

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: Claims
 RULE NO.: 2A-2.002

PURPOSE AND EFFECT: Division of Victim Services and Criminal Justice Programs intends to revise an existing form it utilizes in its domestic violence assistance program and to incorporate two additional forms into the rule.

SUBJECT AREA TO BE ADDRESSED: The revision of an existing domestic violence assistance claim form and the incorporation of two new forms in the rule.

SPECIFIC AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.13(1)(b), 960.198 FS.

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

TIME AND DATE: 1:30 p.m., August 28, 2001

PLACE: The Collins Building, 107 W. Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ellen Winslow, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-2.002 Claims.

Application and benefit payment criteria, limitations and procedures for victim assistance are provided in the publication entitled "Victim Compensation Assistance," BVC-P001 (January 2000), effective 2-3-00, which is incorporated into these rules by reference. In addition, the following documents are incorporated into this rule by reference:

(1) through (5) No change.

(6) BVC 105, entitled "Domestic Violence Relocation Certification" (8/01) ~~(10/99)~~, effective 2-3-00.

(7) BVC 105A, entitled "Domestic Violence Relocation Expense Worksheet," (8/01), effective _____.

(7) through (10) renumbered (8) through (11) No change.

(12) BVC 421, entitled "Notification of Possible Recoupment and/or Prosecution for Fraud" (8/01), effective _____.

Specific Authority 960.045(1) FS. Law Implemented 960.065, 960.07, 960.13(1)(b), 960.198 FS. History--New 1-1-92, Amended 11-1-92, 9-13-94, 1-8-96, 6-25-96, 10-1-96, 9-24-97, 8-17-99, 2-3-00, _____.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission –
 Handicapped Accessibility

RULE CHAPTER NO.:

Standards

9B-7

RULE TITLE: Procedures

RULE NO.:

9B-7.003

PURPOSE AND EFFECT: To update section 8, "Reason(s) for Waiver Request," of Request for Waiver, Form No. 1997-03, adopted by reference in this rule. Section 8 lists the criteria for waiver of accessibility requirements, and the proposed amendment will replace outdated criteria with those criteria currently prescribed in subsection 9B-7.003(6), F.A.C.

SUBJECT AREA TO BE ADDRESSED: Application for waiver from accessibility requirements.

SPECIFIC AUTHORITY: 553.512(1) FS.

LAW IMPLEMENTED: 553.512(1) FS.

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

TIME AND DATE: 1:30 p.m., Tuesday, August 28, 2001

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-7.003 Procedures.

(1) All applications for a waiver or modification of the requirements of the Act or the Code shall be filed on the Request for Waiver, Forms No. 2001-1 ~~1997-03~~ and 1997-04, which the Commission hereby incorporates by reference, effective _____ ~~October 1, 1997~~. Copies of Forms No. 2001-1 ~~1997-03~~ and 1997-04 are available by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Upon certification from an applicant that all information requested by these rules has been furnished, the

Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, Telephone: (850)413-9818, Fax: (850)922-0325; E-mail: daniel.crabb@dca.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9G-22.001 Purpose.

This chapter describes the processes for application, project selection and distribution of funds under the Hazard Mitigation Grant Program.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New

9G-22.002 Definitions.

(1) “Adoption” means a resolution, ordinance or other formal action taken by the governing body of a county or municipality indicating agreement with and acceptance of the relevant Local Mitigation Strategy.

(2) “Application” means the request for hazard mitigation funding as submitted to the Division by an Applicant.

(3) “Applicant” means a state agency, local government, Native American tribe or authorized tribal organization or eligible private non-profit organization, as defined in 44 C.F.R., §206.221(e), requesting hazard mitigation funding.

(4) “Disaster” means any emergency or major disaster as defined in 44 C.F.R., Part 206, Subpart A.

(5) “Division” means the Division of Emergency Management within the Department of Community Affairs.

(6) “FEMA” means the Federal Emergency Management Agency.

(7) “Florida Hazard Mitigation Strategy” means Florida’s version of the Hazard Mitigation Plan referred to in 44 C.F.R., Part 206, Subpart M. The Florida Hazard Mitigation Strategy (Rev. Month/Day/Year) is hereby incorporated into this rule by reference.

(8) “Hazard” means a condition that exposes human life or property to harm from a man-made or natural disaster.

(9) “Hazard Mitigation” means any action taken to reduce or eliminate the exposure of human life or property to harm from a man-made or natural disaster.

(10) “Hazard Mitigation Grant Program”, herein referred to as HMGP, means the program authorized under Section 404 of the Stafford Act and implemented by 44 C.F.R., Part 206, Subpart N, which provides funding for mitigation projects as identified in the State Hazard Mitigation Strategy.

(11) “Local Mitigation Strategy” or “LMS” means a plan to reduce the identified hazards within a county.

(12) “Project” means an approved hazard mitigation proposal for funding under the Hazard Mitigation Grant Program.

(13) “Working Group” is the group responsible for the development and implementation of the Local Mitigation Strategy.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New

9G-22.003 Eligibility.

(1) Eligible types of projects shall include, but not be limited to, the following:

(a) New construction activities that will result in protection from hazards;

(b) Retrofitting of existing facilities that will result in increased protection from hazards;

(c) Elevation of floodprone structures;

(d) Vegetative management/soil stabilization;

(e) Infrastructure protection measures;

(f) Stormwater management/flood control projects;

(g) Property acquisition or relocation; and

(h) Plans that identify and analyze mitigation problems and include funded, scheduled programs for implementing solutions.

(2) In order to be eligible for funding, projects shall meet the following requirements:

(a) Conform to the Florida Hazard Mitigation Strategy;

(b) Conform to the funding priorities for the disaster as established in the LMS governing the project;

(c) Conform to 44 C.F.R., Part 9, Floodplain Management and Protection of Wetlands, and 44 C.F.R., Part 10, Environmental Considerations;

(d) Eliminate a hazard independently or substantially contribute the elimination of a hazard where there is reasonable assurance that the project as a whole will be completed; and

(e) Be cost-effective and substantially reduce the risk of future damage, hardship, loss, or suffering resulting from a disaster.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New

9G-22.004 LMS Working Groups.

Each county electing to participate in the HMGP must have a formal LMS Working Group and a current LMS.

(1) Not later than the last working weekday of January of each year the Chairperson of the Board of County Commissioners shall submit to the Division a list of the members of the Working Group and its designated chairperson and Vice-Chairperson.

