covers the customer's new insurance product or service; or

(b) If the initial, revised or annual notice that the licensee most recently provided to that customer was accurate with respect to the new insurance product or service, the licensee does not need to provide a new privacy notice under subsection (1) of this rule.

(5) Exceptions to allow subsequent delivery of notice.

(a) A licensee may provide the initial notice required by paragraph (1)(a) of this rule within a reasonable time after the licensee establishes a customer relationship if:

1. Establishing the customer relationship is not at the customer's election; or

2. Providing notice not later than when the licensee establishes a customer relationship would substantially delay the customer's transaction and the customer agrees to receive the notice at a later time.

(b) Examples of exceptions.

1. Not at customer's election. Establishing a customer relationship is not at the customer's election if a licensee acquires or is assigned a customer's policy from another

financial institution or residual market mechanism and the customer does not have a choice about the licensee's acquisition or assignment.

2. Substantial delay of customer's transaction. Providing notice not later than when a licensee establishes a customer relationship would substantially delay the customer's transaction when the licensee and the individual agree over the telephone to enter into a customer relationship involving prompt delivery of the insurance product or service.

3. No substantial delay of customer's transaction. Providing notice not later than when a licensee establishes a customer relationship would not substantially delay the customer's transaction when the relationship is initiated in person at the licensee's office or through other means by which the customer may view the notice, such as on a web site.

(6) Delivery. When a licensee is required to deliver an initial privacy notice by this rule, the licensee shall deliver it according to Rule 4ER01-8, F.A.C. If the licensee uses a short-form initial notice for non-customers according to subsection 4ER01-5(4), F.A.C., the licensee may deliver its privacy notice according to paragraph 4ER01-5(4)(c), F.A.C. This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 7-1-01.

4ER01-4 Annual Privacy Notice to Customers Required.

(1)(a) General rule. A licensee shall provide a clear and conspicuous notice to customers that accurately reflects its privacy policies and practices not less than annually during the continuation of the customer relationship. Annually means at least once in any period of 12 consecutive months during which that relationship exists. A licensee may define the twelve consecutive month period, but the licensee shall apply it to the customer on a consistent basis.

(b) Example. A licensee provides a notice annually if it defines the twelve-consecutive-month period as a calendar year and provides the annual notice to the customer once in each calendar year following the calendar year in which the licensee provided the initial notice. For example, if a customer opens an account on any day of year 1, the licensee shall provide an annual notice to that customer by December 31 of year 2.

(2)(a) Termination of customer relationship. A licensee is not required to provide an annual notice to a former customer. A former customer is an individual with whom a licensee no longer has a continuing relationship.

(b) Examples.

1. A licensee no longer has a continuing relationship with an individual if the individual no longer is a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee.

2. A licensee no longer has a continuing relationship with an individual if the individual's policy is lapsed, expired or otherwise inactive or dormant under the licensee's business practices, and the licensee has not communicated with the customer about the relationship for a period of 12 consecutive months, other than to provide annual privacy notices, material required by law or rule, or promotional materials.

3. For the purposes of this rule, a licensee no longer has a continuing relationship with an individual if the individual's last known address according to the licensee's records is deemed invalid. An address of record is deemed invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

4. A licensee no longer has a continuing relationship with a customer in the case of providing real estate settlement services, at the time the customer completes execution of all documents related to the real estate closing, payment for those services has been received, or the licensee has completed all of its responsibilities with respect to the settlement, including filing documents on the public record, whichever is later.

(3) Delivery. When a licensee is required by this rule to deliver an annual privacy notice, the licensee shall deliver it according to Rule 4ER01-8, F.A.C. This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 7-1-01.

4ER01-5 Information to be Included in Privacy Notices.

(1) General rule. The initial, annual and revised privacy notices that a licensee provides under Rules 4ER01-3, 4 and 7, F.A.C. shall include each of the following items of information, in addition to any other information the licensee wishes to provide, that applies to the licensee and to the consumers to whom the licensee sends its privacy notice:

(a) The categories of nonpublic personal financial information that the licensee collects;

(b) The categories of nonpublic personal financial information that the licensee discloses;

(c) The categories of affiliates and nonaffiliated third parties to whom the licensee discloses nonpublic personal financial information, other than those parties to whom the licensee discloses information under Rules 4ER01-13 and 14, F.A.C.;

(d) The categories of nonpublic personal financial information about the licensee's former customers that the licensee discloses and the categories of affiliates and nonaffiliated third parties to whom the licensee discloses nonpublic personal financial information about the licensee's former customers, other than those parties to whom the licensee discloses information under Rules 4ER01-13 and 14, F.A.C.;

(e) If a licensee discloses nonpublic personal financial information to a nonaffiliated third party under Rule 4ER01-12, F.A.C. (and no other exception in Rules 4ER01-13 and 14, F.A.C. applies to that disclosure), a separate description of the categories of information the licensee discloses and the categories of third parties with whom the licensee has contracted;

(f) An explanation of the consumer's right under subsection 4ER01-9(1), F.A.C. to opt out of the disclosure of nonpublic personal financial information to nonaffiliated third parties, including the methods by which the consumer may exercise that right at that time;

(g) Any disclosures that the licensee makes under Section 603(d)(2)(A)(iii) of the federal Fair Credit Reporting Act (15 U.S.C. 1681a(d)(2)(A)(iii))(that is, notices regarding the ability to opt out of disclosures of information among affiliates);

(h) The licensee's policies and practices with respect to protecting the confidentiality and security of nonpublic personal information; and

(i) Any disclosure that the licensee makes under subsection (2) of this rule.

(2) Description of parties subject to exceptions. If a licensee discloses nonpublic personal financial information as authorized under Rules 4ER01-13 and 14, F.A.C., the licensee is not required to list those exceptions in the initial or annual privacy notices required by Rules 4ER01-3 and 4, F.A.C. When describing the categories of parties to whom disclosure is made, the licensee is required to state only that it makes disclosures to other affiliated or nonaffiliated third parties, as applicable, as permitted by law.

(3) Examples.

(a) Categories of nonpublic personal financial information that the licensee collects. A licensee satisfies the requirement to categorize the nonpublic personal financial information it collects if the licensee categorizes it according to the source of the information, as applicable;

1. Information from the consumer;

2. Information about the consumer's transactions with the licensee or its affiliates;

3. Information about the consumer's transactions with nonaffiliated third parties; and

4. Information from a consumer reporting agency.

(b) Categories of nonpublic personal financial information a licensee discloses.

1. A licensee satisfies the requirement to categorize nonpublic personal financial information it discloses if the licensee categorizes the information according to source, as described in paragraph (a) above, as applicable, and provides a few examples to illustrate the types of information in each category. These might include:

a. Information from the consumer, including application information, such as assets and income and identifying information, such as name, address and social security number;

b. Transaction information, such as information about balances, payment history and parties to the transaction; and

c. Information from consumer reports, such as a consumer's creditworthiness and credit history.

2. A licensee does not adequately categorize the information that it discloses if the licensee uses only general terms, such as transaction information about the consumer.

3. If a licensee reserves the right to disclose all of the nonpublic personal financial information about consumers that it collects, the licensee may simply state that fact without describing the categories or examples of nonpublic personal information that the licensee discloses.

(c) Categories of affiliates and nonaffiliated third parties to whom the licensee discloses.

1. A licensee satisfies the requirement to categorize the affiliates and nonaffiliated third parties to which the licensee discloses nonpublic personal financial information about consumers if the licensee identifies the types of businesses in which they engage.

2. Types of businesses may be described by general terms only if the licensee uses a few illustrative examples of significant lines of business. For example, a licensee may use the term financial products or services if it includes appropriate examples of significant lines of businesses, such as life insurer, automobile insurer, consumer banking or securities brokerage.

3. A licensee also may categorize the affiliates and nonaffiliated third parties to which it discloses nonpublic personal financial information about consumers using more detailed categories.

(d) Disclosures under exception for service providers and joint marketers. If a licensee discloses nonpublic personal financial information under the exception in Rule 4ER01-12, F.A.C. to a nonaffiliated third party to market products or services that it offers alone or jointly with another financial institution, the licensee satisfies the disclosure requirement of paragraph (1)(e) of this rule if it:

1. Lists the categories of nonpublic personal financial information it discloses, using the same categories and examples the licensee used to meet the requirements of paragraph (1)(b) of this rule, as applicable; and

2. States whether the third party is:

a. A service provider that performs marketing services on the licensee's behalf or on behalf of the licensee and another financial institution; or

b. A financial institution with whom the licensee has a joint marketing agreement.

(e) Simplified notices. If a licensee does not disclose, and does not wish to reserve the right to disclose, nonpublic personal financial information about customers or former customers to affiliates or nonaffiliated third parties except as

authorized under Rules 4ER01-13 and 14, F.A.C., the licensee may simply state that fact, in addition to the information it shall provide under paragraphs (1)(a),(h), and (i), and subsection (2) of this rule.

(f) Confidentiality and security. A licensee describes its policies and practices with respect to protecting the confidentiality and security of nonpublic personal financial information if it does both of the following:

1. Describes in general terms who is authorized to have access to the information; and

2. States whether the licensee has security practices and procedures in place to ensure the confidentiality of the information in accordance with the licensee's policy. The licensee is not required to describe technical information about the safeguards it uses.

(4) Short-form initial notice with opt out notice for non-customers.

(a) A licensee may satisfy the initial notice requirements in paragraph 4ER01-3(1)(b) and subsection 4ER01-6(3), F.A.C. for a consumer who is not a customer by providing a short-form initial notice at the same time as the licensee delivers an opt out notice as required in Rule 4ER01-6, F.A.C.

(b) A short-form initial notice shall:

1. Be clear and conspicuous;

2. State that the licensee's privacy notice is available upon request; and

3. Explain a reasonable means by which the consumer may obtain that notice.

(c) The licensee shall deliver its short-form initial notice according to Rule 4ER01-8, F.A.C. The licensee is not required to deliver its privacy notice with its short-form initial notice. The licensee instead may simply provide the consumer a reasonable means to obtain its privacy notice. If a consumer who receives the licensee's short-form notice requests the licensee's privacy notice, the licensee shall deliver its privacy notice according to Rule 4ER01-8, F.A.C.

(d) Examples of obtaining privacy notice. The licensee provides a reasonable means by which a consumer may obtain a copy of its privacy notice if the licensee:

1. Provides a toll-free telephone number that the consumer may call to request the notice; or

2. For a consumer who conducts business in person at the licensee's office, maintains copies of the notice on hand that the licensee provides to the consumer immediately upon request.

(5) Future disclosures. The licensee's notice may include:

(a) Categories of nonpublic personal financial information that the licensee reserves the right to disclose in the future, but does not currently disclose; and

(b) Categories of affiliates or nonaffiliated third parties to whom the licensee reserves the right in the future to disclose, but to whom the licensee does not currently disclose, nonpublic personal financial information.

(6) Sample clauses. Sample clauses illustrating some of the notice content required by this rule are included in Appendix A of this rule, which is incorporated herein by reference.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 7-1-01.

4ER01-6 Form of Opt Out Notice to Consumers and Opt Out Methods.

(1)(a) Form of opt out notice. If a licensee is required to provide an opt out notice under subsection 4ER01-9(1), F.A.C., it shall provide a clear and conspicuous notice to each of its consumers that accurately explains the right to opt out under that rule. The notice shall state:

1. That the licensee discloses or reserves the right to disclose nonpublic personal financial information about its consumer to a nonaffiliated third party;

2. That the consumer has the right to opt out of that disclosure; and

3. A reasonable means by which the consumer may exercise the opt out right.

(b) Examples.

1. Adequate opt out notice. A licensee provides adequate notice that the consumer can opt out of the disclosure of nonpublic personal financial information to a nonaffiliated third party if the licensee:

a. Identifies all of the categories of nonpublic personal financial information that it discloses or reserves the right to disclose, and all of the categories of nonaffiliated third parties to which the licensee discloses the information, as described in paragraphs 4ER01-5(1)(a) and (b), F.A.C., and states that the consumer can opt out of the disclosure of that information; and

b. Identifies the insurance products or services that the consumer obtains from the licensee, either singly or jointly, to which the opt out direction would apply.

2. Reasonable opt out means. A licensee provides a reasonable means to exercise an opt out right if it:

a. Designates check-off boxes in a prominent position on the relevant forms with the opt out notice;

b. Includes a reply form together with the opt out notice;

c. Provides an electronic means to opt out, such as a form that can be sent via electronic mail or a process at the licensee's web site, if the consumer agrees to the electronic delivery of information; or

d. Provides a toll-free telephone number that consumers may call to opt out.

3. Unreasonable opt out means. A licensee does not provide a reasonable means of opting out if:

a. The only means of opting out is for the consumer to write his or her own letter to exercise that opt out right; or

b. The only means of opting out as described in any notice subsequent to the initial notice is to use a check-off box that the licensee provided with the initial notice but did not include with the subsequent notice.

4. Specific opt out means. A licensee may require each consumer to opt out through a specific means, as long as that means is reasonable for that consumer.

(2) Same form as initial notice permitted. A licensee may provide the opt out notice together with or on the same written or electronic form as the initial notice the licensee provides in accordance with Rule 4ER01-3, F.A.C.

(3) Initial notice required when opt out notice delivered subsequent to initial notice. If a licensee provides the opt out notice later than required for the initial notice in accordance with Rule 4ER01-3, F.A.C., the licensee shall also include a copy of the initial notice with the opt out notice in writing or, if the consumer agrees, electronically.

(4) Joint relationships.

(a) If 2 or more consumers jointly obtain an insurance product or service from a licensee, the licensee may provide a single opt out notice. The licensee's opt out notice shall explain how the licensee will treat an opt out direction by a joint consumer as explained in paragraph (e) of this subsection.

(b) Any of the joint consumers may exercise the right to opt out. The licensee may either:

1. Treat an opt out direction by a joint consumer as applying to all of the associated joint consumers; or

2. Permit each joint consumer to opt out separately.

(c) If a licensee permits each joint consumer to opt out separately, the licensee shall permit one of the joint consumers to opt out on behalf of all of the joint consumers.

(d) A licensee may not require all joint consumers to opt out before it implements any opt out direction.

(e) Example. If John and Mary are both named policyholders on a homeowner's insurance policy issued by a licensee and the licensee sends policy statements to John's address, the licensee may do any of the following, but it shall explain in its opt out notice which opt out policy the licensee will follow:

1. Send a single opt out notice to John's address, but the licensee shall accept an opt out direction from either John or Mary.

2. Treat an opt out direction by either John or Mary as applying to the entire policy. If the licensee does so and John opts out, the licensee may not require Mary to opt out as well before implementing John's opt out direction.

3. Permit John and Mary to make different opt out directions. If the licensee does so:

a. It shall permit John and Mary to opt out for each other;

b. If both opt out, the licensee shall permit both of them to notify it in a single response (such as on a form or through a telephone call); and

c. If John opts out and Mary does not, the licensee may only disclose nonpublic personal financial information about Mary, but not about John and not about John and Mary jointly.

(5) Time to comply with opt out. As to opt outs received from consumer later than 30 days after the opt out notification is delivered by the licensee, a licensee shall comply with a consumer's opt out direction as soon as reasonably practicable after the licensee receives it.

(6) Continuing right to opt out. A consumer may exercise the right to opt out at any time.

(7) Duration of consumer's opt out direction.

(a) A consumer's direction to opt out under this rule is effective until the consumer revokes it in writing or, if the consumer agrees, electronically.

(b) When a customer relationship terminates, the customer's opt out direction continues to apply to the nonpublic personal financial information that the licensee collected during or related to that relationship. If the individual subsequently establishes a new customer relationship with the licensee, the opt out direction that applied to the former relationship does not apply to the new relationship.

(8) Delivery. When a licensee is required to deliver an opt out notice by this rule, the licensee shall deliver it according to Rule 4ER01-8, F.A.C.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 7-1-01.

4ER01-7 Revised Privacy Notices.

(1) General rule. Except as otherwise authorized in these rules, a licensee shall not, directly or through an affiliate, disclose any nonpublic personal financial information about a consumer to a nonaffiliated third party other than as described in the initial notice that the licensee provided to that consumer under Rule 4ER01-3, F.A.C., unless:

(a) The licensee has provided to the consumer a clear and conspicuous revised notice that accurately describes its policies and practices;

(b) The licensee has provided to the consumer a new opt out notice;

(c) The licensee has given the consumer a reasonable opportunity, before the licensee discloses the information to the nonaffiliated third party, to opt out of the disclosure; and

(d) The consumer does not opt out.

(2) Examples.

(a) Except as otherwise permitted by Rules 4ER01-12, 13, and 14, F.A.C., a licensee shall provide a revised notice before it:

1. Discloses a new category of nonpublic personal financial information to any nonaffiliated third party;

2. Discloses nonpublic personal financial information to a new category of nonaffiliated third party; or

3. Discloses nonpublic personal financial information about a former customer to a nonaffiliated third party, if that former customer has not had the opportunity to exercise an opt out right regarding that disclosure.

(b) A revised notice is not required if the licensee discloses nonpublic personal financial information to a new nonaffiliated third party that the licensee adequately described in its prior notice.

(3) Delivery. When a licensee is required to deliver a revised privacy notice by this rule, the licensee shall deliver it according to Rule 4ER01-8, F.A.C.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 7-1-01.

4ER01-8 Delivery.

(1) How to provide notices. A licensee shall provide any notices that this rule requires so that each consumer can reasonably be expected to receive actual notice in writing or, if the consumer agrees, electronically.

(2)(a) Examples of reasonable expectation of actual notice. A licensee may reasonably expect that a consumer will receive actual notice if the licensee:

1. Hand-delivers a printed copy of the notice to the consumer;

2. Mails a printed copy of the notice to the last known address of the consumer separately, or in a policy, billing or other written communication;

3. For a consumer who conducts transactions electronically, posts the notice on the electronic site and requires the consumer to acknowledge receipt of the notice as a necessary step to obtaining a particular insurance product or service;

4. For an isolated transaction with a consumer, such as the licensee providing an insurance quote or selling the consumer travel insurance, posts the notice and requires the consumer to acknowledge receipt of the notice as a necessary step to obtaining the particular insurance product or service.

(b) Examples of unreasonable expectation of actual notice. A licensee may not, however, reasonably expect that a consumer will receive actual notice of its privacy policies and practices if it:

1. Only posts a sign in its office or generally publishes advertisements of its privacy policies and practices; or

2. Sends the notice via electronic mail to a consumer who does not obtain an insurance product or service from the licensee electronically.

(3) Annual notices only. A licensee may reasonably expect that a customer will receive actual notice of the licensee's annual privacy notice if:

(a) The customer uses the licensee's web site to access insurance products and services electronically and agrees to receive notices at the web site and the licensee posts its current privacy notice continuously in a clear and conspicuous manner on the web site; or

(b) The customer has requested that the licensee refrain from sending any information regarding the customer relationship, and the licensee's current privacy notice remains available to the customer upon request.

(4) Oral description of notice insufficient. A licensee may not provide any notice required by this rule solely by orally explaining the notice, either in person or over the telephone.

(5) Retention or accessibility of notices for customers.

(a) For customers only, a licensee shall provide the initial notice required by subsection 4ER01-3(1)(a), F.A.C., the annual notice required by subsection 4ER01-4(1), F.A.C., and the revised notice required by Rule 4ER01-7, F.A.C. so that the customer can retain them or obtain them later in writing or, if the customer agrees, electronically.

(b) Examples of retention or accessibility. A licensee provides a privacy notice to the customer so that the customer can retain it or obtain it later if the licensee:

1. Hand-delivers a printed copy of the notice to the customer;

2. Mails a printed copy of the notice to the last known address of the customer; or

3. Makes its current privacy notice available on a web site, or a link to another web site, for the customer who obtains an insurance product or service electronically and agrees to receive the notice at the web site.

(6) Joint notice with other financial institutions. A licensee may provide a joint notice from the licensee and one or more of its affiliates or other financial institutions, as identified in the notice, as long as the notice is accurate with respect to the licensee and the other institutions. A licensee also may provide a notice on behalf of another financial institution.

(7) Joint relationships. If 2 or more consumers jointly obtain an insurance product or service from a licensee, the licensee may satisfy the initial, annual and revised notice requirements of subsections 4ER01-3(1), 4(1), and 7(1), F.A.C., respectively, by providing one notice to those consumers jointly.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 7-1-01.

PART III LIMITS ON DISCLOSURES OF FINANCIAL INFORMATION

4ER01-9 Limits on Disclosure of Nonpublic Personal Financial Information to Nonaffiliated Third Parties.

(1)(a) Conditions for disclosure. Except as otherwise authorized in these rules, a licensee may not, directly or through any affiliate, disclose any nonpublic personal financial information about a consumer to a nonaffiliated third party unless:

1. The licensee has provided to the consumer an initial notice as required under Rule 4ER01-3, F.A.C.;

2. The licensee has provided to the consumer an opt out notice as required in Rule 4ER01-6, F.A.C.;

3. The licensee has given the consumer a reasonable opportunity, before it discloses the information to the nonaffiliated third party, to opt out of the disclosure; and

4. The consumer does not opt out.

(b) Opt out definition. Opt out means a direction by the consumer that the licensee not disclose nonpublic personal financial information about that consumer to a nonaffiliated third party, other than as permitted by Rules 4ER01-12, 13, and 14, F.A.C.

(c) Examples of reasonable opportunity to opt out. A licensee provides a consumer with a reasonable opportunity to opt out if:

1. By mail. The licensee mails the notices required in paragraph (a) of this subsection to the consumer and allows the consumer a time period of at least 30 days from the date the licensee mailed the notices to opt out by mailing a form, calling a toll-free telephone number or any other reasonable means.

2. By electronic means. A customer opens an on-line account with a licensee and agrees to receive the notices required in paragraph (a) of this subsection electronically, and the licensee allows the customer to opt out by any reasonable means within 30 days after the date that the customer acknowledges receipt of the notices in conjunction with opening the account.

3. Isolated transaction with consumer. For an isolated transaction such as providing the consumer with an insurance quote, a licensee provides the consumer with a reasonable opportunity to opt out if the licensee provides the notices required in paragraph (a) of this subsection at the time of the transaction and requests that the consumer decide, as a necessary part of the transaction, whether to opt out before completing the transaction.

(2) Application of opt out to all consumers and all nonpublic personal financial information.

(a) A licensee shall comply with this rule, regardless of whether the licensee and the consumer have established a customer relationship.

(b) Unless a licensee complies with this rule, the licensee may not, directly or through any affiliate, disclose any nonpublic personal financial information about a consumer that the licensee has collected, regardless of whether the licensee collected it before or after receiving the direction to opt out from the consumer.

(3) Partial opt out. A licensee may allow a consumer to select certain nonpublic personal financial information or certain nonaffiliated third parties with respect to which the consumer wishes to opt out.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 7-1-01.

4ER01-10 Limits on Redislosure and Reuse of Nonpublic Personal Financial Information.

(1)(a) Information the licensee receives under an exception. If a licensee receives nonpublic personal financial information from a nonaffiliated financial institution under an exception in Rules 4ER01-13 or 14, F.A.C., the licensee's disclosure and use of that information is limited as follows:

1. The licensee may disclose the information to the affiliates of the financial institution from which the licensee received the information;

2. The licensee may disclose the information to its affiliates, but the licensee's affiliates may, in turn, disclose and use the information only to the extent that the licensee may disclose and use the information; and

3. The licensee may disclose and use the information pursuant to an exception in Rules 4ER01-13 or 14, F.A.C. in the ordinary course of business to carry out the activity covered by the exception under which the licensee received the information.

(b) Example. If a licensee receives information from a nonaffiliated financial institution for claims settlement purposes, the licensee may disclose the information for fraud prevention, or in response to a properly authorized subpoena. The licensee may not disclose that information to a third party for marketing purposes or use that information for its own marketing purposes.

(2)(a) Information a licensee receives outside of an exception. If a licensee receives nonpublic personal financial information from a nonaffiliated financial institution other than under an exception in Rules 4ER01-13 or 14, F.A.C., the licensee may disclose the information only:

1. To the affiliates of the financial institution from which the licensee received the information;

2. To its affiliates, but its affiliates may, in turn, disclose the information only to the extent that the licensee may disclose the information; and

3. To any other person, if the disclosure would be lawful if made directly to that person by the financial institution from which the licensee received the information.

(b) Example. If a licensee obtains a customer list from a nonaffiliated financial institution outside of the exceptions in Rules 4ER01-13 or 14, F.A.C.:

1. The licensee may use that list for its own purposes; and

2. The licensee may disclose that list to another nonaffiliated third party only if the financial institution from which the licensee purchased the list could have lawfully disclosed the list to that third party. That is, the licensee may disclose the list in accordance with the privacy policy of the financial institution from which the licensee received the list, as limited by the opt out direction of each consumer whose nonpublic personal financial information the licensee intends to disclose, and the licensee may disclose the list in accordance with an exception in Rules 4ER01-13 or 14, F.A.C., such as to the licensee's attorneys or accountants.

(3) Information a licensee discloses under an exception. If a licensee discloses nonpublic personal financial information to a nonaffiliated third party under an exception in Rules 4ER01-13 or 14, F.A.C., the third party may disclose and use that information only as follows:

(a) The third party may disclose the information to the licensee's affiliates;

(b) The third party may disclose the information to its affiliates, but its affiliates may, in turn, disclose and use the information only to the extent that the third party may disclose and use the information; and

(c) The third party may disclose and use the information pursuant to an exception in Rules 4ER01-13 or 14, F.A.C. in the ordinary course of business to carry out the activity covered by the exception under which it received the information.

(4) Information a licensee discloses outside of an exception. If a licensee discloses nonpublic personal financial information to a nonaffiliated third party other than under an exception in Rules 4ER01-13 or 14, F.A.C., the third party may disclose the information only:

(a) To the licensee's affiliates;

(b) To the third party's affiliates, but the third party's affiliates, in turn, may disclose the information only to the extent the third party can disclose the information; and

(c) To any other person, if the disclosure would be lawful if the licensee made it directly to that person.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 7-1-01.

4ER01-11 Limits on Sharing Account Number Information for Marketing Purposes.

(1) General prohibition on disclosure of account numbers. A licensee shall not, directly or through an affiliate, disclose, other than to a consumer reporting agency, a policy number or similar form of access number or access code for a consumer's

policy or transaction account to any nonaffiliated third party for use in telemarketing, direct mail marketing or other marketing through electronic mail to the consumer.

(2) Exceptions. Subsection (1) of this rule does not apply if a licensee discloses a policy number or similar form of access number or access code:

(a) To the licensee's service provider solely in order to perform marketing for the licensee's own products or services, as long as the service provider is not authorized to directly initiate charges to the account;

(b) To a licensee who is a producer solely in order to perform marketing for the licensee's own products or services; or

(c) To a participant in an affinity or similar program where the participants in the program are identified to the customer when the customer enters into the program.

(3) Examples.

(a) Policy number. A policy number, or similar form of access number or access code, does not include a number or code in an encrypted form, as long as the licensee does not provide the recipient with a means to decode the number or code.

(b) Policy or transaction account. For the purposes of this rule, a policy or transaction account is an account other than a deposit account or a credit card account. A policy or transaction account does not include an account to which third parties cannot initiate charges.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 7-1-01.

PART IV EXCEPTIONS TO LIMITS ON DISCLOSURES OF FINANCIAL INFORMATION

4ER01-12 Exception to Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Service Providers and Joint Marketing.

(1) General rule.

(a) The opt out requirements in Rules 4ER01-6 and 9, F.A.C. do not apply when a licensee provides nonpublic personal financial information to a nonaffiliated third party to perform services for the licensee or functions on the licensee's behalf, if the licensee:

1. Provides the initial notice in accordance with Rule 4ER01-3, F.A.C.; and

2. Enters into a contractual agreement with the third party that prohibits the third party from disclosing or using the information other than to carry out the purposes for which the licensee disclosed the information, including use under an exception in Rules 4ER01-13 or 14, F.A.C. in the ordinary course of business to carry out those purposes.

(b) Example. If a licensee discloses nonpublic personal financial information under this rule to a financial institution with which the licensee performs joint marketing, the

licensee's contractual agreement with that institution meets the requirements of subparagraph (a)2. of this subsection if it prohibits the institution from disclosing or using the nonpublic personal financial information except as necessary to carry out the joint marketing or under an exception in Rules 4ER01-13 or 14, F.A.C. in the ordinary course of business to carry out that joint marketing.

(2) Service may include joint marketing. The services a nonaffiliated third party performs for a licensee under subsection A of this rule may include marketing of the licensee's own products or services or marketing of financial products or services offered pursuant to joint agreements between the licensee and one or more financial institutions.

(3) Definition of "joint agreement." For purposes of this rule, "joint agreement" means a written contract pursuant to which a licensee and one or more financial institutions jointly offer, endorse or sponsor a financial product or service. This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 7-1-01.

4ER01-13 Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Processing and Servicing Transactions.

(1) Exceptions for processing transactions at consumer's request. The requirements for initial notice in paragraph 4ER01-3(1)(b), F.A.C., the opt out in Rules 4ER01-6 and 9, F.A.C., and service providers and joint marketing in Rule 4ER01-12, F.A.C., do not apply if the licensee discloses nonpublic personal financial information as necessary to effect, administer or enforce a transaction that a consumer requests or authorizes, or in connection with:

(a) Servicing or processing an insurance product or service that a consumer requests or authorizes;

(b) Maintaining or servicing the consumer's account with a licensee, or with another entity as part of a private label credit card program or other extension of credit on behalf of such entity;

(c) A proposed or actual securitization, secondary market sale (including sales of servicing rights) or similar transaction related to a transaction of the consumer; or

(d) Reinsurance or stop loss or excess loss insurance.

(2) "Necessary to effect, administer or enforce a transaction" means that the disclosure is:

(a) Required, or is one of the lawful or appropriate methods, to enforce the licensee's rights or the rights of other persons engaged in carrying out the financial transaction or providing the product or service; or

(b) Required, or is a usual, appropriate or acceptable method;

1. To carry out the transaction or the product or service business of which the transaction is a part, and record, service or maintain the consumer's account in the ordinary course of providing the insurance product or service;

2. To administer or service benefits or claims relating to the transaction or the product or service business of which it is a part;

3. To provide a confirmation, statement or other record of the transaction, or information on the status or value of the insurance product or service to the consumer or the consumer's agent or broker;

4. To accrue or recognize incentives or bonuses associated with the transaction that are provided by a licensee or any other party;

5. To underwrite insurance at the consumer's request or for any of the following purposes as they relate to a consumer's insurance: account administration, reporting, investigating or preventing fraud or material misrepresentation, processing premium payments, processing insurance claims, administering insurance benefits (including utilization review activities), participating in research projects or as otherwise required or specifically permitted by federal or state law; or

6. In connection with:

a. The authorization, settlement, billing, processing, clearing, transferring, reconciling or collection of amounts charged, debited or otherwise paid using a debit, credit or other payment card, check or account number, or by other payment means;

b. The transfer of receivables, accounts or interests therein; or

c. The audit of debit, credit or other payment information. This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 7-1-01.

4ER01-14 Other Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information.

(1) Exceptions to opt out requirements. The requirements for initial notice to consumers in paragraph 4ER01-3(1)(b), F.A.C., the opt out in Rules 4ER01-6 and 9, F.A.C., and service providers and joint marketing in Rule 4ER01-12, F.A.C. do not apply when a licensee discloses nonpublic personal financial information:

(a) With the consent or at the direction of the consumer, provided that the consumer has not revoked the consent or direction;

(b)1. To protect the confidentiality or security of a licensee's records pertaining to the consumer, service, product or transaction;

2. To protect against or prevent actual or potential fraud or unauthorized transactions;

3. For required institutional risk control or for resolving consumer disputes or inquiries;

4. To persons holding a legal or beneficial interest relating to the consumer; or

5. To persons acting in a fiduciary or representative capacity on behalf of the consumer;

(c) To provide information to insurance rate advisory organizations, guaranty funds or agencies, agencies that are rating a licensee, persons that are assessing the licensee's compliance with industry standards, and the licensee's attorneys, accountants and auditors;

(d) To the extent specifically permitted or required under other provisions of law and in accordance with the federal Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.), to law enforcement agencies (including the Federal Reserve Board, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, Office of Thrift Supervision, National Credit Union Administration, the Securities and Exchange Commission, the Secretary of the Treasury, with respect to 31 U.S.C. Chapter 53, Subchapter II (Records and Reports on Monetary Instruments and Transactions) and 12 U.S.C. Chapter 21 (Financial Record keeping), a state insurance authority, and the Federal Trade Commission), self-regulatory organizations or for an investigation on a matter related to public safety;

(e)1. To a consumer reporting agency in accordance with the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); or

2. From a consumer report reported by a consumer reporting agency;

(f) In connection with a proposed or actual sale, merger, transfer or exchange of all or a portion of a business or operating unit if the disclosure of nonpublic personal financial information concerns solely consumers of the business or unit;

(g)1. To comply with federal, state or local laws, rules and other applicable legal requirements;

2. To comply with a properly authorized civil, criminal or regulatory investigation, or subpoena or summons by federal, state or local authorities; or

3. To respond to judicial process or government regulatory authorities having jurisdiction over a licensee for examination, compliance or other purposes as authorized by law; or

(h) For purposes related to the replacement of a group benefit plan, a group health plan, a group welfare plan or a workers' compensation plan.

(2) Example of revocation of consent. A consumer may revoke consent by subsequently exercising the right to opt out of future disclosures of nonpublic personal information as permitted under subsection 4ER01-6(6), F.A.C.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 7-1-01.

PART V RULES FOR HEALTH INFORMATION

4ER01-15 When Authorization Required for Disclosure of Nonpublic Personal Health Information.

(1) A licensee shall not disclose nonpublic personal health information about a consumer or customer unless an authorization is obtained from the consumer or customer whose nonpublic personal health information is sought to be disclosed.

(2) Nothing in this rule shall prohibit, restrict, or require an authorization for the disclosure of nonpublic personal health information by a licensee for the performance of the following insurance functions by or on behalf of the licensee:

(a) Claims administration;

(b) Claims adjustment and management;

(c) Detection, investigation or reporting of actual or potential fraud, misrepresentation or criminal activity;

(d) Underwriting;

(e) Policy placement or issuance;

(f) Loss control;

(g) Ratemaking and guaranty fund functions;

(h) Reinsurance and excess loss insurance;

(i) Risk management;

(j) Case management;

(k) Disease management;

(l) Quality assurance;

(m) Quality improvement;

(n) Performance evaluation;

(o) Provider credentialing verification;

(p) Utilization review;

(q) Peer review activities;

(r) Actuarial, scientific, medical or public policy research;

(s) Grievance procedures;

(t) Internal administration of compliance, managerial, and information systems;

(u) Policyholder service functions;

(v) Auditing;

(w) Reporting;

(x) Database security;

(y) Administration of consumer disputes and inquiries;

(z) External accreditation standards;

(aa) The replacement of a group benefit plan or workers compensation policy or program;

(bb) Activities in connection with a sale, merger, transfer or exchange of all or part of a business or operating unit;

(cc) Any activity that permits disclosure without authorization pursuant to the Federal Health Insurance Portability And Accountability Act privacy rules promulgated by the U.S. Department of Health and Human Services;

(dd) Disclosure that is required, or is one of the lawful or appropriate methods, to enforce the licensee's rights or the rights of other persons engaged in carrying out a transaction or providing a product or service that a consumer requests or authorizes; and

(ee) Any activity otherwise permitted by law, required pursuant to governmental reporting authority, or to comply with legal process.

(ff) Additional insurance functions that the Department determines to be necessary for appropriate performance of insurance functions and that are fair and reasonable to the interest of consumers.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 7-1-01.

4ER01-16 Authorizations.

(1) A valid authorization to disclose nonpublic personal health information pursuant to this Part shall be in written or electronic form and shall contain all of the following:

(a) The identity of the consumer or customer who is the subject of the nonpublic personal health information;

(b) A general description of the types of nonpublic personal health information to be disclosed;

(c) General descriptions of the parties to whom the licensee discloses nonpublic personal health information, the purpose of the disclosure and how the information will be used;

(d) The signature of the consumer or customer who is the subject of the nonpublic personal health information or the individual who is legally empowered to grant authority and the date signed; and

(e) Notice of the length of time for which the authorization is valid and that the consumer or customer may revoke the authorization at any time and the procedure for making a revocation.