(2) The Working Group shall include, at a minimum:

(a) Representation from various agencies of county government which may include, but not be limited to, planning and zoning, roads, public works and emergency management;

(b) Representation from all interested municipalities within the county; and

(c) Representation from all interested private organizations, civic organizations, Native American Tribes or authorized tribal organizations, water management districts, independent special districts and non-profit organizations.

(3) The county shall submit documentation to show that within the preceding year it has issued a written invitation to each municipality, private organization, civic organization, Native American Tribe or authorized tribal organization, water management district, independent special district and non-profit organization, as applicable, to participate in the LMS working group. This documentation shall accompany the membership list submitted to the Division.

(4) The Working Group shall have the following responsibilities:

(a) To designate a Chairperson and Vice-Chairperson;

(b) To develop and revise an LMS as necessary;

(c) To coordinate all mitigation activities within the County;

(d) To set an order of priority for local mitigation projects; and

(e) To submit annual LMS updates to the Division by the last working weekday of each January. Updates shall address, at a minimum:

1. Changes to the hazard assessment;
2. Changes to the project priority list;
3. Changes to the critical facilities list;
4. Changes to the repetitive loss list; and
5. Revisions to any maps.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New

9G-22.005 Local Mitigation Strategy.

Each LMS shall have the following components:

(1) A description of the activities of local government and private organizations that promote hazard mitigation; a description of the policies, ordinances or programs that guide those activities; and any deficiencies in the policies, ordinances, and programs with recommendations to correct those deficiencies;

(2) A description of the methods used to engage private sector participation;

(3) A statement of general mitigation goals, with Working Group recommendations for implementing these goals, and estimated dates for implementation;

(4) A description of the procedures used by the Working Group to review the LMS at regular intervals to ensure that it reflects current conditions within the County;

(5) A hazard assessment to include, at the minimum, an evaluation of the vulnerability of structures, infrastructure, environmental resources and the economy to storm surge, high winds, flooding, wildfires and any other hazard to which the community is susceptible;

(6) A statement of procedures used to set the order of priority for projects based on project variables which shall include technical and financial feasibility;

(7) A list of approved projects in order of priority with estimated costs and associated funding sources;

(8) A list of critical facilities that must remain operational during and after a disaster;

(9) A list structures that have suffered two or more occurrences of damage due to flooding and which have received payouts from the National Flood Insurance Program as a result of those occurrences (i.e. repetitive loss structures); and

(10) Maps, in Geographical Information System (GIS) format, depicting hazard areas, project locations, critical facilities and repetitive loss structures.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New

9G-22.006 County Allocations and Project Funding.

(1) The available HMGP funds shall be allocated to the counties included in the relevant disaster declaration in proportion to each county's share of the total disaster damages, as measured by the Public Assistance figures approved by FEMA immediately following the disaster, plus the actual disaster claims from the Individual Assistance and Small Business Administration programs as of 90 days after the disaster declaration. No county with an estimated allocation of less than \$10,000 shall be eligible to receive funding under this paragraph.

(a) Eligible and submitted projects for each county included in the relevant disaster declaration will be funded in order of priority as outlined in the LMS until the allocated funds are exhausted, or all eligible projects are funded, whichever occurs first.

(b) Any allocation remaining after all eligible projects in any declared county are funded shall be re-allocated to those counties included in the relevant disaster declaration whose allocation was not sufficient to fund all submitted eligible projects in proportion to each county's share of unfunded projects.

(2) If funds remain after all eligible projects under paragraph (1) above have been funded, then they shall be applied to fund eligible projects submitted from counties not included in the relevant disaster declaration on a first-come-first-served basis until all available funds are obligated.

(3) Once a project has been selected for funding, the agreement between the applicant and the Division regarding the terms and conditions of the grant shall be formalized by contract.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New

9G-22.007 Application.

(1) The following entities may apply for funding under the program:

- (a) State agencies and local governments;
- (b) Private non-profit organizations or institutions that own or operate a private non-profit facility as defined in 44 C.F.R., §206.221(e); and
- (c) Indian tribes or authorized tribal organizations.

(2) The Division shall notify potential applicants of the availability of HMGP funds by publishing a Notice of Funding Availability in the Florida Administrative Weekly.

(3) Applicants will have not less than ninety (90) days from the date of notification to submit project applications. The opening and closing dates will be specified in the Notice of Funding Availability, and applications must be postmarked no later than 5:00 PM on the final due date.

(4) A letter shall accompany each application from the Chairperson or Vice-Chairperson of the LMS Working Group endorsing the project. The endorsement shall verify that the proposed project does appear in the current LMS and state its priority in relation to other submitted projects. The endorsement shall also confirm that the municipality in which the proposed project is located has adopted the LMS. Applications without this letter of endorsement will not be considered.

(5) Applications must be submitted using Form No. DCA-XXXX, State of Florida Joint Hazard Mitigation Grant Program & Flood Mitigation Assistance Application (Effective Date MM/DD/YY), which is incorporated into this rule by reference.

(6) Late but complete applications will be considered on a first-come-first-served basis until all available funds are obligated.

(7) If the Division receives an incomplete application, the applicant will be notified in writing of the deficiencies. The applicant will have thirty (30) calendar days from the date of the letter to resolve the deficiencies. If the deficiencies are not corrected by the deadline the application will not be considered for funding.

(8) Applications are to be delivered or sent to: Florida Department of Community Affairs, Division of Emergency Management, Bureau of Mitigation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399. ATTENTION: Hazard Mitigation Grant Program.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New

PUBLIC SERVICE COMMISSION

DOCKET NO: 010810-TP

RULE TITLE:

Customer Billing for Local Exchange
Telecommunications Companies

RULE NO.:

25-4.110

PURPOSE AND EFFECT: To consider the procedures for imposing and removing a freeze on the choice of the preferred telecommunications carrier.

SUBJECT AREA TO BE ADDRESSED: Preferred carrier freezes.

SPECIFIC AUTHORITY: 350.127, 364.603, 364.604(5) FS.
LAW IMPLEMENTED: 364.17, 350.113, 364.03, 364.04, 364.05, 364.052, 364.19, 364.602, 364.603, 364.604 FS.

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

TIME AND DATE: 1:00 p.m., August 27, 2001

PLACE: Betty Easley Conference Center, Room 182, 4075 Esplanade Way, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Moses, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

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

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Correctional Probation Officers

RULE NO.:

Carrying Firearms

33-302.104

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures related to correctional probation officers obtaining authorization to carry firearms.