(2) An authorization for the purposes of this Part shall specify a length of time for which the authorization shall remain valid, which in no event shall be for more than 24 months.

(3) A consumer or customer who is the subject of nonpublic personal health information may revoke an authorization provided pursuant to this Part at any time, subject to the rights of an individual who acted in reliance on the authorization prior to notice of the revocation.

(4) A licensee shall retain the authorization or a copy thereof in the record of the individual who is the subject of nonpublic personal health information.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 7-1-01.

4ER01-17 Authorization Request Delivery.

A request for authorization and an authorization form may be delivered to a consumer or a customer as part of an opt-out notice pursuant to Rule 4ER01-8, F.A.C., provided that the request and the authorization form are clear and conspicuous. An authorization form is not required to be delivered to the consumer or customer or included in any other notices unless the licensee intends to disclose protected health information pursuant to subsection 4ER01-15(1), F.A.C.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 7-1-01.

4ER01-18 Relationship to Federal Rules.

If the Department determines that a health insurer or health maintenance organization licensed by the Department is in compliance with, or is actively undertaking compliance with, the consumer privacy protection rules adopted by the United States Department of Health and Human Services in conformance with the Health Insurance Portability and Affordability Act, (except for its effective date provision) the licensee shall be considered to be in compliance with this Part. This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 7-1-01.

4ER01-19 Relationship to State Laws.

Nothing in this Part shall preempt or supersede existing state law related to medical records, health or insurance information privacy.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 7-1-01.

PART VI ADDITIONAL PROVISIONS

4ER01-20 Protection of Fair Credit Reporting Act.

Nothing in these rules shall be construed to modify, limit or supersede the operation of the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), and no inference shall be drawn on the basis of the provisions of these rules regarding whether information is transaction or experience information under Section 603 of that Act.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 7-1-01.

4ER01-21 Nondiscrimination.

(1) A licensee shall not unfairly discriminate against any consumer or customer because that consumer or customer has opted out from the disclosure of his or her nonpublic personal financial information pursuant to the provisions of these rules.

(2) A licensee shall not unfairly discriminate against a consumer or customer because that consumer or customer has not granted authorization for the disclosure of his or her nonpublic personal health information pursuant to the provisions of these rules.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 7-1-01.

4ER01-22 Effective Date.

(1)(a) Not later than 30 days following the effective date of these rules, each licensee shall provide an initial notice, as required by Rule 4ER01-3, F.A.C., to consumers who are the licensee's customers on July 1, 2001.

(b) Example. A licensee provides an initial notice to consumers who are its customers on July 1, 2001, if, by that date, the licensee has established a system for providing an initial notice to all new customers and has mailed the initial notice to all the licensee's existing customers.

(2) Until July 1, 2002, a contract that a licensee has entered into with a nonaffiliated third party to perform services for the licensee or functions on the licensee's behalf satisfies the provisions of subparagraph 4ER01-12(1)(a)2., F.A.C. of this rule, even if the contract does not include a requirement that the third party maintain the confidentiality of nonpublic personal information, as long as the licensee entered into the agreement on or before July 1, 2000.

This rule is effective July 1, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 7-1-01.

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: July 1, 2001

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES:	RULE NOS.:
Conversion Registration	12BER01-3
Tax Due at Time of Sale; Tax Returns and Regulations	12BER01-4
Communications Services Tax Direct Pay Permits	12BER01-5
Exemptions from the Communications Services Tax	12BER01-6
Notification of Local Communications Services Tax Rate Changes, Permit Fee Elections, and Local Taxing Jurisdiction Changes	12BER01-7
Sales for the Purpose of Resale	12BER01-8

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: The Communications Services Tax Simplification Law (Chapter 202, F.S., as created by Chapter

2000-260, Laws of Florida, and amended by Chapter 2001-140, Laws of Florida) authorizes the Department of Revenue to promulgate emergency rules to implement the provisions of the Law. The promulgation of these emergency rules ensures that the appropriate procedures and forms for registering taxpayers, remitting tax returns, applying for a direct pay permit, exempting specified transactions from the tax, dealing with local communications services tax rate changes and permit fee elections, and sales for resale under the new law are available sufficiently in advance of the date these statutory provisions take effect to permit taxpayers to comply with them.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of emergency rules to ensure the prompt availability of procedures taxpayers can follow to comply with Chapter 202, F.S. A workshop was held to receive public comments on these proposed emergency rules on June 26, 2001. Changes were incorporated into these proposed rules based on the testimony received at the workshop, and on written comments submitted. The rules and forms are designed to be available both in hardcopy form and in an electronic format on-line. The prompt implementation of these procedures will allow affected taxpayers sufficient time to comply with this new law.

SUMMARY OF THE RULES: The emergency rules provide information on the administration of the communications services tax and adopt and incorporate by reference four (4) forms required to be available by the Communications Services Tax Simplification Law. These forms are: DR-700013, "Application for Communications Services Tax Registration"; DR-700016, "Communications Services Tax Return"; DR-700020, "Notification of Method Employed to Determine Taxing Jurisdiction"; and DR-700030, "Application for Self-Accrual Authority/Direct Pay Permit Communications Services Tax". The emergency rules also provide information on how a copy of the forms may be obtained.

THE PERSONS TO BE CONTACTED REGARDING THE EMERGENCY RULES 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 RULES IS:

12BER01-3 Conversion Registration.

(1)(a) For persons currently registered as an active dealer with the Department that are identified as engaging in the business of selling communications services, the Department will mail form DR-700013, Application for Communications Services Tax Registration (hereby incorporated by reference). Each person's Application for Communications Services Tax Registration will contain the information that the Department

currently has in its database for that person. A person that fails to receive such application or that needs more information regarding the application received may contact the Department at 1-800-352-3671 (in Florida only) or (850)488-6800. Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

(b) In the event that a person receives more than one application, only one application should be completed and filed with the Department to obtain a Communications Services Tax Certificate of Registration (form DR-700014). Any additional applications should be marked in a manner indicating that a previous application has been filed with the Department. All applications should be returned to the Department at the address indicated on the form.

(c) Every person engaging in the business of providing communications services, except direct-to-home satellite providers, must notify the Department of the method(s) the person will employ to determine the local taxing jurisdiction in which service addresses are located. The notification to the Department shall be made using form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (hereby incorporated by reference).

(2) Any person who holds a valid Sales Tax Direct Pay Permit for Telecommunication Services will receive form DR-700013, Application for Communications Services Tax Registration and form DR-700030, Application for Self-Accrual Authority / Direct Pay Permit Communications Services Tax (hereby incorporated by reference). The two applications must be submitted to the Department together.

(3) With the exception of the activities described in paragraph (b), any person engaging in the business of providing communications services after October 1, 2001, must hold a dealer's Communications Services Tax Certificate of Registration (form DR-700014). To obtain a certificate, an Application for Communications Services Tax Registration (form DR-700013) or an Application to Collect and/or Report Tax in Florida (form DR-1) must be filed with the Department at the address indicated on the form used.

(a) Persons who must register for the communications services tax include persons who provide the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including cable services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance, for a consideration, except persons only engaging in activities described in paragraph (b).

(b) Persons who only engage in the following activities are not required to register for the communications services tax:

1. Information services;

a. An information service is the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, using, or making available information via communications services.

b. Examples of an information service are electronic publishing, web-hosting service, and end user 900 number service.

2. The installation or maintenance of wiring or equipment on a customer's premises;

3. The sale or rental of tangible personal property;

4. The sale of advertising services, such as directory advertising;

5. Bad check services;

6. Late payment services;

7. Billing and collection services;

8. Internet access services, electronic mail services, electronic bulletin board services, or similar on-line computer services;

9. Communications services paid for by inserting coins into coin-operated communications devices available to the public;

10. The sale or recharge of prepaid calling arrangements;

11. The provision of air-to-ground communications services, defined as a radio service provided to purchasers while on board an aircraft; and

12. The performance of providing professional or advertising services that include charges for the service of sending or receiving a document, commonly referred to as a facsimile, regardless of whether the charge is separately stated.

(c) Persons who engage in the business of the sale of communications services paid for by inserting coins into coin-operated communications devices available to the public and/or the purchase of communications services for resale as prepaid calling arrangements may register for the communications services tax, even though registration is not required.

(4) Persons who purchase, install, rent, or lease a substitute communications system must obtain a dealer's Communications Services Tax Certificate of Registration (form DR-700014). To obtain a certificate, an Application for Communications Services Tax Registration (form DR-700013) or an Application to Collect and/or Report Tax in Florida (form DR-1) must be filed with the Department at the address indicated on the form used.

(a) A substitute communications system means any telephone system, or other system capable of providing communications services, which a person purchases, installs, rents, or leases for his or her own use to provide himself or herself with services used as a substitute for any switched service or dedicated facility by which a dealer of communications services provides a communication path.

(b) A substitute communications system does not include the use by any dealer of his or her own communications system to conduct a business of providing communications services or any communications system operated by a county, a municipality, the state, or any political subdivision of the state.

(c) An example of a substitute communications system would occur when a person uses satellite equipment to communicate with other locations without incurring any charges from a communications services provider.

Specific Authority 202.26(3)(e),(h),(4) FS. Law Implemented 202.11(2),(3),(6),(7),(8),(9),(13),(14),(16), 202.12(1)(b), 202.15, 202.17(2),(3)(a),(4),(7), 202.22(6)(a), 202.27(6) FS. History—New 7-2-01.

12BER01-4 Tax Due at Time of Sale; Tax Returns and Regulations.

(1)(a)1. Except as provided in Rule Chapter 12-24, F.A.C., and this rule, all taxes required to be collected in any calendar month by Chapter 202, F.S., are due to the Department of Revenue on the first day of the month subsequent to the sale of communications services.

2. For recurring charges for communications services, tax is due at the moment that consideration is received for services to be rendered in the future.

3. To avoid penalty and interest for late filing, the payment and return must be received by the Department of Revenue or be postmarked on or before the 20th day of the month subsequent to the sale of communications services.

4. For purposes of this rule, when the 20th day falls on Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department of Revenue on the next succeeding day which is not a Saturday, Sunday, or legal holiday.

5. For purposes of this rule, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an Internal Revenue district.

(b) Tax due under s. 202.12(1)(b), F.S., on the actual cost of operating a substitute communications system is due March 1 for the preceding calendar year. The payment accompanied with a return must either reach the office of the Department of Revenue or be postmarked on or before the 20th day of March for a dealer to avoid penalty and interest for late filing.

(c) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to s. 202.27(2), F.S., the tax is due the first day of the month following the authorized reporting period and becomes delinquent on the 21st day of that month.

(2) As compensation for the prescribed record keeping, and accounting for and timely remittance of taxes, persons collecting taxes imposed under Chapter 202, F.S., are allowed

a collection allowance when the return is timely filed with the Department and the amount of tax due is remitted with the return.

(a) All communications services tax dealers must notify the Department of the method(s) the dealer will employ to determine local taxing jurisdictions in which service addresses are located. The notification to the Department shall be made using form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (incorporated by reference in Emergency Rule 12BER01-3). In the event that the Department does not receive such notification, the dealer will be assigned a collection allowance of 0.25 percent of the tax due on each return.

(b) Two collection allowance rates are available to communications services tax dealers who timely file their communications services tax returns. Dealers are required to file a separate return for each collection allowance rate. The collection allowance rates and the corresponding methods used to assign customer service address in this State are as follows:

1. A dealer of communications services may deduct .75 percent of the amount of tax due as a collection allowance when the dealer:

a. Employs an electronic database provided by the Department under s. 202.22(2), F.S.;

b. Employs a database that has been certified by the Department under s. 202.22(3), F.S.; or

c. Employs enhanced zip codes to assign each street address, address range, post office box, or post office box range in the dealer's service area to a specific local taxing jurisdiction under s. 202.22(1)(c), F.S.

2. When a dealer of communications services employs a method of assigning service addresses other than those provided in subparagraph 1., the deduction allowed to the dealer is .25 percent of the amount of the tax due to the Department.

(3) Form DR-700016, Communications Services Tax Return (hereby incorporated by reference), accompanied with the applicable payment, is due on the first day of the month subsequent to the sale of communications services. A return is required to be filed with the Department even when no tax is due with the return.

(4) Users of a substitute communications system, regardless of whether the tax return is timely, are not permitted to deduct a collection allowance as compensation for the prescribed record keeping, accounting for, and timely remittance of taxes imposed under Chapter 202, F.S.

(5) The failure of any dealer to secure a tax return for a communications services tax does not relieve the dealer from the requirement to file a return or to remit tax due to the Department. The Department is not authorized to extend the time provided under Chapter 202, F.S., for any dealer to file any return or to pay any tax due.

(6) A return for a communications services tax filed with the Department that does not include the required schedules as indicated on the return is considered an "incomplete return" and subject to penalties as provided in s. 202.28(1), F.S.

(7) Communications services tax returns are available, without cost, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

(8)(a) Any person who is required to make a return or to pay taxes imposed under Chapter 202, F.S., and fails to do so will be subject to penalties, as provided in s. 202.28, F.S.

(b) Any person who fails to remit collected taxes with intent to unlawfully deprive or defraud the state or local government of its moneys or the use or benefit thereof, is subject to penalties imposed under s. 202.33, F.S.

(9) Interest shall accrue on any delinquent tax at the rate established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily). Interest accrues on the amount of tax due from the date of delinquency until the date on which the tax is paid.

Specific Authority 202.26(3)(a),(4) FS. Law Implemented 202.12(1), 202.15, 202.16, 202.19(1), 202.22(6)(b), 202.26(3)(a), 202.27(1),(2), 202.28(1),(2), 202.33(2), 202.35(1) FS. History--New 7-2-01.

12BER01-5 Communications Services Tax Direct Pay Permits.

(1) Any person who purchases communications services may apply for a communications services tax direct pay permit from the Department to assume the obligation of self-accruing and remitting to the state the tax due on its purchases of communications services when:

(a) The majority of the communications services purchased for use by a person are for communications that originate outside of Florida and terminate within Florida; or

(b) The taxable status of sales of communications services will be known only upon use.

(2) For purposes of this rule, the term "person" means a single legal entity and does not mean a group or combination of affiliated entities or entities controlled by one person or group of persons.

(3)(a) To request a Communications Services Tax Direct Pay Permit, a person must file form DR-700030, Application for Self-Accrual Authority/Direct Pay Permit Communications

Services Tax (incorporated by reference in Emergency Rule 12BER01-3), with the Department, in the manner provided on the form.

(b) Each permit holder must hold a valid dealer's Communications Services Tax Certificate of Registration (form DR-700014) issued by the Department. Persons not registered with the Department for the communications services tax must file an Application to Collect and/or Report Tax in Florida (form DR-1) with the Department.

(c) These forms are available, without cost, by: 1) writing the Florida Department of Revenue, Distribution Center, 168-A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the 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 1-800-352-3671 (in Florida only) or (850)488-6800; or, 6) downloading the form from the Department's Internet site at the address shown inside the parenthesis (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

(4)(a) The effective date of a Communications Services Tax Direct Pay Permit is the postmark date of the application or, when delivered by means other than the United States Postal Service, the date the application is received by the Department.

(b) The Department will specify on each communications services tax direct pay permit the specific taxes for which the dealer is authorized to self-accrue and remit tax directly to the Department. When the direct pay permit authorizes self-accrual of any local communications services taxes, each service address that the direct pay permit applies to will be identified.

(c)1. A communications services tax direct pay permit expires five (5) years from the effective date. The expiration date shall be the end of the month preceding five years from the effective date, if the effective date is on or before the 15th of the month. The expiration date shall be the end of the month that is five years from the effective date, if the effective date is after the 15th of the month. The Department will provide a renewal notice to the permit holder 60 days prior to the expiration date of the permit.

2. Upon expiration of the purchasing customer's communications services tax direct pay permit, a dealer is required to collect and remit the applicable communications services tax from that customer.

(5) COMMUNICATIONS SERVICES TAX DIRECT PAY PERMIT FOR INTERSTATE COMMUNICATIONS SERVICES:

(a) A person issued a direct pay permit under the provisions of this subsection will receive form DR-700031, Communications Services Tax Direct Pay Permit.

(b) Permit holders are required to pay to the Department an amount not to exceed the following:

1. \$100,000 in communications services taxes, imposed under ss. 202.12 and 203.01(1)(a)2., F.S., on charges for interstate communications services that originate outside Florida and terminate inside Florida; or

2. \$100,000 in communications services taxes, imposed under ss. 202.12 and 203.01(1)(a)2., F.S., and \$25,000 in local communications services tax, imposed under s. 202.19(1), F.S., that is billed to an individual service address in a municipality or county imposing a local communications services tax on charges for interstate communications services that originate outside Florida and terminate inside Florida.

(c) The filing of the returns for the taxes identified on the direct pay permit must be made on a monthly basis, and the tax may be remitted in one of the following manners:

1. The tax due may be prorated throughout the calendar year;

2. The tax due, based on the permit holder's purchases, may be paid to the Department as the applicable tax is accrued; or

3. The total amount of the tax due, not to exceed the amount of the partial exemption authorized under the permit, may be paid in full as a single payment.

(d) A permit holder must pay its tax obligation to the Department using electronic funds transfer as required by s. 202.30(1), F.S., and Rule Chapter 12-24, F.A.C., and must submit its return using electronic data interchange as required by s. 202.30(2), F.S., and Rule Chapter 12-24, F.A.C.

(e) In the calendar year of issuance, any amounts of communications services taxes paid by a permit holder to its provider(s), after the effective date of the direct pay permit, will be included in the total amount of communications services tax due to the Department for that calendar year. In remitting the remaining amounts required to be paid to the Department, the amount paid directly to communications services provider(s) after the effective date of the permit may be deducted from the total amount due to the Department. In the event that a permit holder has paid to its provider(s) an amount that exceeds the amount of tax required by the permit, the permit holder must obtain the applicable refund or credit from its provider(s).

(f) Communications services taxes and local communications services taxes are due and must be paid to the selling dealer or directly to the Department on all charges for intrastate communications services and charges for interstate communications services that originate inside Florida and terminate outside Florida.

(6) COMMUNICATIONS SERVICES TAX DIRECT PAY PERMIT FOR TAX DUE UPON DETERMINATION OF USE:

(a) A person issued a direct pay permit under the provisions of this subsection will receive form DR-700031, Communications Services Tax Direct Pay Permit.

(b) Permit holders are required to file tax returns on a monthly basis and pay to the Department the amount of the communications services taxes, imposed under ss. 202.12 and 203.01(1)(a)2., F.S., due and the amount of local communications services taxes, imposed under s. 202.19, F.S., due upon the determination of the use of such communications services.

(7) In the event that the original communications services tax direct pay permit is lost or destroyed, the permit holder may request a replacement by visiting any local Department of Revenue Service Center to personally obtain a copy or by contacting the Department at 1-800-352-3671 (in Florida only) or (850)488-6800. Persons with hearing or speech impairments may call the Department's TDD, at 1-800-367-8331. Written requests should be addressed to Central Registration, Florida Department of Revenue, P. O. Box 6480, Tallahassee, Florida 32314-6480.

(8)(a) Persons that are registered with the Department for the communications services tax only for the purpose of receiving a direct pay permit do not receive a collection allowance.

(b) Communications Services Tax Annual Resale Certificates may only be used in the manner provided by Emergency Rule 12BER01-8, Sales for the Purposes of Resale.

(9) RECORDKEEPING REQUIREMENTS:

(a) Any holder of a communications services tax direct pay permit is required to keep and preserve all information and documentation necessary to substantiate the holder's authorization for the communications services tax direct pay permit and that the holder has paid all tax due on its purchases of communications services until such time as the tax imposed pursuant to Chapter 202, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

(b) A dealer of communications services is not required to collect communications services taxes identified on the communications services tax direct pay permit for services sold to the permit holder. The dealer shall retain a copy of the permit in its records until such time as the tax imposed pursuant to Chapter 202, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

(c) Electronic storage of all required records through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 202.26(3)(c), (4), 202.27(6) FS. Law Implemented 202.12(3), 202.19(8), 202.30 FS. History--New 7-2-01.

12BER01-6 Exemptions from the Communications Services Tax.

(1)(a) The sale of communications services, as defined in s. 202.11(3), F.S., is subject to the Florida communications services tax and the local communications services tax, unless specifically exempt.

(b) This rule governs the methods and procedures regarding exemptions from the communications services taxes. Guidelines for the exemption for residential households are provided in subsection (2); sales to the federal government, state government, and political subdivisions of the state or federal government are provided in subsection (3); and sales to religious or educational organizations are provided in subsection (4).

(2) SALES TO RESIDENTIAL HOUSEHOLDS.

(a) Sales of communications services to a residential household are only subject to the gross receipts tax portion of the Florida communications services tax, imposed by s. 203.01(1)(a)2., F.S., and the local communications services tax, imposed by s. 202.19, F.S., when the service is sold at a rate based on a "residential schedule," under the tariffs filed by a service provider with the Public Service Commission. This exemption does not apply to:

1. Sales of any cable service, as defined in s. 202.11(2), F.S.;

2. Sales of any direct-to-home satellite service, as defined in s. 202.11(6), F.S.;

3. Sales of mobile communications services, as defined in s. 202.11(8), F.S.; and

4. Sales to the service address of any structure or any unit within a structure currently licensed as a public lodging establishment, as defined by s. 509.013(4)(a), F.S., with the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(b) A "public lodging establishment," as defined in s. 509.013, F.S., means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings that is:

1.a. Advertised or held out to the public as a place that is regularly rented to guests; or,

b. Rented more than three times in a calendar year with each separate rental period having a duration less than 1 calendar month or less than 30 days.

2. Public lodging establishments include the following, if they are rented by an owner or operator to guests whose occupancy is intended to be temporary:

a. Hotels, motels, transient apartments, nontransient apartments, transient rooming houses, and other transient establishments;

b. Any unit or group of units in a condominium, cooperative, time-share plan, or other resort condominium; or

c. Any single family dwelling, duplex, triplex, quadraplex, townhouse, beach cottage, mobile home, or other resort dwelling.

3. This exemption does not apply to any purchaser of communications services when the services are used in a currently licensed public lodging establishment. The purchaser is required to notify the communications services provider when the services are used in a licensed public lodging establishment. If the purchaser fails to provide such notification, the Department will look to the purchaser, rather than the provider, for any applicable tax, penalty, or interest due when the services were purchased for use in a public lodging establishment.

(c) Any person who is entitled to an exemption from sales tax on the purchase of electric power or energy, gas, or fuel for use in a residential facility, as provided in Rules 12A-1.053 and 12A-1.059, F.A.C., is not entitled to the exemption from communications services tax when that residential facility is licensed as a public lodging establishment.

(3) SALES TO THE FEDERAL GOVERNMENT, THE STATE, AND POLITICAL SUBDIVISIONS.

(a)1. The sale of communications services to the federal government, its agencies or instrumentalities, or any entity that is exempt from state taxes under federal law is exempt from the Florida communications services tax and the local communications services tax.

2. The sale of communications services to a state or any county, municipality, or political subdivision of a state is exempt from the Florida communications services tax and the local communications services tax.

(b) DOCUMENTATION REQUIREMENTS. A dealer is not obligated to collect and remit the Florida communications services tax and the local communications services tax on such sales when either of the following two alternative documentation requirements has been met:

1.a. The dealer has on file a writing or document evidencing a representation of the dealer's customer that the communications services are being purchased by an entity described in paragraph (a). The writing or document may be a customer application, a certificate, or a series of billing statements to the customer that identifies the customer as such an entity and that provides the customer a means to change its classification if the communications services are no longer purchased for use by the entity. A "customer application" includes a record of information obtained electronically or orally from the customer in the ordinary course of business at the time of establishing the account.

b. Payments are made directly by the entity. Payments made using an authorized Purchasing or Procurement Card ("P-Card"), which indicates on its face that it is a Florida government purchasing card for official business only, are considered to be direct payments by the authorizing agency.

c. The dealer must have acted in good faith in accepting the representation of the customer.

2. The dealer has on file a copy of the customer's Florida Consumer's Certificate of Exemption (form DR-14) identifying the customer as "federal," "state," "county," or "municipality."

(4) SALES TO RELIGIOUS OR EDUCATIONAL ORGANIZATIONS.

(a) The sale of communications services to a religious or educational organization, as defined by this rule, is exempt from the Florida communications services tax and the local communications services tax.

(b) As used in this rule, the following definitions apply:

1. The term "religious organization" means an entity that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, as amended, and is a church, synagogue, or other established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on.

2. The term "educational organization" means an entity that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, as amended, and is a parochial, church, or nonprofit private school teaching grades K-12, college, or university which conducts regular classes and courses of study required for accreditation by, or membership in, the appropriate accrediting authority. The term does not include state tax-supported schools. State-tax supported schools must meet the provisions of subsection (3) to qualify for an exemption from the Florida communications services tax and the local communications services tax.

(c) DOCUMENTATION REQUIREMENTS. To be entitled to exemption as a religious or educational organization at the time of purchase, the purchaser must issue to the selling dealer a certificate signed by an authorized representative stating that the purchases are for a religious or educational organization, as those terms are defined by this rule, that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, as amended. If the organization is a religious organization, the certificate must include the address of the physical place of worship and declare that the organization regularly conducts nonprofit religious services and activities. Entities claiming the exemption for educational organizations must declare on the certificate that the entity is accredited.

(d) The following is a suggested format to be provided by a religious or educational organization to the selling dealer.

EXEMPTION CERTIFICATE FOR PURCHASES OF COMMUNICATIONS SERVICES BY RELIGIOUS OR EDUCATIONAL ORGANIZATIONS.
DATE: _____
TO: _____ (Selling Dealer's Business Name)

(Selling Dealer's Address)

I, the undersigned, am a representative of the exempt religious or educational organization identified below. The purchases of communications services made on or after _____ from the business identified above are for use by the exempt religious or educational organization identified below.

The charges for the purchases of communications services from the dealer identified above will be billed to and paid directly by the exempt religious or educational organization identified below. These purchases are exempt from the Florida communications services tax and the local communications services tax for the following reason identified in the space provided.

() The entity is a "religious organization," which means an entity that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, as amended, and is a church, synagogue, or other established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on at (street address) _____, _____ (city), _____ (state).

() The entity is an "educational organization," which means an entity that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, as amended, and is a parochial, church, or nonprofit private school teaching grades K-12, college, or university which conducts regular classes and courses of study required for accreditation by, or membership in, the appropriate accrediting authority. I hereby declare that _____ (educational organization) is accredited.

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

AUTHORIZED SIGNATURE ON BEHALF OF THE EXEMPT ORGANIZATION

PRINTED NAME OF AUTHORIZED SIGNATORY AND TITLE

NAME OF THE EXEMPT ORGANIZATION

ADDRESS OF EXEMPT ORGANIZATION

(5) RECORDKEEPING REQUIREMENT.

(a) When a dealer has complied with the documentation requirements of this rule and the Department determines that tax, penalty, and interest are due, the Department will look to the customer for payment of the tax, penalty, and interest due. The Department will look to the dealer for payment of any

applicable tax, penalty, and interest due when the dealer's books and records demonstrate a failure to comply with the documentation requirements of this rule.

(b) Electronic storage of all required records through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 202.26(3)(c),(4) FS. Law Implemented 92.525(2), 202.125, 202.11(3),(4), 202.16(4), 202.19(10), 202.26(2), 202.34(3), 202.35(4), 213.37 FS. History—New 7-2-01.

12BER01-7 Notification of Local Communications Services Tax Rate Changes, Permit Fee Elections, and Local Taxing Jurisdiction Changes.

(1) Scope of Rule. This rule governs the methods and procedures relating to changes in local communications services tax rates, notification of permit fee elections, changes in local taxing jurisdictional boundaries, and other changes to addresses within local taxing jurisdictions.

(2) Local Communications Services Tax Rate Changes. The Department must be notified by the local taxing jurisdiction of all local communications services tax rate changes on form DR-700021, Local Communications Services Tax Rate and Jurisdiction Changes (incorporated by reference in Emergency Rule 12BER01-2).

(a) This form is available without cost 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 1-800-352-3671 (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.

(b) Local Communications Services Tax Rate Changes prior to October 1, 2001.

1. Any local taxing jurisdiction that imposes a local communications services tax with a tax rate that is less than the maximum rate established by law may adjust its local communications services tax rate by ordinance or resolution.

2. The local taxing jurisdiction must notify the Department of such rate increase by certified mail postmarked on or before July 16, 2001, in order to become effective October 1, 2001. The notification information should be mailed to: Revenue Accounting-Communications Services Tax, Florida Department of Revenue, P. O. Box 6609, Tallahassee, FL 32314-6609.

(c) Emergency Local Rate Changes.

1. For the period October 1, 2001, through September 30, 2002, any local taxing jurisdiction may adjust its local communications services tax rate by emergency ordinance or resolution pursuant to s. 202.20(2), F.S.

2. In order to assure sufficient time to notify affected dealers, a local government must notify the Department immediately upon adoption of a rate change, but no less than 60 days prior to its effective date. In the event a local government fails to notify the Department of such rate change within the required time, the Department is not liable for any loss of or decrease in revenue that resulted from such error, omission, or untimely action on the part of the local government.

3. A copy of the emergency ordinance or resolution adopting the rate change must be provided to the Department. The emergency ordinance or resolution must specify the new rate and effective date. The notification information should be mailed to: Revenue Accounting-Communications Services Tax, Florida Department of Revenue, P. O. Box 6609, Tallahassee, FL 32314-6609.

(d) Permit Fees. Each municipality, charter county, or noncharter county must elect to either collect permit fees or not collect permit fees. If a municipality, charter county, or noncharter county fails to make an election and/or fails to inform the Department of such election, it will be presumed that such municipality, charter county, or noncharter county elected not to collect permit fees. A local government is not required to use a specific form or format to notify the department of a local government's permit fee election. However, the notification information should be mailed to: Revenue Accounting-Communications Services Tax, Florida Department of Revenue, P. O. Box 6609, Tallahassee, FL 32314-6609.

1. Municipalities or Charter Counties.

a. Election to Collect Permit Fees. An election to collect permit fees by a municipality or charter county must be made pursuant to s. 337.401(3)(c)1.a., F.S.

I. A municipality or charter county electing to collect permit fees must notify the Department of the election by providing a copy of the ordinance or resolution by certified mail postmarked on or before July 16, 2001. Such election shall take effect on October 1, 2001.

II. For municipalities or charter counties that elect to collect permit fees, the rate of the local communications services tax imposed by such jurisdiction under s. 202.20, F.S., is reduced by a rate of .12 percent.

b. Election to Not Collect Permit Fees. An election not to collect permit fees by a municipality or charter county must be made pursuant to s. 337.401(3)(c)1.b., F.S.

I. A municipality or charter county electing to not collect permit fees must notify the Department of the election by certified mail postmarked on or before July 16, 2001.

II. If a municipality or charter county elects to not collect permit fees, the rate for the local communications services tax may be increased by ordinance or resolution by an amount not to exceed .12 percent. If a municipality or charter county electing to not collect permit fees increases its local communications services tax rate, the municipality or charter county must inform the Department of such increase by providing a copy of the ordinance or resolution by certified mail postmarked on or before July 16, 2001.

2. Noncharter Counties.

a. Election to Collect Permit Fees. An election to collect permit fees by a noncharter county must be made under s. 337.401(3)(c)2.a., F.S. A noncharter county electing to collect permit fees must notify the Department of the election by providing a copy of the ordinance or resolution by certified mail postmarked on or before July 16, 2001. Such election shall take effect on October 1, 2001.

b. Election to Not Collect Permit Fees. An election to not collect permit fees by a noncharter county must be made pursuant to s. 337.401(3)(c)2.b., F.S.

I. A noncharter county electing to not collect permit fees must notify the Department of the election by certified mail postmarked on or before July 16, 2001. If a noncharter county elects to not collect permit fees, the rate for the local communications services tax may be increased by ordinance or resolution by an amount not to exceed .24 percent.

II. If a noncharter county electing to not collect permit fees increases its local communications services tax rate, the noncharter county must inform the Department of such increase by providing a copy of the ordinance or resolution by certified mail postmarked on or before July 16, 2001.

3. Changing Elections Made Prior to or on July 16, 2001.

a. Municipalities or Charter Counties.

I. If a municipality or charter county changes its election and exercises its authority to require and collect permit fees, the rate of the local communications services tax imposed by the jurisdiction will automatically be reduced by the sum of .12 percent plus the percentage increase in the local communications services tax, if any, pursuant to the permit fee election under s. 337.401(3)(c)1.b., F.S.

II. If a municipality or charter county changes its election and discontinues requiring and collecting permit fees, the rate of the local communications services tax imposed by the jurisdiction may be increased by ordinance or resolution by an amount that must be less than or equal to .24 percent.

b. Noncharter Counties. If a noncharter county changes its election and exercises its authority to require and collect permit fees, the rate of the local communications services tax imposed by the jurisdiction will automatically be reduced by the rate increase in the local communications services tax, if any, pursuant to the permit fee election under s. 337.401(3)(c)2.b., F.S.

c. Any municipality or county changing its permit fee election and its local communications services tax rate as a result of the change in the election must notify the Department by July 1 of any year to be effective on the following January 1. Changes in elections are effective on bills dated on or after January 1 following the change in election. No change in election of which the Department is not notified on or before July 16, 2001, will become effective prior to January 1, 2003.

(3) Local Taxing Jurisdiction Changes.

(a) Each local taxing jurisdiction will furnish to the Department all information needed to create the Department's electronic database.

(b) Each local taxing jurisdiction is required to provide to the Department periodic updates for the Department's electronic database.

1. Local taxing jurisdictions must use form DR-700021, Local Communications Services Tax Rate and Jurisdiction Changes, to provide to the Department periodic updates for changes in its jurisdictional boundaries and other changes to addresses within local taxing jurisdictions.

2. The periodic updates must include all changes in service addresses, annexations, incorporations, reorganizations, and any other changes in jurisdictional boundaries from the preceding update. The information furnished to the Department to update the electronic database must specify an effective date that must be the next ensuing January 1 or July 1 and must be furnished to the Department at least 120 days prior to the effective date.

3. The Department will update the electronic database based on the information provided by the local taxing jurisdiction at least 90 days prior to the January 1 or July 1 on which the change will take effect.

Specific Authority 202.22(6)(a), 202.26(4) FS. Law Implemented 202.20(1)(c), 202.22(2)(b), 337.401(3)(c) FS. History—New 7-2-01.

12BER01-8 Sales for Purposes of Resale.

(1) A sale for the purposes of resale is excluded from the tax imposed or administered by Chapter 202, F.S., only when the sale is made in strict compliance with the provisions of this rule.

(2) For purposes of this rule, the following terms are defined as:

(a) A "dealer" means a person registered with the Department as a provider of communications services in Florida.

(b) An "active registered dealer" means a person who is registered with the Department as a communications services tax dealer and who is required to file a communications services tax return at least once during each applicable reporting period, as provided in s. 202.17(6), F.S.

(c) A "purchaser" means the person paying for or obligated to pay for communications services.

(3) A "sale for the purposes of resale" occurs when a person purchases communications services from a dealer and then resells the communications services, uses the communications services as a component part of communications services that are offered for retail sale, or integrates the purchased communications services into communications services offered for retail sale.

(4) ANNUAL RESALE CERTIFICATES ISSUED BY THE DEPARTMENT.

(a) Each newly registered dealer, except persons registered as users of substitute communications systems, will receive a Communications Services Tax Certificate of Registration (form DR-700014) and a Communications Services Tax Annual Resale Certificate (form DR-700015). For each calendar year, the Department will issue to each active registered dealer a Communications Services Tax Annual Resale Certificate that specifically identifies the valid period of the certificate.

(b) The business name and mailing address of the certificate holder, the certificate number, the registration effective date, the expiration date of the certificate, and the purposes for which the certificate may be provided will be indicated on each Communications Services Tax Annual Resale Certificate.