SUBJECT AREA TO BE ADDRESSED: Correctional Probation Officers Carrying Firearms.

SPECIFIC AUTHORITY: 20.315, 120.53(1)(a), 790.06, 944.09 FS.

LAW IMPLEMENTED: 20.315, 120.53(1)(a), 790.06, 944.09 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.104 Correctional Probation Officers Carrying Firearms.

(1) Intent and Purpose. ~~The purpose of this rule is in order to promote the personal safety of the certified correctional probation officer engaged in field supervision and investigation of assigned offenders. The, it is the intent of the Department of Corrections to formulate procedures governing the authorization for officers to carry a firearm is for defensive purposes while on duty.~~

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

(b) Any correctional probation officer who elects to carry a firearm while on duty shall complete Form DC3-226, Request for Authorization to Carry a Firearm on Duty, and submit it for such authorization through the circuit administrator. Form DC3-226, Request for Authorization to Carry a Firearm on Duty, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is March 4, 2001. Any circuit administrator or deputy to the director of regional community corrections who elects to carry a firearm while on duty shall make application utilizing Form DC3-226 to the director of regional community corrections. A director of regional community corrections who elects to carry a firearm while on duty shall make application utilizing Form DC3-226 to the deputy assistant secretary of community corrections. The written application shall contain documentation that the individual has complied with the training and qualification requirements set forth in (c) below. The application shall also contain a statement that the officer has read and understands Rule 33-302.104 and 33-209.103, F.A.C.

(c) through (e) No change.

(f) The firearms authorization card, Form DC3-223, shall expire one year from the date of ~~initial~~ firearms card issuance unless written documentation of re-qualification is submitted to the authorizing entity prior to the expiration of the firearms card. The officer shall be required to successfully re-qualify each year thereafter pursuant to Rule 33-209.103, F.A.C., and this rule in order to remain qualified to carry a firearm. All correctional probation officers shall be provided the opportunity to prepare for annual firearms re-qualification by participating in re-qualification firearms training. A correctional probation officer who declines the opportunity to participate in re-qualification firearms training shall sign a statement indicating that the opportunity was provided and was declined. Form DC2-902, Refusal of Re-qualification Firearms Training, shall be used for this purpose. Form DC2-902 is hereby incorporated by reference. A copy of the form is

available 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 March 4, 2001.

(g) Re-qualification must occur ~~within 90 days~~ prior to the employee's firearm card expiration date. Upon re-qualification, the firearms instructor will complete the Firearm Re-qualification Certificate, Form DC3-241, with the re-qualification score, and will sign the form as the trainer. The officer will certify that the firearm referenced on this form is the firearm used in the course of his or her duties and that he or she uses only authorized ammunition, and shall return the form to the reviewing authority for issuance of a new Firearms Qualification and Authorization Card, Form DC3-223. An FCIC/NCIC check shall be conducted during the re-qualification process. The new firearm card will be issued effective the date of re-qualification. The DC3-223 will expire with an expiration date one year from the expiration date of requalification the previous firearm card.

(h) No change.

(i) A correctional probation officer who fails to complete firearm re-qualification after remedial training has been provided, and who wishes to renew authorization to carry a firearm, must re-attend and successfully complete department approved basic recruit firearm qualification training at the officer's own expense.

(j) A correctional probation officer who does not re-qualify prior to the date of expiration of the firearm card shall not be permitted to carry a firearm while on duty, except for firearm training purposes. The officer shall have one year from the date the firearm card expired to successfully re-qualify to continue to carry a firearm. If the officer successfully re-qualifies, after the card expires, a new firearm card will be issued with an expiration date one year from the date of re-qualification. If the officer does not successfully re-qualify within that year, the officer will be required to re-attend and successfully complete department approved basic recruit firearm qualification training at his or her own expense.

(k) The officer shall immediately notify his or her immediate supervisor in the case of theft or loss of the authorized firearm. The officer ~~or supervisor~~ shall notify local law enforcement agencies and the Florida Department of Law Enforcement in writing of the theft or loss and provide a copy to the supervisor to ensure the notification has been made as required. A Community Corrections Incident Report, Form DC3-225, An Inspector General's Office Electronic Mail E-Form shall be prepared by the officer any time a loss or theft occurs and shall be submitted to his or her immediate supervisor within 24 hours. The supervisor shall forward Form DC3-225 to the circuit administrator, who shall complete a MINS report. Form DC3-225 is hereby incorporated by reference. A copy of this form is available from the Forms

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

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

GROUND WATER

(1) through (19) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (11) No change.

(12) NOTIFICATION AND REQUEST FOR TRANSFER OF ENVIRONMENTAL RESOURCE PERMIT FORM NO. 04.10R-022 (07/01) TRANSFER OF ENVIRONMENTAL RESOURCE PERMIT FOR RESIDENTIAL SUBDIVISIONS OR CONDOMINIUMS PREVIOUSLY TRANSFERRED TO OPERATION PHASE FORM 41.00-114 (07/00)

(13) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.216, 373.219, 373.229, 373.239, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01,

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Federally Qualified Health Center Services

RULE NO.:

59G-6.080

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Federally Qualified Health Center Services Reimbursement Plan (the Plan) payment methodology, effective January 1, 2001. The proposed rates for Medicaid FQHCs' and RHCs' reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following:

In the first phase of the new Medicaid Prospective Payment System (PPS), January 1, 2001 – September 30, 2001, Florida will pay current FQHCs/RHCs the average of their Medicaid per diem rates in effect for the state fiscal years 1999 and 2000 (calculating the payment amount on a per visit basis). Beginning October 1, 2001, each FQHCs'/RHCs' Medicaid per diem rate will be increased by the percentage increase in the Medicare Economic Index (MEI) for primary care services. This increase shall be made annually on October 1. A FQHC/RHC may apply for an adjustment to its current Medicaid per diem rate if the FQHC/RHC experiences a change in their scope of service(s), which on a per visit basis is greater than 3% of the current per diem rate. Newly qualified

FQHCs/RHCs after fiscal year 2000 will have initial payments established either by reference to payments to other clinics in the same or adjacent areas, or in the absence of such other clinics, through cost reporting methods. After the initial year, payment shall be set using the MEI methods used for other clinics.

The effect of the proposed amendment is the proposed rates for Medicaid FQHCs' and RHCs' reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following:

In the first phase of the new Medicaid Prospective Payment System (PPS), January 1, 2001 – September 30, 2001, Florida will pay current FQHCs/RHCs the average of their Medicaid per diem rates in effect for the state fiscal years 1999 and 2000 (calculating the payment amount on a per visit basis). Beginning October 1, 2001, each FQHCs'/RHCs' Medicaid per diem rate will be increased by the percentage increase in the Medicare Economic Index (MEI) for primary care services. This increase shall be made annually on October 1. A FQHC/RHC may apply for an adjustment to its current Medicaid per diem rate if the FQHC/RHC experiences a change in their scope of service(s), which on a per visit basis is greater than 3% of the current per diem rate. Newly qualified FQHCs/RHCs after fiscal year 2000 will have initial payments established either by reference to payments to other clinics in the same or adjacent areas, or in the absence of such other clinics, through cost reporting methods. After the initial year, payment shall be set using the MEI methods used for other clinics.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the proposed rates for Medicaid FQHCs' and RHCs' reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following:

In the first phase of the new Medicaid Prospective Payment System (PPS), January 1, 2001 – September 30, 2001, Florida will pay current FQHCs/RHCs the average of their Medicaid per diem rates in effect for the state fiscal years 1999 and 2000 (calculating the payment amount on a per visit basis). Beginning October 1, 2001, each FQHCs'/RHCs' Medicaid per diem rate will be increased by the percentage increase in the Medicare Economic Index (MEI) for primary care services. This increase shall be made annually on October 1. A FQHC/RHC may apply for an adjustment to its current Medicaid per diem rate if the FQHC/RHC experiences a change in their scope of service(s), which on a per visit basis is greater than 3% of the current per diem rate. Newly qualified FQHCs/RHCs after fiscal year 2000 will have initial payments established either by reference to payments to other clinics in the same or adjacent areas, or in the absence of such other clinics, through cost reporting methods. After the initial year, payment shall be set using the MEI methods used for other clinics.

SPECIFIC AUTHORITY: 409.905(11) FS.
 LAW IMPLEMENTED: 409.908 FS.
 IF REQUESTED IN WRITING, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD):
 TIME AND DATE: 10:00 a.m., Monday, August 27, 2001
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH
Board of Chiropractic Medicine

RULE TITLE: Licensure Examination
 RULE NO.: 64B2-11.003
 PURPOSE AND EFFECT: To correct information inadvertently left out of the rule.
 SUBJECT AREA TO BE ADDRESSED: Licensure Examination.

SPECIFIC AUTHORITY: 456.017(1), 460.405 FS.
 LAW IMPLEMENTED: 456.017(1), 460.406(1) 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 TO BE ANNOUNCED.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B2-11.003 Licensure Examination.
- (1) No change.
 - (2) A score of 75% on each subject area in subsection (1) shall be necessary to achieve a passing score on the practical portion of the examination outlined in subsection (1). Upon initial examination, an applicant must take the entire practical examination. The applicant must pass at least two (2) of the three (3) subject areas of the practical examination in order to retake any failed subject area. The applicant may retake a failed subject area only twice, upon which time the applicant must retake the entire practical examination.
 - (3) through (5) No change.

Specific Authority 456.017(1), 460.405 FS. Law Implemented 456.017(1), 460.406(1) FS. History—New 1-10-80, Amended 3-15-81, 10-25-83, 10-10-85, Formerly 21D-11.03, Amended 10-6-86, 5-10-87, 10-12-87, 1-5-88, 3-24-88, 4-19-89, 12-31-89, 7-8-90, 7-15-91, 4-26-93, 7-14-93, Formerly 21D-11.003, Amended 3-7-94, Formerly 61F2-11.003, 59N-11.003, Amended 11-4-98, _____.

DEPARTMENT OF HEALTH
Board of Dentistry

RULE TITLE: Standards for Approved Providers
 RULE NO.: 64B5-12.0175
 PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to approved providers.
 SUBJECT AREA TO BE ADDRESSED: Standards for approved providers.
 SPECIFIC AUTHORITY: 466.004(4), 466.014 FS.

LAW IMPLEMENTED: 466.0135, 466.014 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B5-12.0175 Standards for Approved Providers.
- Approved continuing professional education providers and providers authorized pursuant to Rule 64B5-12.013(3)(b), shall comply with the following requirements:
- (1) No change.
 - (2) Instructors shall be adequately qualified by training, experience or licensure to teach specified courses. Because domestic violence courses must contain information specifically appropriate for, directly pertinent to, and useful in, dentistry, all domestic violence instructors shall be familiar with dental injuries indicative of domestic violence, reporting obligations under Florida and federal law, and incidence statistics in the dental profession. Instructors who have had a professional license revoked, suspended, or otherwise acted against, in Florida or in another jurisdiction, may be disqualified. In making this determination, the Board shall examine the date, nature and number of disciplinary actions.
 - (3) through (10) No change.

Specific Authority 466.004(4), 466.014 FS. Law Implemented 466.0135, 466.014 FS. History—New 1-18-89, Amended 7-9-90, Formerly 21G-12.0175, 61F5-12.0175, 59Q-12.0175, Amended 10-3-99, 10-29-00, _____.

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Standards of Practice; Discipline
RULE NO.: 64B11-4.003
PURPOSE AND EFFECT: The Board proposes to update its disciplinary guidelines rule in light of current statutory requirements.
SUBJECT AREA TO BE ADDRESSED: Standards of Practice; Discipline.
SPECIFIC AUTHORITY: 456.079, 468.204 FS.
LAW IMPLEMENTED: 456.072 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 TO BE ANNOUNCED.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Citations
RULE NO.: 64B11-4.005
PURPOSE AND EFFECT: The Board proposes to update its citation rule in accordance with current statutory requirements regarding contents.
SUBJECT AREA TO BE ADDRESSED: Citations.
SPECIFIC AUTHORITY: 456.077, 468.204 FS.
LAW IMPLEMENTED: 456.077 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 TO BE ANNOUNCED.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE TITLES: Definitions
RULE NOS.: 64C-1.001
 Program Organization 64C-1.002
 Requirements of CMS Network Applicants and Participants 64C-1.003
PURPOSE AND EFFECT: The 1998 substantial revisions to Chapter 391, F.S., include a significant use of language and information, which are contained in the Children’s Medical Services (CMS) rule Chapter 64C-1, F.A.C. Therefore, the Division of Children’s Medical Services proposes to amend rule Section 64C-1.001, F.A.C., to eliminate the duplication of definitions; to amend, through substantial rewording, rule section 1.002 to present an updated and accurate description of the CMS Program Organization; and to amend rule Section 64C-1.003, F.A.C., to eliminate duplicative information.
SUBJECT AREA TO BE ADDRESSED: Definition of terms, organization of the CMS Program, and requirements of the CMS Network applicants and participants
SPECIFIC AUTHORITY: 391.026(18) FS.
LAW IMPLEMENTED: 391.026 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. – 12:00 p.m., Monday, August 27, 2001
PLACE: 4025 Esplanade Way, Conference Room 301, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynn B. Ellis, Registered Nurse Consultant, Children’s Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, Ext. 2222, or Fax (850)488-3813
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64C-1.001 Definitions.
 As used in ~~this~~ rule Chapters 64C-1 through 64C-5:
 (1) “CMS” means Children’s Medical Services Program, which is comprised of two divisions: the CMS Network and Related Programs and the Prevention and Intervention Programs. ~~“Applicant” means an individual who:~~