(c) The effective date of a dealer's Communications Services Tax Annual Resale Certificate will be October 1, 2001, for all registration applications postmarked or hand delivered on or before October 1, 2001. All persons whose registration applications are postmarked or hand delivered after October 1, 2001, will be issued a Communications Services Tax Annual Resale Certificate with an effective date of the postmarked or hand delivery date.

(d) In the event that the dealer's original Communications Services Tax Annual Resale Certificate is lost or destroyed, a replacement may be requested by visiting any local Department of Revenue Service Center to personally obtain a copy or by contacting the Department at 1-800-352-3671 (in Florida only) or (850)488-6800. Persons with hearing or speech impairments may call the Department's TDD, at 1-800-367-8331. Written requests should be addressed to Central Registration, Florida Department of Revenue, P. O. Box 6480, Tallahassee, Florida 32314-6480.

(5) A Communications Services Tax Annual Resale Certificate is considered valid when a copy of the certificate is provided to the selling dealer in lieu of payment of the tax on any sale made on or after the registration effective date and on or prior to the certificate expiration date, as indicated on the certificate; and when the selling dealer receives a copy of the certificate in good faith.

(6) PROVISIONS APPLICABLE TO SELLING DEALERS.

(a) A selling dealer who makes a sale for the purposes of resale and receives a copy of a valid Communications Services Tax Annual Resale Certificate in lieu of tax will be in compliance with the requirements of this rule and is relieved from any liability for any tax due on that sale.

(b) Copies of Communications Services Tax Annual Resale Certificates that are obtained after the sale from purchasers who were active registered dealers at the time of the sale and are submitted to the Department during an audit or subsequent informal protest period of the audit will be considered sufficient compliance with this rule.

(c) A sale made to a person who was not an active registered dealer at the time of the sale is a retail sale, and it can never be considered a sale for resale. However, a selling dealer who accepts a copy of a Communications Services Tax Annual Resale Certificate that appears valid on its face will not be held liable for the tax on such transaction, if it is later determined that the purchaser was not an active registered dealer.

(d) A selling dealer may make sales for the purposes of resale to a purchaser who has previously provided a copy of the purchaser's current Communications Services Tax Annual Resale Certificate that is on file without seeking a new copy of the purchaser's Communications Services Tax Annual Resale Certificate for each subsequent transaction during that calendar year. A selling dealer must obtain a new Communications Services Tax Annual Resale Certificate from its purchasers for sales made for the purposes of resale in subsequent calendar years.

(7) PROVISIONS APPLICABLE TO PURCHASING DEALERS.

(a) A copy of a Communications Services Tax Annual Resale Certificate may only be provided by active registered dealers who hold a valid Communications Services Tax Certificate of Registration issued by the Department.

(b) A dealer whose Communications Services Tax Certificate of Registration has been revoked by the Department or whose registration has been inactivated or canceled is prohibited from providing copies of its Communications Services Tax Annual Resale Certificate in lieu of paying the tax due on its purchases of communications services. A dealer who provides copies of its Communications Services Tax Annual Resale Certificate for purchases after its Communications Services Tax Certificate of Registration has been revoked, inactivated, or canceled will be held liable for the tax, penalty, and interest on all such purchases.

(c) In the event that a purchasing dealer provides a copy of its Communications Services Tax Annual Resale Certificate to a selling dealer and subsequently consumes the communications services by not reselling the communications services, the purchasing dealer must pay all applicable

communications services taxes directly to the Department with its first return due subsequent to the consumption of the communications services.

(8) REQUIRED RECORDS. A dealer is required to document the nature of sales made for the purposes of resale and is required to maintain copies of Communications Services Tax Annual Resale Certificates and receipts, invoices, billing statements, or other tangible evidence of such sales until the tax imposed or administered by Chapter 202, F.S., may no longer be determined and assessed under s. 95.095, F.S. Electronic storage by the selling dealer of a copy of the purchaser's Communications Services Tax Annual Resale Certificate and other required documentation through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 202.16(2), 202.26(3)(c),(d),(j),(4) FS. Law Implemented 92.525(2), 202.11(4),(5),(9),(11),(12), 202.13(2), 202.16(2), 202.17(6), 202.34(3),(4)(c), 212.02(12), 213.37 FS. History--New 7-2-01.

THESE RULES TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULES.

EFFECTIVE DATE: July 2, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 357, GECKO GOLD
 RULE NO.: 53ER01-42

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 357, "GECKO GOLD," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-42 Instant Game Number 357, GECKO GOLD.

(1) Name of Game. Instant Game Number 357, "GECKO GOLD."

(2) Price. GECKO GOLD tickets sell for \$1.00 per ticket.

(3) GECKO GOLD lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning GECKO GOLD lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any GECKO GOLD lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(5) Determination of Prize Winners.

A ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount. The prize amounts are: \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500, and \$1,000. A ticket having three "TICKET" symbols in the play area shall entitle the claimant to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a GECKO GOLD lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(6) The value, number of prizes, and odds of winning in Instant Game Number 357 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL	ODDS
3-TICKETS	\$1 TICKET	1,209,600	1 in 8.33
3-\$1s	\$1	672,000	1 in 15.00
3-\$2s	\$2	336,000	1 in 30.00
3-\$5s	\$5	100,800	1 in 100.00
3-\$10s	\$10	134,400	1 in 75.00
3-\$20s	\$20	33,600	1 in 300.00
3-\$25s	\$25	28,952	1 in 348.16
3-\$50s	\$50	1,960	1 in 5,142.86
3-\$100s	\$100	280	1 in 36,000.00
3-\$500s	\$500	112	1 in 90,000.00
3-\$1,000s	\$1,000	20	1 in 504,000.00

(7) The overall odds of winning any prize in Instant Game Number 357 are 1 in 4.00.

(8) For reorders of Instant Game Number 357, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(9) By purchasing a GECKO GOLD lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a),(b),(c), 24.115(1) FS. History--New 6-29-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 29, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 372, POKER PARTY
 RULE NO.: 53ER01-43

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 372, "POKER PARTY" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game. THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-43 Instant Game Number 372, POKER PARTY.

(1) Name of Game. Instant Game Number 372, "POKER PARTY."

(2) Price. POKER PARTY tickets sell for \$2.00 per ticket.

(3) POKER PARTY lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning POKER PARTY lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any POKER PARTY lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) Design of Ticket. There are 3 different games in Instant Game Number 372, POKER PARTY: Wild Card, High Card, and Winning Pairs.

(5) The "YOUR CARD" play symbols and play symbol captions in Wild Card are as follows:

INSERT SYMBOLS

(6) The "DEALER'S CARD" play symbols and play symbol captions in Wild Card are as follows:

INSERT SYMBOLS

(7) The prize symbols and prize symbol captions in Wild Card are as follows:

INSERT SYMBOLS

(8) The legends in Wild Card are as follows:

INSERT SYMBOLS

(9) The "YOUR CARDS" play symbols and play symbol captions in High Card are as follows:

INSERT SYMBOLS

(10) The "DEALER'S TOTAL" play symbols and play symbol captions in High Card are as follows:

INSERT SYMBOLS

(11) The prize symbols and prize symbol captions in High Card are as follows:

INSERT SYMBOLS

(12) The legends in High Card are as follows:

INSERT SYMBOLS

(13) The play symbols and play symbol captions in Winning Pairs are as follows:

INSERT SYMBOLS

(14) The prize symbols and prize symbol captions in Winning Pairs are as follows:

INSERT SYMBOLS

(15) The legends in Winning Pairs are as follows:

INSERT SYMBOLS

(16) Determination of Prize Winners. Each of the three games in Instant Game Number 372, POKER PARTY, uses a different play methodology. The determination of prizewinners for each game is as follows:

(a) Wild Card. There are four hands in Wild Card. A ticket having a card in the "YOUR CARD" play area of one hand that beats the card in the "DEALER'S CARD" play area of the same hand shall entitle the claimant to the corresponding prize shown for that hand. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$100, and \$10,000.

(b) High Card. There are four hands in High Card. A ticket having two cards in the "YOUR CARDS" play area of one hand, the total of which is greater than the total in the "DEALER'S TOTAL" play area of the same hand shall entitle the claimant to the corresponding prize shown for that hand. The prizes are: TICKET, \$1.00, \$5.00, \$25.00, \$100, and \$10,000.

(c) Winning Pairs. There are four hands in Winning Pairs. A ticket having a matching pair of cards in the play area of one hand shall entitle the claimant to the corresponding prize shown for that hand. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$100, and \$10,000.

(d) In Wild Card, High Card, and Winning Pairs, a claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a POKER PARTY lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(e) In Wild Card and High Card, the point value assigned to Kings, Queens, and Jacks is 10, and the point value assigned to Aces is 11.

(17) Number and Size of Prizes: The value, number of prizes, and odds of winning in Instant Game Number 372 are set forth in the table below. The legend for the Game Play column is as follows: G1= Wild Card, G2= High Card, G3= Winning Pairs, and W= Wild Card.

GAME PLAY	WIN	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL	ODDS
TICKET (GAMES 1, 2, or 3)	\$2 TICKET	1,008,000	1 in 7.50
G2-\$1 + G3-\$1	\$2	352,800	1 in 21.43
G1-\$2 (W)	\$2	302,400	1 in 25.00
G1-\$2 (W) + G2-\$1 + G3-\$1	\$4	252,000	1 in 30.00
G2-(\$1 x 2) + G3-(\$1 x 3)	\$5	201,600	1 in 37.50
G1-\$2 + \$1 + G2-\$1 + G3-\$1	\$5	151,200	1 in 50.00
G1-(\$1 x 3) + G3-\$1 + \$2 + \$4	\$10	100,800	1 in 75.00
G1-(\$1 x 4) + G2-(\$1 x 4) + G3-(\$1 x 4)	\$12	50,400	1 in 150.00
G1-\$5 (W) + G2-\$5 + G3-(\$5 x 4)	\$30	50,400	1 in 150.00
G1-(\$10 x 2) + G3-(\$5 x 4)	\$40	8,358	1 in 904.52
G1-(\$5 x 4) + G2-(\$25 x 2) + G3-(\$10 x 3)	\$100	2,478	1 in 3,050.85
G1-\$100 (W) + G2-(\$25 x 4) + G3-(\$25 x 4)	\$300	20	1 in 378,000.00
G1-(\$25 x 4) + G2-(\$25 x 4) + G3-(\$25 x 4)	\$300	20	1 in 378,000.00
G1- (\$100 x 3) + G2-(\$25 x 4) + G3-(\$25 x 4)	\$500	10	1 in 756,000.00
G1-(\$25 x 4) + G2-(\$100 x 3) + G3-(\$25 x 4)	\$500	10	1 in 756,000.00
G1-(\$100 x 4) + G2-(\$100 x 4) + G3-(\$100 x 4)	\$1,200	10	1 in 756,000.00
\$10,000 (Games 1, 2, or 3)	\$10,000	4	1 in 1,890,000.00

(18) The overall odds of winning any prize in Instant Game Number 372 are 1 in 3.05.

(19) For reorders of Instant Game Number 372, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(20) By purchasing a POKER PARTY lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c) 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a),(b),(c), 24.115(1) FS. History—New 6-29-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 29, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: RULE NO.:

Retailer FLORIDA LOTTO™ Bonus

Commission Program 53ER01-44

SUMMARY OF THE RULE: The Retailer FLORIDA LOTTO Bonus Commission Program will be conducted July 1, 2001, through September 23, 2001. The Florida Lottery will award a \$10,000 bonus commission per drawing to the on-line retailer(s) that sells a grand prize FLORIDA LOTTO ticket for a Wednesday or Saturday FLORIDA LOTTO drawing held during the sales incentive period.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-44 Retailer FLORIDA LOTTO™ Bonus Commission Program.

(1) Effective July 1, 2001, through September 23, 2001, the Florida Lottery will conduct, as a sales incentive, a Retailer FLORIDA LOTTO Bonus Commission Program in which the Florida Lottery will award a \$10,000 bonus commission per drawing to the on-line retailer(s) that sells a grand prize FLORIDA LOTTO ticket for a Wednesday or Saturday FLORIDA LOTTO drawing held during the sales incentive period.

(2) If more than one retailer sells a winning grand prize FLORIDA LOTTO ticket for the same drawing, each such retailer will earn an equal share of the \$10,000 bonus commission.

(3) Bonus commissions will not carry forward in the event no winning grand prize ticket is sold for a specific FLORIDA LOTTO drawing.

(4) Award of a grand prize FLORIDA LOTTO bonus commission is not dependent upon the winning grand prize ticket being claimed by the winner.

(5) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award, shall be paid the bonus commission earned, provided said termination or inactivation was not due to noncompliance with Chapter 24, Florida Statutes, Chapter 53, Florida Administrative Code, or contract terms.

(6) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Lottery reserves the right to apply a bonus commission earned against a retailer's outstanding debt to the Lottery, and to award the remaining balance of the bonus commission, if any.

Specific Authority 24.105(10)(i) 24.109(1) FS. Law Implemented 24.105(10)(i), 24.112(1) FS. History--New 6-29-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE
EFFECTIVE DATE: June 29, 2001

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on June 21, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from Palm Beach County Engineering & Public Works Dept., for utilization of works or land of the SFWMD known as the Hillsboro Canal (L-14), Palm Beach County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent or semi-permanent encroachments within 40' of the top of the canal bank within works or lands of the District.

A copy of the petition may be obtained from Jan Sluth, (561)682-6299 or e-mail at jsluth@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on June 26, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from Florida Department of Transportation, for utilization of works or land of the SFWMD known as the C-11, Broward County. The petition seeks relief

from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent or semi-permanent encroachments within 40' of the top of the canal bank within works or lands of the District.

A copy of the petition may be obtained from Jan Sluth, (561)682-6299 or e-mail at jsluth@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection gives notice of its intent to grant a variance (File No. 0163093-002-EV) to Palm Beach County, from Rule 62-4.244(5)(c), F.A.C. to establish a temporary mixing zone of 300 meters offshore and 2,000 meters downcurrent from the point of sand discharge onto the beach disposal area. The variance is associated with the proposed beach nourishment project at Jupiter/Carlin Beach (File No. 0163093-001-JC). The activity is Located in Palm Beach County, Section 5, Township 41 South, and Range 43 East, Atlantic Ocean, Class III waters of the State of Florida.

A person whose substantial interests are affected by the Department's proposed action may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the variance or even a denial of the application. Under Rule 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a

motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Rules 28-106.111(2) and 62-110.106(3)(a)(1), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

In accordance with Rule 28-106.201, F.A.C., a petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set

forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department. The applicant, or any party within the meaning of Section 373.114(1)(a), F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1), F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the final order is filed with the Clerk of the Department.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Office of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Historical Resources**, announces a Historic Marker Teleconference to which all interested persons are encouraged to attend.

DATE AND TIME: Thursday, August 2, 2001, 10:00 a.m.

PLACE: Room 409, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review Historic Marker applications

A copy of the agenda may be obtained by writing: Florida State Historic Marker Program, Bureau of Historic Preservation, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, FL 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

“Pursuant to Chapter 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.”

The **Department of State, Division of Library and Information Services**, announces a public meeting to which all persons are invited of the officers and directors of the Multi-type Library Cooperatives and staffs from the Senate and House Appropriations Committees, House Tourism Committee, the Governor's Office of Policy and Budget, and the Department of State.

DATE AND TIME: Monday, July 23, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: State Records Center, 4319 Shelfer Road, Tallahassee, FL 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues of concern related to funding and programs of the six regional Multi-type Library Cooperatives in Florida and operations of the State Records Center.

For further information, contact: Director, Division of Library and Information Services, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least 48 hours prior to the meeting at (850)245-6600 or TDD (850)922-4085.

COMMISSION ON THE STATUS OF WOMEN

The Local Commissions Task Force Committee of the **Florida Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: August 17, 2001, 10:00 a.m.

PLACE: 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 Bylaws Committee of the **Florida Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: August 17, 2001, 3:00 p.m.

PLACE: 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.

DEPARTMENT OF BANKING AND FINANCE

The **Florida Financial Management Information System** (FFMIS) Coordinating Council announces the following public meeting to which all persons are invited.

DATE AND TIME: August 9, 2001, 2:00 p.m.

PLACE: Room 301, State Capitol Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relating to the Florida Financial Management Information System.

A copy of the agenda may be obtained by contacting: Martin Young, Department of Banking and Finance, Division of Accounting and Auditing, FFMIS Design and Coordination Staff, 101 E. Gaines Street, Room 434E, Fletcher Building, Tallahassee, FL 32399-0350, telephone (850)410-9415, Fax (850)410-9934, e-mail: myoung@mail.dbf.state.fl.us.

The **Florida Financial Management Information Board** (FMIB) announces the following public meeting to which all persons are invited.

DATE AND TIME: August 28, 2001, 9:00 a.m.

PLACE: Room 212, Knott Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relating to the Florida Financial Management Information System.

A copy of the agenda may be obtained by contacting: Martin Young, Department of Banking and Finance, Division of Accounting and Auditing, FFMIS Design and Coordination Staff, 101 E. Gaines Street, Room 434E, Fletcher Building, Tallahassee, FL 32399-0350, telephone (850)410-9415, Fax (850)410-9934, e-mail: myoung@mail.dbf.state.fl.us.

DEPARTMENT OF INSURANCE

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

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

PLACE: Marriott Hutchinson Island Resort, FFCA Annual Meeting, 555 N. E. Ocean Boulevard, Hutchinson Island, FL 34996

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Fire Fighters Standards and Training Advisory Council.

A copy of the agenda may be obtained by writing: Department of Insurance, Division of State Fire Marshal, 11655 N. W. Gainesville Road, Ocala, FL 34482-1486.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a Public Hearing to which all persons are invited. A Review Team appointed by Commissioner of Agriculture Charles Bronson will review the issues surrounding the response to and containment of the Mallory Swamp and Koon Pond wildfires.

DATE AND TIME: July 23, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: County Commissioner's Chambers, 401 North Cedar Street, Cross City, Florida, Dixie County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Review Team will organize, study applicable data and conduct background reviews. No public comments will be taken.

DATE AND TIMES: July 24, 2001, 9:00 a.m. – 7:30 p.m.