- (a) Has reached the age of majority; or
- (b) Is the parent or legal representative of a minor; or
- (c) Has had the disability of nonage removed, either by marriage or court order, and requests an eligibility determination for CMS sponsorship.

(2) “CMS Network” means Children’s Medical Services Network, which is the health insurance component of the CMS Program.

(3)(2) “Case Care manager” means the individual designated to provide prescribed health care management services, including care coordination, directly with, or on behalf of, a participant patient. The CMS Network Case Manager may be referred to as the CMS Network Care Coordinator.

(3) “Children with Special Health Care Needs” is a term that describes a broad population of children of all ages with health problems that require more than routine and basic care. These children have disabilities, handicapping conditions, chronic illnesses, psychosocial and physical problems, health-related educational or behavioral problems, or are at risk for these problems. Children with or at risk for cerebral palsy, mental retardation, sensory deprivation, developmental disabilities, spina bifida, hemophilia, other genetic disorders, and health-related learning disorders are included in this population.

(4) “Chronic Illness” means an illness that lasts three months or more.

(5) “Family” means the entity, which claims the CMS patient as a dependent for IRS purposes.

(6) “Financial Eligibility” means the determination that an individual has a legal family gross income that is equal to or less than the current eligibility limits established by the Economic Services Program Office or that the family’s annual medical expenses, medical obligations or a projected cost of care which reduces the gross income to or below the Federal Poverty Level, or that the child is eligible for funding from the Governor’s Transplant Lifeline for Children fund. The term applies to either the person receiving services or the legal representative.

(4)(7) “Florida Resident”, for the purpose of these regulations, means anyone physically residing within the State of Florida, regardless of the length of that residency. People residing on Federal Indian Reservations within Florida’s boundaries are also considered Florida residents.

(8) “Medically Eligible Individual” means a child who is 0-21 years of age with a special health care need which hinders the achievement of normal growth and development regardless of any perceived rehabilitation potential, or a female of any age with a high risk pregnancy.

(9) “Patient Record” means an official document verifying activities on behalf of the CMS participant and family.

(10) “Patient” means an individual, under the age of 21, unless specifically provided for in statute or appropriation, who meets the medical and financial eligibility criteria for Children’s Medical Services.

(11) “Prescribed Health Care Management” (CMS care management) means directing services for children with special health care needs and their families that is designed to minimize the adverse effects of medical conditions and optimize the patient’s developmental potential in accordance with a prescribed plan. The prescribed plan is developed, in coordination with families.

(12) “Sponsorship” means the assumption of the responsibility by CMS for the arrangement of medical care, the provision of prescribed health care management, and the payment for prescribed services when other funding sources are not available.

Specific Authority 391.026(18)(12) FS. Law Implemented 391.026 FS. History—New 1-1-77, Formerly 10J-1.05, Amended 8-4-93, 3-28-96, Formerly 10J-1.005, Amended _____.

(Substantial rewording of Rule 64C-1.002 follows. See Florida Administrative Code for present text.)

64C-1.002 Program Organization.

(1) Components of the CMS Program are listed in 391.025(2), F.S.

(2) The CMS Program components are accessed through the two divisions of CMS: the Division of CMS Network and Related Programs and the Division of Prevention and Intervention.

(3) The Division of CMS Network and Related Programs provides a statewide managed care service system for children with special health care needs defined in s. 391.025(1), F.S., as individuals who are:

(a) Enrolled in the Medicaid program (Title XIX);

(b) Enrolled in the Florida KidCare program (Title XXI); and

(c) Uninsured or underinsured, provided that they meet the financial eligibility requirements established in this act and to the extent that resources are appropriated for their care (Safety Net).

(4) The Division of Prevention and Intervention provides:

(a) The infant metabolic screening program,

(b) The regional perinatal intensive care centers program,

(c) The developmental evaluation and intervention program,

(d) The sexual abuse treatment program, and

(e) The child protection team standards.

Specific Authority 391.026(18)(12) FS. Law Implemented 391.026 FS. History—New 1-1-77, Formerly 10J-1.06, Amended 8-4-93, 2-15-95, 3-28-96, Formerly 10J-1.006, Amended _____.

64C-1.003 Requirements Responsibilities of CMS Network Applicants and Participants Patients.

(1) All applicants for ~~CMS services and participants in the CMS patients Network will shall~~ furnish accurate medical and financial information ~~requested by to the CMS Network and will also shall~~ keep the CMS Network informed of any changes in circumstances. ~~This responsibility which~~ includes notifying CMS of all assets, resources and funds, including health care insurance and plans, settlements, awards and trust funds, which are available to the family for medical services.

~~(2) The family or legal guardian shall apply for health insurance coverage. Health insurance coverage shall be maintained by the family unless the family demonstrates a financial inability to do so and the staff of the CMS district office concurs. CMS sponsors care for pre-existing conditions which are ineligible for reimbursement by an insurance policy. CMS shall not pay the health care premium for a CMS patient unless it is warranted by the family's need for such assistance.~~

~~(2)(3) Families who are income eligible or potentially income eligible for Title XIX (Medicaid) or Title XXI (KidCare) Medicaid shall apply for Title XIX or Title XXI Medicaid benefits.~~

~~(4) CMS patients who receive Medicaid benefits or medical treatment from a private foundation such as Nemours or Shriners shall have a CMS care manager.~~

~~(3)(5) Applicants and participants patients shall apply for any other funding resources, including health insurance for which they may qualify, when directed by CMS.~~

~~(4)(6) Participants Families are required to utilize the CMS Network approved providers and facilities if the CMS Network is to pay for the care and provide the CMS Network case care management.~~

Specific Authority 391.026(18)(12), 402.24(2)(h) FS. Law Implemented 391.026, 391.047, 402.24 FS. History--New 1-1-77, Formerly 10J-1.07, Amended 8-4-93, 3-28-96, Formerly 10J-1.007, Amended _____.

DEPARTMENT OF HEALTH

Division of Children's Medical Services

RULE TITLES: RULE NOS.:
 Application for Services 64C-2.001
 Eligibility for CMS Network Services 64C-2.002
 Redetermination of Eligibility 64C-2.003
 PURPOSE AND EFFECT: The Division of Children's Medical Services (CMS) proposes the repeal of rule Rule 64C-2.001, F.A.C., since the significant rewrite of Chapter 391, F.S., together with Chapter 904.811, F.S., has rendered most of the information obsolete. The remaining provisions have been incorporated into rule section 64C-1.003, F.A.C., Also, the Division of Children's Medical Services (CMS) proposes substantial rewrites of Rules 64C-2.002 and 64C-2.003, F.A.C., to eliminate duplicative information, resulting from the 1998 substantial revisions to Chapter 391,

F.S., which includes a significant use of language and information found in these Children's Medical Services (CMS) rule sections.

SUBJECT AREA TO BE ADDRESSED: Repeal of application rule section and requirements for determining eligibility initially and eligibility redetermination for CMS Network services.

SPECIFIC AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.026, 409.166 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. – 12:00 p.m., Monday, August 27, 2001

PLACE: 4025 Esplanade Way, Conference Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynn B. Ellis, Registered Nurse Consultant, Children's Medical Services (CMS) Network, 4052 Bald Cypress Way, Bin #A06, Tallahassee, FL 32399-1707, (850)245-4444, Ext. 2222 or Fax (850)488-3813

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64C-2.001 Application for Services.

Specific Authority 391.026 FS. Law Implemented 391.026 FS. History--New 1-1-77, Formerly 10J-2.06, Amended 3-28-96, Formerly 10J-2.006, Repealed _____.

(Substantial rewording of Rule 64C-2.002 follows. See Florida Administrative Code for present text.)

64C-2.002 Eligibility for CMS Network Treatment Services.

- (1) A participant must be a Florida resident.
- (2) The CMS Network will determine medical eligibility.
- (3) Safety Net participants will have their financial eligibility for the CMS Network determined by the local CMS area office in accordance with 391.029(2)(d), F.S.

Specific Authority 391.026(18) FS. Law Implemented ~~391.07~~ 391.026(2), 391.029, 409.166 FS. History--New 1-1-77, Formerly 10J-2.08, Amended 3-28-96, Formerly 10J-2.008, Amended _____.

(Substantial rewording of Rule 64C-2.003 follows. See Florida Administrative Code for present text.)

64C-2.003 Redetermination Determination of Continuing Eligibility.

- (1) Financial eligibility for the Safety Net participants is redetermined annually or whenever there is a change in the family's income or the child's insurance coverage.

(2) All CMS Network participants shall have their medical eligibility for the CMS Network redetermined on an annual basis.

Specific Authority 391.026(18)(+2) FS. Law Implemented 391.026(2),(+1); ~~391.046, 391.029~~ FS. History—New 1-1-77, Amended 11-18-82, Formerly 10J-2.09, Amended 3-28-96, Formerly 10J-2.009, Amended _____.

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE TITLES: RULE NOS.:

Authorization and Reimbursement for CMS 64C-3.001
 Network Services
 Recovery of Third Party Payments 64C-3.002

PURPOSE AND EFFECT: The Division of Children’s Medical Services (CMS) proposes a substantial rewording of Rule 64C-3.001, F.A.C., to eliminate duplication, resulting from the 1998 substantial revisions to Chapter 391, F.S., which include a significant use of language and information found in this Children’s Medical Services (CMS) Rule section. Also, the Division of Children’s Medical Services (CMS) proposes to repeal Rule 64C-3.002, F.A.C., since the 1998 substantial revisions to Chapter 391, F.S., along with Chapter 402, F.S., include sufficient information regarding third party payment, thus eliminating the need to maintain this rule section.

SUBJECT AREA TO BE ADDRESSED: Requirements for authorization and reimbursement for CMS Network services. Repeal of recovery of third party payments.

SPECIFIC AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.026 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. – 12:00 p.m., Monday, August 27, 2001

PLACE: 4025 Esplanade Way, Conference Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynn B. Ellis, Registered Nurse Consultant, Children’s Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, ext. 2222, or FAX (850)488-3813

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 64C-3.001 follows. See Florida Administrative Code for present text.)

64C-3.001 Authorization and Reimbursement for CMS Network Services ~~Methods of Resource Development and Allocation.~~

(1) Health Services reimbursed using Title XXI funds must be prior authorized by the CMS Network primary care physician.

(2) Reimbursable health services for Safety Net participants must be prior authorized by the CMS Network case manager. Reimbursement of services is subject to the availability of funds.

(3) Providers seeking reimbursement from the CMS Network must bill the CMS Network within 90 days of the provision of authorized health services.

(4) Providers must accept the CMS Network payment as payment in full, and participants shall not be additionally billed. CMS Network participants shall not be charged a co-payment or a deductible for CMS funded health services.

(5) CMS Network payment for health services shall not exceed Medicaid rates, except as otherwise expressly provided by law or by contract with the department.

Specific Authority 391.026(18)(+2) FS. Law Implemented 391.026 FS. History—New 1-1-77, Formerly 10J-3.06, Amended 6-22-94, 3-28-96, 12-15-96, Formerly 10J-3.006, Amended _____.

64C-3.002 Recovery of Third Party Payments.

Specific Authority 402.24(2)(h) FS. Law Implemented 402.24, 391.026(9) FS. History—New 3-11-87, Amended 6-22-94, 3-28-96, Formerly 10J-3.007, Repealed _____.