9:00 a.m. – 12:00 p.m.: Effective landowners comments

1:30 p.m. – 5:30 p.m.: Dixie County Fire and Emergency Management Department's comments

5:30 p.m. – 7:30 p.m.: Public Comments Period

PLACE: County Commissioner's Chambers, 401 North Cedar Street, Cross City, Florida, Dixie County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Comments will be received from affected landowners, local fire and emergency management departments and the general public relative to the response to and containment of the Mallory Swamp and Koon Pond wildfires.

DATE AND TIMES: July 25, 2001, 9:00 a.m. – 7:30 p.m.

9:00 a.m. – 12:00 p.m.: Effective landowners comments

1:30 p.m. – 5:30 p.m.: Lafayette County Fire and Emergency Management Department's comments

5:30 p.m. – 7:30 p.m.: Public Comments Period

PLACE: Mayo Community Center, Highway 27, North, Mayo, Florida, Lafayette County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Comments will be received from affected landowners, local fire and emergency management departments and the general public relative to the response to and containment of the Mallory Swamp and Koon Pond wildfires.

DATE AND TIMES: July 26, 2001, 9:00 a.m. – 6:00 p.m.

9:00 a.m. – 12:00 Noon: Division of Forestry and Green Incident Management Team comments

1:30 p.m. – 6:00 p.m.: Division of Forestry and Green Incident Management Team comments

PLACE: Mayo Community Center, Highway 27, North, Mayo, Florida, Lafayette County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Comments will be received from the Division of Forestry and Green Incident Commend (ICS) Team relative to the response to and containment of the Mallory Swamp and Koon Pond wildfires. No public comments will be received.

DATE AND TIMES: July 27, 2001, 9:00 a.m. – 4:00 p.m.

9:00 a.m. – 12:00 Noon: Review Team wrap-up. No public comments will be received.

1:30 p.m. – 4:00 p.m.: Review Team wrap-up. No public comments will be received.

PLACE: Mayo Community Center, Highway 27, North, Mayo, Florida, Lafayette County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review Team will summarize comments and information received on the relative issues and conduct a wrap-up of its review of the instance. No public comments will be received.

DEPARTMENT OF EDUCATION

The Florida **Board of Education** announces the following public meeting of the Board to which all persons are invited.

Florida Board of Education Meeting

DATES AND TIME: July 23-24, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Miami Palmetto Senior High School, 7460 S. W. 118th Street, Miami, Florida 33156

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reorganization and business meeting of the Board.

University Boards of Trustees Orientation

DATE AND TIME: July 25, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Florida International University, 11200 S. W. 8th Street, Miami, Florida 33199

NOTE: If you need special services to attend the meeting, please let us know.

Copies of the agendas may be obtained one week prior to the meeting by contacting the Florida Board of Education at: Office of the Secretary, Florida Board of Education, Turlington Building, Suite 1614, 325 West Gaines Street, Tallahassee, Florida 32399 or by calling (850)201-7400.

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, (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).

DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces an Executive Planning Committee (EPC) Conference Call to review and discuss issues relating to the training and certification of criminal justice officers. All parties are invited to participate.

MEETING NAME: Executive Planning Committee (EPC) Conference Call.

DATE AND TIME: Thursday, July 26, 2001, 10:00 a.m.

TELEPHONE NUMBER: Please call (850)488-3676 or SunCom 278-3676 to participate in the telephone conference.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Conference Room #B1055, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Planning Committee will be reviewing and discussing issues relating to the training and certification of criminal justice officers.

EPC MEETING AGENDA: A copy of the EPC agenda may be obtained by contacting, Research and Training Specialist Jay Preston at (850)410-8658 or via e-mail at jaypreston@fdle.state.fl.us. If you wish to write the Commission for a copy of this issue, please write: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Research and Training Specialist Jay Preston.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Jay Preston, (850)410-8658, at least two (2) weeks prior to the meeting.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Government Relations Committee to which all persons are invited.

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

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Government Relations Committee will convene for purposes of conducting a workshop on legislative amendments necessary to transfer the Department of Citrus to a special taxing district (i.e: Florida Citrus Authority). The Committee will also discuss any other issues that may properly come before the Committee. In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone at (863)499-2510.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 991376-TL – Initiation of show cause proceedings against GTE Florida Incorporated for apparent violation of service standards.

DATE AND TIME: August 1, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the Initiation of show cause proceedings against GTE Florida Incorporated for apparent violation of service standards, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference

held on May 31, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S. and Chapter 25-28, F.A.C. Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the 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 Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 010283-EI – Calculation of gains and appropriate regulatory treatment for non-separated wholesale energy sales by investor-owned electric utilities.

DATE AND TIME: August 2, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the calculation of gains and appropriate regulatory treatment for non-separated wholesale energy sales by investor-owned electric utilities, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on July 13, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C. 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 Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 010098-TP – Petition by Florida Digital Network, Inc. for arbitration of certain terms and conditions of proposed interconnection and resale agreement with BellSouth Telecommunications, Inc. under the Telecommunications Act of 1996.

DATE AND TIME: August 2, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of

documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action. Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 981609-WS – Emergency petition by D.R. Horton Custom Homes, Inc. to eliminate authority of Southlake Utilities, Inc. to collect service availability charges and AFPI charges in Lake County.

Docket No. 980992-WS – Complaint by D.R. Horton Custom Homes, Inc. against Southlake Utilities, Inc. in Lake County regarding collection of certain AFPI charges.

DATE AND TIME: August 2, 2001, 1:30 p.m.

PLACE: Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action. Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990362-TI – Initiation of show cause proceedings against GTE Communications Corporation (n/k/a Verizon Select Services Inc.) for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection.

DATE AND TIME: August 3, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the initiation of show cause proceedings against GTE Communications Corporation (n/k/a Verizon Select Services Inc.) for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on May 16, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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 Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: July 26, 2001, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: July 26, 2001, 6:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: July 26, 2001, 8:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Holiday Inn Restaurant, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal any decision of the Council or its committees with respect to any matter considered at the meeting, may need to ensure that a verbatim record of the proceedings is made.

A copy of any of these agendas may be obtained by writing: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 26, 2001, 8:00 a.m. – 4:30 p.m.

PLACE: Miami-Dade Cooperative Extension Service, 18710 S. W. 288 Street, Homestead, Florida 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Initial meeting of the SOUTH MIAMI-DADE WATERSHED STUDY ADVISORY COMMITTEE to begin the process of gathering information and exploring critical issues.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

If 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.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, July 26, 2001, 9:00 a.m.

PLACE: Room 37S, Lower Level, Senate Office Building, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709.

Meeting materials also will be available from 8:00 a.m. – 5:00 p.m., Monday through Friday at 2822 Remington Green Circle, Suite 101, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting the Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

METROPOLITAN PLANNING ORGANIZATIONS

The **Florida Metropolitan Planning Organization Advisory Council** (MPOAC) announces a meeting of the Staff Directors' Advisory Committee to which all persons are invited:

DATE AND TIME: July 26, 2001, 1:00 p.m. – 3:00 p.m.
 PLACE: Radisson Hotel Orlando Airport, 5555 Hazeltine National Drive, Orlando, FL, (407)856-0100
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.
 A copy of the agenda may be obtained by contacting: Patti Brannon, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, Telephone 1(800)399-5524 or E-mail: patti.brannon@dot.state.fl.us

The Florida Metropolitan Planning Organization Advisory Council (MPOAC) announces a meeting of the Governing Board to which all persons are invited:
 DATE AND TIME: July 26, 2001, 4:00 p.m. – 7:00 p.m.
 PLACE: Radisson Hotel Orlando Airport, 5555 Hazeltine National Drive, Orlando, FL, (407)856-0100
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning with and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.
 A copy of the agenda may be obtained by contacting: Patti Brannon, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450.
 Telephone 1(800)399-5524 or E-mail: patti.brannon@dot.state.fl.us

WATER MANAGEMENT DISTRICTS

The Northwest Florida Water Management District announces public meetings to which all persons are invited:
 DATE AND TIME: July 26, 2001, 11:30 a.m., EDT
 GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee meeting – to discuss District issues
 DATE AND TIME: July 26, 2001, 1:00 p.m., EDT
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business
 DATE AND TIME: July 26, 2001, 1:15 p.m., EDT
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Regulatory Matters – to consider regulatory matters
 DATE AND TIME: July 26, 2001, 1:30 p.m., EDT
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Land Acquisition Matters – to discuss land acquisition matters
 PLACE: District headquarters, 10 miles west of Tallahassee on U.S. Highway 90
 A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at www.state.fl.us/nwfwmd).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based. Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The St. Johns River Water Management District announces the following Facilities/Planning/Construction Committee telephone conference call:
 DATE AND TIME: Thursday, July 26, 2001, 10:00 a.m.
 PLACE: St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss project construction and contractual matters of the District.
 A copy of the agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Mrs. Sharon Whitener, Administrative Support Coordinator, Department of Operations and Land Resources, (904)329-4281.
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 TDD).

NOTE: If any person decides to appeal any decision with respect to any matter considered by the St. Johns River Water Management District's Governing Board, such person may need to ensure that a verbatim record of the meeting is made to include the testimony and evidence upon which appeal is to be based.

The Southwest Florida Water Management District (SWFWMD) announces the following public meetings to which all interested persons are invited:
WATER CONSERVATION TASK FORCE
 DATE AND TIME: Wednesday, July 18, 2001, 1:00 p.m.
 PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Task Force business.
GOVERNING BOARD MEETING, PUBLIC HEARING AND COMMITTEE MEETINGS
 DATE AND TIME: Tuesday, July 24, 2001, 9:00 a.m.
 PLACE: SWFWMD Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting, public hearing and committee meetings including Notice of Intention to Amend the Fiscal Year 2001 Budget. In accordance with Section 373.536(4), Florida Statutes, the Governing Board of the Southwest Florida Water Management District intends to amend its fiscal year 2001 budget as follows:

- (1) Increase the Save Our Rivers/Preservation 2000 Capital Projects Fund budget for fiscal year 2001 to reflect \$32,053,170 in unanticipated revenue from the Preservation 2000 Trust Fund.
- (2) Decrease the Florida Forever Capital Projects Fund budget for fiscal year 2001 to reflect an anticipated reduction in revenues from the Florida Forever Trust Fund.

The two proposed budget amendments will result in a \$10,053,170 net increase in the Capital Projects Funds budget, with no impact on ad valorem taxes.

GOVERNING BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, July 25, 2001, 9:00 a.m.

PLACE: SWFWMD Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

This is a public meeting and agendas are available by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TTD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting which to which all interested parties are invited:

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

PLACE: Steven P. Clarke Government Center, Commission Chambers, 111 N. W. 1st Street, Miami, FL 33130

GENERAL SUBJECT MATTER TO BE CONSIDERED: FY01 Budget Public Forum

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 arrangement.

Those who desire more information, please contact: Roman Gastesi, Director, Miami/Dade Regional Service Center, Phone (305)377-7289, 172A W. Flagler Street, Miami, FL 33130.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Full Commission Meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 1, 2001, 10:00 a.m. – completion

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, FL, 1(800)366-9700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the regular business of the Commission for the Transportation Disadvantaged.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Erin Schepers at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces the 9th Annual Training and Technology Conference to which all persons are invited.

DATES AND TIMES: Wednesday, August 1, 2001, 1:00 p.m. – Friday, August 3, 2001, 12:00 p.m.

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, FL, 1(800)366-9700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the 9th Annual Training and Technology Conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Erin Schepers at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

SPACEPORT FLORIDA AUTHORITY

The **Florida Commercial Space Financing Corporation** (FCSFC) announces a Board of Directors meeting, Personnel Committee meeting and teleconference to which the public is invited.

DATE AND TIMES: Personnel Committee meeting: July 26, 2001; 12:00 p.m. – 1:00 p.m.; Board of Directors meeting: 1:00 p.m. – 4:00 p.m.

PLACE: Offices of FCSFC, Florida/NASA Incubation Center, 1311 N. U.S. 1, Conference Room, Titusville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Personnel Committee meeting: To review the contract for the President of the FCSFC; Board of Directors meeting: To review general board business, ratification of agreements, financings, guarantees, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information or to obtain a copy of the agenda, contact: Mr. Jim Leary or Ms. Judy Blanchard, The Florida Commercial Space Financing Corporation, Florida/NASA Business Incubation Center, 1311 N. Highway U.S. 1, Suite 129, Titusville, FL 32796, (321)267-2877.

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 **Area Agency on Aging of Pasco-Pinellas, Inc.**, the Area Agency on Aging for Planning and Service Area 5 of the Florida Department of Elder Affairs, will present its 2002 Area Plan for the distribution of funds under the federal Older Americans Act of 1965, as amended, to projects providing services to the elderly residents of Pasco and Pinellas Counties at the following public hearings:

PINELLAS COUNTY PUBLIC HEARING

DATE AND TIME: Wednesday, August 8, 2001, 9:30 a.m. – 11:00 a.m.

PLACE: Freedom Square, Roskamp Auditorium, 10801 Johnson Boulevard, Seminole, Florida 33772 (GUEST SPEAKER: Representative John Carassas)

PASCO COUNTY PUBLIC HEARING

DATE AND TIME: Thursday, August 9, 2001, 9:30 a.m. – 11:00 a.m.

PLACE: Elfers Senior Center, 4136 Barker Street, Elfers, Florida 34652 (GUEST SPEAKER: Representative Heather Fiorentino)

To request more information or accommodations for persons with disabilities, contact: Rachel Bryan, Area Agency on Aging of Pasco-Pinellas, Inc., 9455 Koger Boulevard, Suite 200, St. Petersburg, Florida 33702 or call (727)570-9696, Ext. 246, no later than July 26, 2001.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies**, announces an official committee and general business meetings to which all persons are invited.

DATE AND TIME: August 15, 2001, 8:30 a.m. or shortly thereafter

PLACE: The Colony Palm Beach, 155 Hammon Avenue, Palm Beach, Florida 33480

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee and General Business Meetings of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Stacey Merchant, (850)921-7868.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Stacey Merchant at (850)921-7868. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies**, announces an official probable cause panel meeting to which portions or all will be closed to the public

DATE AND TIME: August 15, 2001, 1:00 p.m.

PLACE: The Colony Palm Beach, 155 Hammon Avenue, Palm Beach, Florida 33480

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Stacey Merchant, (850)921-7868.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Stacey Merchant, (850)921-7868. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The Florida **Board of Funeral Directors and Embalmers** announces the following meetings to which all parties are invited to attend.

DATE AND TIME: August 15, 2001, 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance Committee meeting, Rules Committee meeting, immediately followed by Probable Cause Panel meeting, which portions may be closed to the public, agenda available on request.

DATE AND TIME: August 16, 2001, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

PLACE: Embassy Suites, 1100 Southeast 17th Street, Ft. Lauderdale, Florida

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Funeral Directors and Embalmers, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-8690, at least five calendar days prior to the meeting. If you are hearing or speech impaired,

please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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 Juvenile Justice** announces the following public meeting to which all interested persons are welcome.

DATE AND TIME: July 26, 2001, 10:00 a.m. – 3:00 p.m. (EST)

PLACE: Department of Juvenile Justice, Ferguson Service Center, Rooms A, B, and C, 644 Ferguson Drive, Orlando, FL 32805

PURPOSE: Secretary W. G. “Bill” Bankhead will meet with the Juvenile Justice Circuit Board Chairs. The primary focus of the meeting will be a discussion of Fiscal Year 2002-2003 Legislative Budget Requests.

For more information on the meeting or to arrange for special accommodations, please contact the Bureau of Partnership and Volunteer Services office, (850)488-3302 or SC 278-3302.

DEPARTMENT OF HEALTH

The **Correctional Medical Authority** announces a Budget and Personnel Committee meeting to be held in Suite 120, 2585 Merchants Row Boulevard, Tallahassee, Florida, to which all persons are invited to participate.

DATE AND TIME: July 26, 2001, 10:00 a.m. – 1:00 p.m.

PLACE: Prather Building, Suite 120, 2585 Merchant’s Row Boulevard, Tallahassee, FL 32399-1732, (850)245-4044

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of correctional health care budget and personnel issues.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, July 26, 2001, 1:00 p.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL, Meet Me Number (850)487-8540

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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 item may be obtained by writing: Sherra W. Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Nursing** announces public meetings to which all interested persons are invited.

Practice Committee Meeting

DATE AND TIME: Tuesday, August 14, 2001, 4:00 p.m.

PLACE: Radisson Plaza Hotel, Cherokee Room, 60 South Ivanhoe Blvd., Orlando, FL 32804, (407)425-4455

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss matters relating to practice of Nursing and Declaratory statements.

Intervention Project for Nurses Committee Meeting

DATE AND TIME: Wednesday, August 15, 2001, 8:30 a.m.

PLACE: Radisson Plaza Hotel, Adair Room, 60 South Ivanhoe Blvd., Orlando, FL 32804, (407)425-4455

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss matters relating to the policies and procedures of the Intervention Project for Nurses.

Advanced Registered Nurse Practitioner's Committee Meeting

DATE AND TIME: Wednesday, August 15, 2001 to follow IPN Committee

PLACE: Radisson Plaza Hotel, Adair Room, 60 South Ivanhoe Blvd., Orlando, FL 32804, (407)425-4455

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider applications and review certification of Advanced Registered Nurse Practitioners.

Continuing Education

DATE AND TIME: Wednesday, August 15, 2001 to follow ARNP Committee

PLACE: Radisson Plaza Hotel, Adair Room, 60 South Ivanhoe Blvd., Orlando, FL 32804, (407)425-4455

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and hold hearings on procedures for continuing education rules

Education Committee Meeting

DATE AND TIME: Wednesday, August 15, 2001, 10:30 a.m.

PLACE: Radisson Plaza Hotel, Adair Room, 60 South Ivanhoe Blvd., Orlando, FL 32804, (407)425-4455

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider matters relating to nursing programs and applications for licensure

Credentials Committee

DATE AND TIME: Wednesday, August 15, 2001, 8:30 a.m.

PLACE: Radisson Plaza Hotel, Summerlin/Princeton Room, 60 South Ivanhoe Blvd., Orlando, FL 32804, (407)425-4455

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and hold hearings on credential issues.