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE TITLES: RULE NOS.:

CMS Health Care Providers: Physician and 64C-4.001
 Non-Physician
 Diagnostic and Treatment Facilities or 64C-4.002
 Services – General
 Diagnostic and Treatment Facilities or 64C-4.003
 Services – Specific

PURPOSE AND EFFECT: The proposed amendments to Rules 64C-4.001 and 64C-4.002, F.A.C. update and reflect the CMS standards for Physician and Non-Physician health care providers and for Diagnostic and Treatment Facilities or Services – General providing care to CMS Network participants, respectively. Also, a substantial rewording of CMS Rule 64C-4.003, F.A.C. updates and reflects the CMS required standards for Diagnostic and Treatment Facilities or Services – Specific providing care to CMS Network participants. This rule section incorporates by reference the following documents: the CMS Cardiac Facilities Standards, May 2001, and the CMS Cleft Lip/Palate Clinics and CMS Craniofacial Centers Standards, July 2001.

SUBJECT AREA TO BE ADDRESSED: Requirements for CMS Physician and Non-Physician health care providers and for diagnostic and treatment facilities or services, general and specific

SPECIFIC AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.026 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. – 12:00 p.m., Monday, August 27, 2001

PLACE: 4025 Esplanade Way, Conference Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynn B. Ellis, Registered Nurse Consultant, Children’s Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, ext. 2222, or FAX (850)488-3813

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64C-4.001 CMS Health Care Providers Professional Consultants: Physician and Non-Physician.

~~(1) CMS Physician Providers. CMS~~ Physician providers consultants for CMS will be approved appointed on a statewide basis by the CMS Headquarters Program Office upon the recommendation of a District CMS Medical Director, and verification by the CMS Headquarters that Program Office of the physician’s has having met the following criteria conditions:

(a) Active, valid State of Florida medical license.

~~(b)(a)~~ Certification by specialty board. The CMS physician provider shall be certified by a specialty board ~~must become certified by a specialty board within three consecutive examination cycles after becoming eligible for the full requirements of a specialty board or shall be dropped automatically as a consultant.~~ Under special unusual circumstances, and when in the best interests of the CMS Network participants child health care, the Deputy Secretary for Children’s Medical Services may Program Office Staff Director will be empowered to grant temporary CMS physician provider consultant status for one (1) year to any physician licensed in the State of Florida. The Deputy Secretary for Children’s Medical Services Program Office Staff Director shall review all CMS physicians with temporary provider the physician’s board eligibility status annually to determine if the temporary consultant status shall be continued participation. This list should be reviewed annually with the Program Office Advisory Council.

~~(c)(b)~~ Certification by sub-specialty board, when applicable. A CMS physician provider consultant will not be eligible to provide care for sub-specialty patients until certified by the primary board. As new sub-specialty boards are created, individuals who wish to continue to provide such sub-specialty services must comply with these new boards within three consecutive examination cycles after establishment of such boards:

~~(e) Member in good standing of county medical society;~~

~~(d) Admitting staff privileges at a CMS approved facility or Letter of Transfer Agreement with a CMS physician provider in good standing who has admitting privileges at a CMS approved hospital in a licensed and accredited hospital, by the Department for CMS patient care services;~~

~~(e) Compliance shall comply~~ with the post-graduate education requirements established by the Continuing Medical Education Committee of the Florida Medical Association;

~~(f) Completion of all CMS physician provider approval and reapproval process criteria. In those specialty areas where existing recertification boards are required, such standards must be met;~~

~~(g) A demonstrated interest in and commitment to children.~~

(2) CMS Non-Physician Providers.

~~(a)(2)~~ All CMS Non-Physician providers of professionals providing medical and health related services to CMS Network participants patients of this program will be additionally qualified to provide such services as may be necessary to deal effectively with complications of the services provided.

~~(b)(3)~~ CMS Non-Physician providers, for example, Health professionals such as dentists, physical therapists, optometrists, and psychologists, must meet licensing and certification requirements of governmental agencies and professional associations in their specialty areas. The services of such professionals must be authorized ordered by the participant’s CMS primary care CMS physician.

~~(c)(4)~~ Individuals performing genetic evaluations and counseling must be under the direction of a CMS physician certified by the American Board of Medical Genetics or the American Osteopathic Association in the area of genetics.

~~(d)(5)~~ Exceptions to the above may be made in emergency situations by the Deputy Secretary for Children’s Medical Services CMS Medical Director or the Deputy Secretary’s CMS Medical Director’s designee for when a CMS Network participant in order to facilitate access to emergency or urgent care might be at risk from the inability of the Program to use a particular specialist or facility, and there is no other means to provide for the particular needs of the patient. Exception These cases shall be reviewed and approved on an individual basis by the Deputy Assistant Secretary for Children’s Medical Services or the Deputy Assistant Secretary’s designee.

~~(e)(6)~~ The CMS Network may secure the services of non-physician providers consultants in any field of knowledge deemed necessary to aid in its provision of services medical programs.

Specific Authority 391.026(18) FS. Law Implemented 391.026(10), 391.035 391.036 FS. History—New 1-1-77, Amended 2-11-85, Formerly 10J-5.07, Amended 3-28-96, Formerly 10J-5.007, Amended _____.

64C-4.002 Diagnostic and Treatment Facilities or Services – General.

~~Each AH hospital and skilled nursing care facility facilities approved by the Department for the provision of health CMS patient care services to CMS Network participants shall conform to the following standards:~~

~~(1) Holds an active, valid Licensed by the State of Florida licensure.~~

~~(2) Maintains accreditation from Approval of the Joint Commission on Accreditation of Health Organizations (JCAHO) Hospitals.~~

~~(3) Has a physically definable hospital unit or ward to which only children are admitted. CMS Network participants Patients receiving CMS Network services will be admitted to CMS approved facilities institutions with a physically definable hospital unit or ward to which only children are admitted. The entire pediatric unit will have an average daily census of fifteen children or more, excluding normal newborns and those in neonatal intensive care units. In making the selection and designation of approved patient care centers, the CMS Network will give priority to those facilities that which demonstrate emphasis on quality children’s medical services, including the presence of an adolescent ward, a neonatal intermediate and intensive care unit, and a pediatric intensive care unit. When a hospital within a CMS Service area is the only facility available within that area to admit CMS Network participants, an exception to the designation criteria may be made by the Deputy Secretary for Children’s Medical Services at the request of the area CMS Medical Director, when an exception would be in the best interest of CMS Network participants. In a particular district delivery area for CMS services in which only a single hospital is utilized to admit all children sponsored by the Department for CMS, but in which the population base of the area does not allow achievement of the average daily census indicated above, the District Medical Director, in consultation with the Program Office, can make arrangements that are in the best interest of the child.~~

~~(4) All patient care facilities, programs and specialized patient care centers will At a minimum, meets applicable national standards whenever available, including those promulgated by the American Medical Association, the American Hospital Association, the American College of Surgeons, Board of Thoracic Surgery, the American Academy of Pediatrics, Committee on Optimal Resources for Examination of the Chest and Cardiovascular System, of the Inter-Society Commission for Heart Disease Resources, the American Heart Association, the Joint Committee on Perinatal Health and the American Osteopathic Association.~~

Specific Authority 391.026(18) FS. Law Implemented 391.026(10) 391.031 FS. History–New 1-1-77, Amended 2-11-85, Formerly 10J-5.08, Amended 3-28-96, Formerly 10J-5.008, Amended _____.