Disciplinary Guidelines Workshop

DATE AND TIME: Wednesday, August 15, 2001, to follow Board meeting

PLACE: Radisson Plaza Hotel, Summerlin/Princeton Room, 60 South Ivanhoe Blvd., Orlando, FL 32804, (407)425-4455

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss make decisions on disciplinary guidelines

Board of Nursing Bi-Monthly Board Meeting

DATES AND TIMES: Wednesday, August 15, 2001, 1:30 p.m.; Thursday, August 16, 2001, 8:30 a.m.; Friday, August 17, 2001, 8:30 a.m.

PLACE: Radisson Plaza Hotel, Summerlin/Princeton Room, 60 South Ivanhoe Blvd., Orlando, FL 32804, (407)425-4455

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule Hearing/Adoptions; Nursing Education Program Requests and Reports; Advanced Registered Nurse Practitioners Certificates and matters relating advanced nursing practice; Continuing Education matters; Legal and Disciplinary Actions; Licensing Problems, Informal Hearings, Declaratory Statements, Correspondence and other miscellaneous matters relating to the practice of nursing.

A copy of the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Florida Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings and for such purpose he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact the Board of Nursing office, (904)858-6940, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 20, 2001, 10:00 a.m.

PLACE: Department of Health, 4025 Esplanade Way, 3rd Floor, Room 103, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide recommendations to the Children's Medical Services Program office on the implementation of the Children's Medical Services Network.

A copy of the agenda may be obtained by writing: Florida Department of Health, Children's Medical Services, 4052 Bald Cypress Way, Bin A06, Tallahassee, Florida 32399-1707.

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 five working days prior to the proceeding at the address given on the notice. Telephone (850)245-4200.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Big Bend Community-Based Care Community Alliance and the **Department of Children and Family Services**, Subdistrict 2B announce a meeting, to which all persons are invited. The Alliance encompasses Leon, Franklin, Gadsden, Liberty, Madison, Jefferson, Taylor and Wakulla counties.

DATE AND TIME: Wednesday, July 25, 2001, 3:30 p.m. – 5:00 p.m.

PLACE: United Way of the Big Bend Office, 307 East 7th Avenue, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Big Bend Community-Based Care 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 32399-2949.

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).

NAVIGATION DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, July 20, 2001, 1:00 p.m.; Saturday, July 21, 2001, 8:30 a.m.

PLACE: The Hotel Inter-Continental, 100 Chopin Plaza, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Manatee Sign, Personnel and Land Acquisition and Management Committees will meet.

Please contact: District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

The **H. Lee Moffitt Cancer Center and Research Institute**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 25, 2001, 1:30 p.m.

PLACE: Moffitt Board Room, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.

A copy of the agenda may be obtained by writing: Ms. Barbara Sawyer, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612

Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Barbara Sawyer by Friday, July 20, 2001.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BANKING AND FINANCE

NOTICE IS HEREBY GIVEN THAT the Florida Department of Banking and Finance has received a Petition for Declaratory Statement from Dave Taylor, President of Florida Compliance Specialists, Inc. The petition seeks the agency's opinion as to the applicability of Sections 494.001(1),(4),(26), 494.006(1)(i), 494.0062(5), 494.0076, Florida Statutes, and Rules 3D-40.001(5) and 3D-40.270, Florida Administrative Code, pertaining to correspondent mortgage lenders and mortgage lenders who service their own loans. A copy of the petition may be obtained by contacting: Thomas Cibula, Assistant General Counsel, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Tallahassee, Florida 32399-0350.

NOTICE IS HEREBY GIVEN THAT the Florida Department of Banking and Finance has received a Petition for Declaratory Statement from Robert C. Moore, Esq. The petition seeks the agency's opinion as to the applicability of the exemptions contained in Section 517.061(11) and (19), Florida Statutes, to America Pharmacy Services Corporation's offering of common stock. A copy of the petition may be obtained by

contacting: Thomas Cibula, Assistant General Counsel, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Tallahassee, Florida 32399-0350.

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:

Florida Council for Behavioral Healthcare; Florida Alcohol and Drug Abuse Association; Association for Retarded Citizens of Florida; Florida Association of Child and Family Agencies; Florida Sheriff's Youth Ranches, Inc.; Real Life Children's Ranch, et al vs. Department of Children and Family Services; Case No.: 01-2528RP; Rule No.: 65-29.001

Florida Association of State Troopers, Inc.; Joe F. Dixon; Ronald W. Albritton; Robert T. Farrior, Jr.; Jackie C. Baggett; and William H. Tindle, Sr. vs. Department of Highway Safety and Motor Vehicles; Case No.: 01-2413RU

Charlotte County vs. Department of Environmental Protection; Case No.: 01-2399RU

Peace River/Manasota Regional Water Supply Authority vs. Department of Environmental Protection; Case No.: 01-2412RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

The Sierra Club vs. St. Johns River Water Management District and Florida Homebuilders Association, Association of Florida Community Developers, Florida Minerals Association, Florida Chamber of Commerce, and U.S. Cellular; Case No.: 01-0583RP; Rule Nos.: 40C-4, 40C-40.302, 40C-41, 40C-42; Denied

Capital City Country Club, Inc. vs. Department of Revenue; Case No.: 01-1865RU; Dismissed

Section IX

Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

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-134/136, Project and Location: Genetics & Cancer Research Center and ICBR Biotechnology Laboratory Pavilion, at the University of Florida. The project consists of two separate programs that will be designed and constructed concurrently. For the Genetic & Cancer Research Center, the project consists of approximately 325,000 GSF of state-of-the-art research, training and administrative operations spaces. This project also consists of a separate building for the Central Utility Plant. The construction budget for these new facilities is estimated to be \$63,807,000.00. For the ICBR Biotechnology Laboratory Pavilion, the project consists of approximately 29,500 GSF of research, training and administrative operations spaces. This building will be utilizing the same Central Utility Plant mentioned above. The construction budget for this new facility is estimated to be \$5,648,600.00.

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 working with the Owner and the Architect/Engineer during the design phase, developing a cost model, constructability analyses, estimating, providing alternate methods as value engineering, and the developing of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase or other phase, if applicable. 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. 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 recruit minority business enterprise participation. 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 University of Florida 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 40 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 Construction Manager Qualifications Supplement forms, the Construction Manager Project Fact Sheet and instructions for registering as an applicant can be found on the Facilities Planning & Construction Division website.

10 (Ten) bound copies of the required proposal must be received in the Facilities Planning & Construction Division office by 3:00 p.m. local time on Thursday, August 23, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

University of Florida
 Facilities Planning & Construction Division
 232 Stadium, P. O. Box 115050
 Gainesville, FL 32611-5050
 Telephone (352)392-1256
 Fax (352)392-6378

Notice to Bidders

The School District of Lee County, Florida
Purchasing Department

QUOTATION REQUEST FOR:
DISPENSABLE CONDIMENTES

Bid No: 5938 Opening Date: July 25, 2001
Phone (941)479-4250, Fax (941)337-8200
In Person or Mail: 3308 Canal Street, Fort Myers, Florida
33916-6594
Requests must be received by July 20, 2001, 2:00 p.m.
Complete Bid Package available only upon request.
By: Linda Owen, Senior Buyer

Putnam County District School Board
RFBP No. 54007220

Large Equipment Items for School Food Service

The Putnam County District School Board, Palatka, Florida is soliciting sealed bids from responsible vendors to furnish large equipment items as specified in RFBP 54007220 to the Food Service Department. Bid proposals will be received in the Purchasing Office, 1314 Reid Street, Palatka, FL 32177 until 2:00 p.m., local time, Thursday, July 19, 2001. Interested vendors may obtain a copy of the RFBP from the Purchasing Department, Putnam County District Schools. Phone (904)329-0525.

METROPOLITAN PLANNING ORGANIZATIONS

NOTICE TO PROFESSIONAL CONSULTANTS

The Metropolitan Transportation Planning Organization (MTPO) for the Gainesville Urbanized Area desires that consultants qualified pursuant to law and regulations submit a Letter of Qualifications for professional services on the following project:

PROJECT NAME: Plan East Gainesville Project – A Special Area, Land Conservation and Transportation Study

DESCRIPTION: Assist in this project by accomplishing the following seven (7) tasks:

1. Data development;
2. Community vision;
3. Special area plan;
4. Land conservation plan;
5. Transportation plan;
6. Plan development and adoption; and
7. Public involvement.

QUALIFICATION REQUIREMENTS: Consultant must be registered in the State of Florida and submit project experience demonstrating thorough knowledge of land use, environmental, and transportation planning procedures and methods, and have prior experience preparing Project Development and Environmental Studies for the Florida Department of Transportation (FDOT).

RESPONSE EVALUATION: All respondents will be evaluated in accordance with Section 287.055(4), Florida Statutes, and must be determined by the FDOT to be qualified to do business in Florida and qualified to perform the advertised work requirements.

SUBMITTAL REQUIREMENTS: Firms desiring consideration for this project must submit three (3) copies of their qualifications to the requesting unit listed below. One of these copies must be a clean, single-side original that can be used to make additional copies. The Letter of Qualifications must, as a minimum, include the following information:

1. Name, address, contact person and phone number;
2. Listing of key staff and resumes;
3. Listing of any subconsultants anticipated to be used on this project;
4. An indication of the firm’s potential (available manpower) for additional work in the next 18 months;
5. Experience on similar type projects, including location, date completed, contact (reference) name and phone number;
6. Indication as to whether the prime firm and/or subconsultants are disadvantaged business enterprises; and
7. Experience preparing Project Development and Environmental Studies for the Florida Department of Transportation.

SHORTLIST SELECTION PROCESS: From the Letters of Qualifications received, the MTPO shall shortlist a minimum of three (3) firms. Tentative shortlist date: August 16, 2001.

NOTE: After completion of the shortlist process, Oral Technical Proposals may be considered during the selection process in lieu of written technical proposals. At least three (3) firms will be requested to submit technical proposals. Tentative final selection date: October 11, 2001.

LETTER OF RESPONSE DEADLINE: Friday, August 10, 2001, at 3:00 p.m. Late letters will be returned unopened with the notation, “This letter of interest was received after the delivery time designated for receipt and opening in the legal notice.”

REQUESTING RESPONSE ADDRESS: Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area, ATTN: Mr. Charles Justice, 2009 NW 67 Place, Suite A, Gainesville, FL 32653-1603, Telephone (352)955-2200.

Faxed and e-mailed responses will not be accepted.

ESTIMATED PROJECT BUDGET: \$200,000.

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area reserves the right to accept or reject any and all responses in the best interest of the State.

REQUEST FOR PROPOSALS (RFP)

The Hernando County Metropolitan Planning Organization (MPO) is accepting proposals from qualified agencies or firms for the award of a contract to implement and operate a fixed

route mass transit system in Hernando County, Florida. The selected contractor will also be responsible for day-to-day management of the transit system, and will coordinate service with the designated Community Transportation Coordinator for the Transportation Disadvantaged Program. The Hernando County MPO will be administering the competitive procurement process.

A pre-proposal conference will be held Friday, August 3, 2001 at the Hernando County Planning Department Conference Room, 20 North Main Street, Room 261, Brooksville, FL 34601, 10:00 a.m., to answer questions about the RFP.

Letters of interest and qualifications are due by Friday, July 20, 2001 by 5:00 p.m. Proposals must be received by 4:00 p.m. Friday, August 17, 2001 at the office of the Hernando County MPO.

Five (5) copies of the Technical and Cost Proposals must be submitted to: Hernando County MPO, Attention: Hugh Pascoe, Transportation Advisor, 20 N. Main Street, Room 262, Brooksville, Florida 34601. One of these copies must be a clean, single sided original that can be used to make additional copies. The outside of the envelope or box containing the Technical Proposal must be marked "TECHNICAL PROPOSAL FOR HERNANDO COUNTY TRANSIT OPERATOR." In addition to the Technical Proposal, an Annual Budget/Cost Proposal must be submitted in a separate sealed envelope. This envelope shall be clearly marked, "ANNUAL BUDGET/COST PROPOSAL."

Faxed and electronically mailed responses will not be accepted.

The Hernando County MPO will not accept responsibility for proposals that are not marked and submitted in this manner. Proposals are to remain in effect for ninety (90) calendar days from date of submission. The Hernando County MPO reserves the right to reject any or all proposals, to waive any formality concerning proposals or negotiate changes to the proposals whenever such rejection, waiver or negotiation is in the best interest of the State and the citizens of Hernando County.

The Hernando County MPO reserves the right to waive any informality in any proposal, to reject any or all proposals in whole or in part, with or without cause, and/or to accept the proposal that in its judgment will be in the best interest of the Hernando County MPO. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

Hernando County Metropolitan Planning Organization
/s/Hugh Pascoe
Transportation Advisor
Reference #Transit RFP#2

WATER MANAGEMENT DISTRICTS

INVITATION TO BID

TECHNICAL SERVICES – "L" STREET POND ALUM INJECTION STORMWATER PILOT FACILITY DESIGN INVITATION TO BID 01B-009

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed proposals from qualified firms to provide professional engineering services. Services being requested are design of a stormwater pre-treatment facility that will chemically treat approximately 1600 acre-feet of stormwater runoff annually with aluminum sulfate (alum), equipped with an automated floc disposal system which periodically pumps accumulated floc from the settling chamber to a nearby sanitary sewer system. Proposals will be accepted up to the 2:00 p.m., EST opening time on Wednesday, August 15, 2001.

A pre-proposal meeting will be held on Wednesday, July 11, 1998 at 2:00 p.m. Eastern Time at District Headquarters, Midway, Florida (ten miles west of Tallahassee on U.S. 90). All proposals must conform to the instructions in the Invitation to Bid. Interested parties may obtain a copy of the complete Bid package at the above address or by calling (850)539-5999. The proposal opening is open to the public. Provisions will be made to accommodate the handicapped (if requested) provided the District is given at least 72 hours advance notice. All proposals must comply with applicable Florida Statutes.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INVITATION TO BID

BID NO. BDRS 07-01/02

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

- PROJECT NAME:** Replace Roof and Restore Light Fixtures
- SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials to demolish and disposal of existing roofing materials and reroof the Lodge and Laundry Buildings, plus removal and replacement of 24 exterior light fixtures at the Lodge.
- PARK LOCATION:** Edward Ball Wakulla Springs State Park At S.R. 61 and S.R. 267 16 miles S of Tallahassee (Wakulla County)

PROJECT
MANAGER: Kimsey Helms, Bureau of Design and Recreation Services, Telephone Number (850)488-5372, Fax Number (850)488-3537

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, July 13, 2001 at: Edward Ball Wakulla Springs State Park, 550 Wakulla Park Drive, Wakulla Springs, Florida 32305, Attention: Sandy Cook, Park Manager, Telephone Number (850)224-5950

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and

Recreation Services at (850)488-5372 at least five (5) workdays prior to openings.

BID SUBMITTAL DUE DATE: No later than 3:30 p.m., Tuesday, August 7, 2001 to the below address: Florida Dept. of Environmental Protection, Bureau of Design and Recreation Services, 3540 Thomasville Rd, Tallahassee, Florida 32308.

The Department reserves the right to reject any or all bids. Michael Renard, Contracts Manager, Bureau of Design and Recreation Services

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

PUBLIC NOTICE

The State of Florida Department of Children and Family Services, District Ten, Broward County, is issuing an Invitation to Negotiate (ITN) to become the Lead Agency for Community-Based Care for Foster Care and Related Services effective July 13, 2001. The ITN may be obtained on July 13 beginning at 8:00 a.m. at The Office of Community Affairs, 201 West Broward Boulevard, Room 406, District Administration, Fort Lauderdale, Florida 33301.

The contact person for this ITN:

Lynette Beal
Department of Children and Families
201 West Broward Boulevard
Fort Lauderdale, Florida 33301
(954)467-4297

FLORIDA HOUSING FINANCE CORPORATION

Request for Proposals
2001/03

Credit Underwriting, Loan Servicing, Compliance Monitoring and Financial Monitoring
For Single Family and Multifamily Programs

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to act as Credit Underwriter, Loan Servicer and Financial Monitor, and/or Compliance Monitor to submit proposals for consideration. Written, sealed proposals shall be accepted until 4:00 p.m., Eastern Time, August 27, 2001, to the attention of Steve Auger, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact Steve Auger, (850)488-4197 or Steve.Auger@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines

selection criteria and offeror's responsibilities, please submit your request to the attention of Steve Auger, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/rfps.html>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

NOTICE TO PROFESSIONAL CONSULTANTS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, 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, telephone number (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 at 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 STATE

PUBLIC NOTICE

The Bureau of Historic Preservation of the Florida Department of State announces the availability of forms for application for designation as a 2001 Florida Main Street Community. Complete applications must be delivered to the Florida Main Street Program, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250 no later than 5:00 p.m. or postmarked and mailed or submitted (with evidence) to an express mail service on or before 12:00 midnight July 27, 2001. Applications are available by contacting Miss Laura Lee Fisher, Florida Main Street Coordinator, at the above address or by calling 1(800)847-7278.

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., August 3, 2001):

APPLICATIONS TO ACQUIRE CONTROL

Financial Institution to be Acquired: The Bank of Bonifay, Bonifay, Florida.

Proposed Purchasers: Robert A. Bowen, Bonifay, Florida; Joseph D. DuRant, Bonifay, Florida; Brian K. James, Destin, Florida; Michael P. McCann, Sylacauga, Alabama; Guy F. Medley, Dothan, Alabama; Michael A. Medley, Louisville, Alabama; Charles R. Vawter, Jr., Sylacauga, Alabama

Received: June 25, 2001

Financial Institution to be Acquired: First Commercial Bank of Tampa, Tampa, Florida
Proposed Purchaser: Albert Salem, Jr., Tampa, Florida
Received: June 28, 2001

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No. DCA01-OR-102

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY CITY OF KEY COLONY BEACH
ORDINANCE NO. 336-2001

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000), approving a land development regulation adopted by the City of Key Colony Beach as set forth below.

FINDINGS OF FACT

1. On May 29, 2001, the Department received for review City of Key Colony Beach Ordinance No. 336-2001 which was adopted by the City of Key Colony Beach Board of City Commissioners ("Ord. 336-2001"). Ord. 336-2001 amends the definition of "Antennas" to more clearly include wireless communication towers.

2. Ord. 336-2001 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000).

4. The City of Key Colony Beach is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 336-2001 are land development regulations.

6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).

7. Ordinance 01-08 is consistent with Principle (a), "To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation;" with Principle (c), "To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat;" Principle (f), "To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys;" and with Principle (l), "To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource."

8. Ordinance 01-08 is not inconsistent with the remaining Principles. Ord. 01-08 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 336-2001 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/

J. THOMAS BECK, DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED

REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 27th day of June, 2001.

/s/_____
Paula Ford, Agency Clerk

- By U.S. Mail:
 - Honorable Edward Sheahan
 - Mayor of the City of Key Colony Beach
 - Post Office Box 510141
 - Key Colony Beach, FL 33051
 - Lorine Fernandez
 - Clerk of the City of Key Colony Beach
 - Post Office Box 510141
 - Key Colony Beach, FL 33051
 - Ms. Rebecca Jetton
 - Department of Community Affairs
 - Keys Field Office
 - Marathon Regional Service Center
 - 2796 Overseas Highway, Suite 212
 - Marathon, FL 33050
- By Hand Delivery or Interagency Mail:
 - Michael McDaniel, Growth Management Administrator, DCA Tallahassee
 - David Jordan, Deputy General Counsel, DCA Tallahassee

DCA Final Order No. DCA01-OR-103
STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY MONROE COUNTY
ORDINANCE NO. 020-2001

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) & (11), and § 380.0552(9), Fla. Stat. (2000), regarding a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. On May 21, 2001, the Department received for review Monroe County Ordinance No. 020-2001 which was adopted by the Monroe County Board of County Commissioners ("Ord. 020-2001"). Ord. 020-2001 revises the fence regulations to allow higher fences in some situations.

2. Ord. 020-2001 is consistent with the County's Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) & (11), and § 380.0552(9), Fla. Stat. (2000).

4. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 020-2001 are land development regulations.

6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).

7. Ord. 020-2001 promotes and furthers Principle (a), "To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation;" Principle (c), "To protect upland resources ... wildlife and their habitat," Principle (f), "To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys;" and Principle (l), "To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource."

8. Ord. 020-2001 is not inconsistent with the remaining Principles. §380.0552(7), Fla. Stat. (2000). Ord. 020-2001 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 020-2001 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/

J. THOMAS BECK, DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 27th day of June, 2001.

/s/ _____
Paula Ford, Agency Clerk

By U.S. Mail:
Honorable George Neugent
Mayor of Monroe County
500 Whitehead Street
Key West, Florida 33040
Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040
Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050
Ms. Rebecca Jetton
Department of Community Affairs
Keys Field Office
Marathon Regional Service Center
2796 Overseas Highway, Suite 212
Marathon, Florida 33050
By Hand Delivery or Interagency Mail:
Michael McDaniel, Growth Management Administrator, DCA
Tallahassee
David Jordan, Deputy General Counsel, DCA Tallahassee

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**FLORIDA RECREATION DEVELOPMENT
ASSISTANCE PROGRAM**

The Department of Environmental Protection will accept Fiscal Year 2002-2003 grant applications for the Florida Recreation Development Assistance Program (FRDAP) as follows:

APPLICATION SUBMISSION PERIOD: September 12, 2001 – October 12, 2001

Applications must be postmarked before or on the last date of the program application period.

ELIGIBLE APPLICANTS: All county governments and incorporated municipalities of the State of Florida and other legally constituted local governmental entities with the legal responsibility for the provision of outdoor recreational sites and facilities for the use and benefit of the public.

MAXIMUM GRANT REQUEST: The maximum grant request may not exceed \$200,000.00 An applicant's requested grant funds may be revised by the Department due to the availability of program funds. Available program funds for Fiscal Year 2002-2003 are contingent upon an appropriation by the Florida Legislature.

APPLICATION INFORMATION: FRDAP application packets may be obtained from the Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services, Mail Station #585, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Phone (850)488-7896, Suncom 278-7896, Fax (850)488-3665, Suncom 278-3665, Email: LaTonya.M.Davis@dep.state.fl.us, Website: www.myflorida.com/myflorida/communities/learn/stateparks/drs

PROGRAM DESCRIPTION: FRDAP is a competitive grant program which provides financial assistance to local governmental entities for development or acquisition of land for public outdoor recreational purposes.

DEPARTMENT OF HEALTH

On, June 26, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Shari Mulvey, PN license number PN 1334331. Mulvey's last known address is 15025 Peach Orchard Road, Brooksville, FL 34614. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(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.

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.

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, at (850)245-4440 or SunCom 205-4440.

P.O. # F00396

NOTICE OF FUND AVAILABILITY FOR THE YEAR 2001
FLORIDA EMERGENCY MEDICAL SERVICES (EMS)
RURAL MATCHING GRANT PROGRAM

AGENCY: Department of Health, Bureau of Emergency Medical Services
GRANT TITLE: Florida EMS Rural Matching Grant
PURPOSE AND EFFECT: To provide grants for prehospital EMS in Florida.
AUTHORITY: Chapter 401, Part II, Florida Statutes (F.S.)
ELIGIBILITY: Emergency Medical Services organizations (EMSOs) in rural counties, as defined in Chapter 401, Part II, F.S., are eligible to apply for grant funding to provide prehospital EMS in Florida.

MATCHING REQUIREMENT: The department will provide 90 percent of the funding, while successful applicants must provide 10 percent of the total cost for an approved project.

TO OBTAIN AN APPLICATION: Please call Ed Wilson at (850)245-4440, Ext. 2737, or write to the EMS Rural Matching Grant Program, ATTN: Ed Wilson, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738. Requests for applications may be faxed to the EMS Rural Matching Grant Program, (850)488-2512 or 487-2911.

DEADLINE: Applications will be accepted, evaluated and funded on an ongoing basis through May 31, 2002, pending fund availability. No incomplete applications, or applications received by the Bureau of Emergency Medical Services after 5:00 p.m., May 31, 2002, will be considered for funding.

RIGHT TO REJECT: Department of Health reserves the right to reject any and all applications.

P. O. #F00396

CITY OF CLEWISTON

MUNICIPAL UTILITIES DIRECTOR – City of Clewiston, FL. (Population 6,500), an agricultural community, located in South Florida, nestled on the southwestern shores of Lake

Okeechobee, 60 miles, from West Palm Beach on the Atlantic Ocean and Fort Myers on the Gulf of Mexico, is seeking a director for its municipal utilities system. The successful candidate will be responsible for the daily operation, maintenance, and planning of the City's electric, water, and sewage departments. The City's electrical utility consists of 455 commercial, one industrial, and 3,309 residential accounts. System territory is five square miles. Requirements: bachelor's degree in electrical engineering, related field or equivalent experience in municipal electrical utility required. Must possess strong management, supervisory, organizational and employee relations skills. Must have three years electric utility experience including distribution and substation maintenance. Salary negotiable. Please submit resume and three references with telephone numbers to Sharon Bosley, Human Resources, City of Clewiston, 115 West Ventura Avenue, Clewiston, FL 33440. Position open until filled. EOE/ADA/DFWP

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN June 25, 2001
 and June 29, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF INSURANCE

Division of State Fire Marshal

4A-2.002	6/29/01	7/19/01	27/19	
4A-2.004	6/29/01	7/19/01	27/19	
4A-2.012	6/29/01	7/19/01	27/19	
4A-2.019	6/29/01	7/19/01	27/19	
4A-2.022	6/29/01	7/19/01	27/19	
4A-50.013	6/29/01	7/19/01	27/19	
4A-50.020	6/29/01	7/19/01	27/19	

DEPARTMENT OF EDUCATION

State Board of Education

6A-4.0021	6/26/01	7/16/01	27/19	
6A-4.00821	6/26/01	7/16/01	27/19	

University of Florida

6C1-3.007	6/29/01	7/19/01	Newspaper	
6C1-6.011	6/29/01	7/19/01	Newspaper	

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

18-24.001	6/27/01	7/17/01	27/15	
18-24.002	6/27/01	7/17/01	27/15	
18-24.003	6/27/01	7/17/01	27/15	
18-24.004	6/27/01	7/17/01	27/15	
18-24.005	6/27/01	7/17/01	27/15	
18-24.006	6/27/01	7/17/01	27/15	
18-24.007	6/27/01	7/17/01	27/15	
18-24.008	6/27/01	7/17/01	27/15	

PUBLIC SERVICE COMMISSION

25-7.063	6/25/01	7/15/01	27/9	27/20
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DEPARTMENT OF CORRECTIONS

33-302.109	6/29/01	7/19/01	27/21	
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WATER MANAGEMENT DISTRICTS

South Florida Water Management District

40E-4.091	6/29/01	7/19/01	27/14	27/22
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**AGENCY FOR HEALTH CARE ADMINISTRATION
 Office of Licensure and Certification**

59A-8.002	6/28/01	7/18/01	27/13	
59A-8.0025	6/28/01	7/18/01	27/13	
59A-8.003	6/28/01	7/18/01	27/13	
59A-8.004	6/28/01	7/18/01	27/13	
59A-8.007	6/28/01	7/18/01	27/13	
59A-8.008	6/28/01	7/18/01	27/13	
59A-8.0086	6/28/01	7/18/01	27/13	
59A-8.0095	6/28/01	7/18/01	27/13	
59A-8.0185	6/28/01	7/18/01	27/13	
59A-8.020	6/28/01	7/18/01	27/13	
59A-8.0215	6/28/01	7/18/01	27/13	
59A-8.0218	6/28/01	7/18/01	27/13	
59A-8.022	6/28/01	7/18/01	27/13	
59A-8.024	6/28/01	7/18/01	27/13	
59A-8.027	6/28/01	7/18/01	27/13	

Medicaid Program Office

59G-4.055	6/28/01	7/18/01	27/15	27/21
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Construction Industry Licensing Board

61G4-12.008	6/27/01	7/17/01	27/21	
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-113.100	6/26/01	7/16/01	27/14	27/22
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Division of Recreation and Parks

62D-5.068	6/25/01	7/15/01	27/15	
62D-5.069	6/25/01	7/15/01	27/15	
62D-5.070	6/25/01	7/15/01	27/15	
62D-5.071	6/25/01	7/15/01	27/15	
62D-5.072	6/25/01	7/15/01	27/15	
62D-5.073	6/25/01	7/15/01	27/15	
62D-5.074	6/25/01	7/15/01	27/15	

DEPARTMENT OF HEALTH

Board of Dentistry

64B5-7.007	6/29/01	7/19/01	27/11	27/15
64B5-13.0046	6/29/01	7/19/01	27/19	27/21

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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FLORIDA HOUSING FINANCE CORPORATION

67-31.002	6/25/01	7/15/01	27/21	
67-31.004	6/25/01	7/15/01	27/21	
67-31.005	6/25/01	7/15/01	27/21	
67-31.006	6/25/01	7/15/01	27/21	
67-31.007	6/25/01	7/15/01	27/21	
67-31.008	6/25/01	7/15/01	27/21	
67-31.009	6/25/01	7/15/01	27/21	
67-31.010	6/25/01	7/15/01	27/21	

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

68C-22.005	6/27/01	7/17/01	26/7	26/25
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NOTICE OF CORRECTION

The following list of rules files was inadvertently omitted from the July 6, 2001, Vol. 27, No. 27, Florida Administrative Weekly.

RULES FILED BETWEEN June 18, 2001 and June 22, 2001

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF INSURANCE

4-193.025	6/22/01	7/12/01	27/18	
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Division of State Fire Marshal

4A-28.003	6/21/01	7/11/01	27/12	
4A-28.006	6/21/01	7/11/01	27/12	
4A-28.007	6/21/01	7/11/01	27/12	
4A-28.008	6/21/01	7/11/01	27/12	
4A-28.016	6/21/01	7/11/01	27/12	
4A-36.100	6/21/01	7/11/01	27/12	
4A-36.101	6/21/01	7/11/01	27/12	
4A-36.102	6/21/01	7/11/01	27/12	
4A-36.103	6/21/01	7/11/01	27/12	
4A-36.105	6/21/01	7/11/01	27/12	
4A-36.106	6/21/01	7/11/01	27/12	
4A-36.107	6/21/01	7/11/01	27/12	
4A-36.108	6/21/01	7/11/01	27/12	
4A-38.020	6/21/01	7/11/01	27/12	
4A-38.021	6/21/01	7/11/01	27/12	
4A-38.023	6/21/01	7/11/01	27/12	
4A-38.024	6/21/01	7/11/01	27/12	
4A-38.026	6/21/01	7/11/01	27/12	
4A-38.028	6/21/01	7/11/01	27/12	27/18
4A-38.030	6/21/01	7/11/01	27/12	
4A-41.001	6/21/01	7/11/01	27/12	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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4A-41.002	6/21/01	7/11/01	27/12	
4A-41.003	6/21/01	7/11/01	27/12	
4A-41.007	6/21/01	7/11/01	27/12	
4A-41.011	6/21/01	7/11/01	27/12	
4A-41.012	6/21/01	7/11/01	27/12	
4A-41.013	6/21/01	7/11/01	27/12	
4A-41.014	6/21/01	7/11/01	27/12	
4A-41.016	6/21/01	7/11/01	27/12	
4A-41.017	6/21/01	7/11/01	27/12	
4A-41.019	6/21/01	7/11/01	27/12	
4A-41.020	6/21/01	7/11/01	27/12	
4A-41.024	6/21/01	7/11/01	27/12	
4A-41.025	6/21/01	7/11/01	27/12	
4A-41.026	6/21/01	7/11/01	27/12	
4A-48.002	6/21/01	7/11/01	27/12	
4A-48.004	6/21/01	7/11/01	27/12	
4A-48.005	6/21/01	7/11/01	27/12	
4A-48.006	6/21/01	7/11/01	27/12	
4A-48.008	6/21/01	7/11/01	27/12	
4A-53.003	6/21/01	7/11/01	27/12	
4A-55.002	6/21/01	7/11/01	27/12	
4A-55.003	6/21/01	7/11/01	27/12	
4A-55.004	6/21/01	7/11/01	27/12	

Career Services Systems

4E-1.001	6/20/01	7/10/01	27/15	
4E-1.0015	6/20/01	7/10/01	27/15	
4E-1.002	6/20/01	7/10/01	27/15	
4E-1.003	6/20/01	7/10/01	27/15	
4E-1.004	6/20/01	7/10/01	27/15	
4E-1.005	6/20/01	7/10/01	27/15	
4E-1.006	6/20/01	7/10/01	27/15	

Contract Bidding

4F-1.001	6/22/01	7/12/01	27/20	
4F-1.002	6/22/01	7/12/01	27/20	
4F-1.003	6/22/01	7/12/01	27/20	
4F-1.004	6/22/01	7/12/01	27/20	
4F-1.005	6/22/01	7/12/01	27/20	
4F-1.006	6/22/01	7/12/01	27/20	

DEPARTMENT OF EDUCATION

University of Florida

6C1-1.0062	6/18/01	7/8/01	Newspaper	
6C1-2.005	6/18/01	7/8/01	Newspaper	
6C1-2.012	6/18/01	7/8/01	Newspaper	
6C1-2.0161	6/18/01	7/8/01	Newspaper	
6C1-4.006	6/18/01	7/8/01	Newspaper	
6C1-7.051	6/18/01	7/8/01	Newspaper	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
DEPARTMENT OF TRANSPORTATION					Health Care Cost Containment Board				
14-22.0011	6/18/01	7/8/01	27/12	27/21	59E-7.011	6/21/01	7/11/01	27/10	
14-22.003	6/18/01	7/8/01	27/12	27/21	59E-7.012	6/21/01	7/11/01	27/10	27/19
14-22.008	6/18/01	7/8/01	27/12	27/21	59E-7.014	6/21/01	7/11/01	27/10	27/19
14-22.009	6/18/01	7/8/01	27/12	27/21	59E-7.016	6/21/01	7/11/01	27/10	
14-22.012	6/18/01	7/8/01	27/12	27/21					
14-22.0141	6/18/01	7/8/01	27/12	27/21	DEPARTMENT OF ENVIRONMENTAL PROTECTION				
14-22.015	6/18/01	7/8/01	27/12	27/21	Division of Marine Resources				
					62R-9.001	6/20/01	7/10/01	27/13	
					62R-9.002	6/20/01	7/10/01	27/13	
					62R-9.003	6/20/01	7/10/01	27/13	
					62R-9.004	6/20/01	7/10/01	27/13	
					62R-9.005	6/20/01	7/10/01	27/13	
					62R-9.006	6/20/01	7/10/01	27/13	
					62R-9.007	6/20/01	7/10/01	27/13	
					62R-9.008	6/20/01	7/10/01	27/13	
					62R-9.009	6/20/01	7/10/01	27/13	
DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY					DEPARTMENT OF HEALTH				
Division of Workers' Compensation					Board of Medicine				
38F-7.522	6/20/01	7/10/01	27/10		64B8-4.004	6/20/01	7/10/01	27/20	
38F-7.523	6/20/01	7/10/01	27/10		64B8-4.009	6/20/01	7/10/01	27/20	
					64B8-4.010	6/20/01	7/10/01	27/20	
					64B8-8.001	6/20/01	7/10/01	27/20	
					64B8-8.002	6/20/01	7/10/01	27/20	
					64B8-8.003	6/20/01	7/10/01	27/20	
					DEPARTMENT OF CHILDREN AND FAMILY SERVICES				
					65-28.001	6/18/01	7/8/01	27/14	
WATER MANAGEMENT DISTRICTS									
St. Johns River Water Management District									
40C-4.051	6/18/01	7/8/01	24/52						
40C-4.091	6/18/01	7/8/01	24/52	25/8					
AGENCY FOR HEALTH CARE ADMINISTRATION									
Cost Management and Control									
59B-9.011	6/21/01	7/11/01	27/10						
59B-9.013	6/21/01	7/11/01	27/10						
59B-9.015	6/21/01	7/11/01	27/10						
59B-9.016	6/21/01	7/11/01	27/10						
59B-9.017	6/21/01	7/11/01	27/10	27/19					
59B-9.018	6/21/01	7/11/01	27/10	27/19					
59B-9.019	6/21/01	7/11/01	27/10	27/19					
59B-9.020	6/21/01	7/11/01	27/10	27/19					
59B-9.021	6/21/01	7/11/01	27/10						