(Substantial rewording of Rule 64C-4.003 follows. See Florida Administrative Code for present text.)

64C-4.003 Diagnostic and Treatment Facilities or Services – Specific.

(1) CMS Cardiac Facilities.

Cardiac facilities for the CMS Network participants are approved on a statewide basis by CMS Headquarters upon consideration of the recommendation of the Cardiac Advisory Council, as established in s.391.222, F.S. In addition, CMS approved cardiac facilities will comply with the following criteria:

(a) Established CMS volume standards for the number of cardiac surgeries, cardiac catheterizations and echocardiograms performed within a 12-month period;

(b) Established CMS morbidity and mortality review standards; and

(c) CMS Cardiac Facility approval and re-approval requirements; as published in the CMS Cardiac Facilities Standards, May 2001, which are incorporated herein by reference and available from CMS Headquarters, 4052 Bald Cypress Way, Bin A06, Tallahassee, FL 32399-1707.

(2) CMS Cleft Lip/Palate Services.

All physician and non-physician providers delivering services to CMS Network participants with cleft lip, cleft palate, and craniofacial anomalies must comply with the Standards for CMS Cleft Lip/Palate Clinics and CMS Craniofacial Centers, July 2001, which are incorporated herein by reference and available from CMS Headquarters, 4052 Bald Cypress Way, Bin A06, Tallahassee, FL 32399-1707.

Specific Authority 391.026(18) FS. Law Implemented 391.026(10) 391.031 FS. History–New 1-1-77, Amended 2-11-85, Formerly 10J-5.09, 10J-5.009, Amended _____.

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE TITLE: Methods of Service Delivery

RULE NO.: 64C-5.001

PURPOSE AND EFFECT: The Division of Children’s Medical Services (CMS) proposes a substantial rewording of Rule 64C-5.001, F.A.C., to eliminate duplication of information, resulting from the 1998 substantial revisions to Chapter 391, F.S., which include a significant use of language and information found in this rule section.

SUBJECT AREA TO BE ADDRESSED: Requirements of all who deliver services.

SPECIFIC AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.026 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. – 12:00 p.m., Monday, August 27, 2001

PLACE: 4025 Esplanade Way, Conference Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynn B. Ellis, Registered Nurse Consultant, Children’s Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, Ext. 2222, or Fax (850)488-3813.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 64C-5.001 follows. See Florida Administrative Code for present text.)

64C-5.001 Methods of Service Delivery.

(1) In all CMS Network Area Offices and CMS Network facilities, respect will be maintained for the privacy of the participant and parent or guardian during interview, examination, and treatment.

(2) All CMS Network participants will have a timely care plan developed and updated as needed in order to ensure coordination of individualized services for the participant.

Specific Authority 391.026(18)(12) FS. Law Implemented 391.026 FS. History—New 1-1-77, Formerly 10J-6.02, Amended 7-12-93, Formerly 10J-6.002, Amended _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE TITLES:	RULE NOS.:
Applicability	65E-14.001
Retention and Access Requirements for Records	65E-14.002
Audits of Contractors Participating in the Substance Alcohol, Drug Abuse and Mental Health Programs	65E-14.003
Program Income and Interest Earned on Advanced Funds	65E-14.004
Matching	65E-14.005
Valuation of Donated and Volunteer Services	65E-14.006
Appraisal of Real Property	65E-14.007
Property	65E-14.010
Programmatic Changes and Budget Revisions	65E-14.011
Contract Closeout, Suspension, and Termination	65E-14.012
Contractor’s Financial Management Responsibilities	65E-14.014
Transactions Resulting in Additional Cost to the Program	65E-14.016
Cost Principles	65E-14.017
Slide Fee Schedule	65E-14.018
Methods of Paying for Services	65E-14.019
Cost Reimbursement Method of Payment	65E-14.020
Unit Cost Method of Payment	65E-14.021
Data Requirements	65E-14.023

PURPOSE AND EFFECT: Chapter 65E-14, F.A.C., entitled Community Alcohol, Drug Abuse and Mental Health Services – Financial Rules, is being amended to streamline the financial processes related to purchased services, modify the method of determining rates paid to service providers, update audit and data requirements for service providers and update rule chapter references to reflect changes in the substance abuse and mental health area.

SUBJECT AREA TO BE ADDRESSED: Methods of reimbursement, financial data maintenance and reporting, audit and other financial requirements related to substance abuse and mental health service providers.

SPECIFIC AUTHORITY: 394.457(3), 394.493(2), 394.674(4),(6), 394.74, 394.76, 394.77, 394.78(1),(3),(6), 397.321(5), 402.73(7) FS.

LAW IMPLEMENTED: 394.457(3), 394.493(2), 394.66(9),(12), 394.674(3),(4), 394.74, 394.76(1),(5), 394.77, 394.78(1),(3),(6), 397.321(3)(c),(10), 397.431, 397.481 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATES: 9:00 a.m., August 28-30, 2001; September 11-12, 2001 (Note: The subjects of data requirements and sliding fee schedule will be addressed at 9:00 a.m., August 29, 2001)

PLACE: 1317 Winewood Blvd., Building 6, Winewood Office Complex, Room Number 361, Tallahassee, Florida

Prior to, or at the time of the workshop, any person may submit information (1) relating to the department’s statement of estimated regulatory costs (if one has been requested or if one has been prepared); and (2) any proposals as to how the same department regulatory goal can be achieved with a lower regulatory cost.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, WHEN AVAILABLE, IS: Jim Fraizer, 1317 Winewood Blvd., Building 6, Room 307, Tallahassee, Florida 32399-0700, Phone (850)414-1500

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

**Section II
Proposed Rules**

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 this rule is to provide the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizer.

SUMMARY: Rule 5E-1.016 updates the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs was Prepared.

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

SPECIFIC AUTHORITY: 576.181(2), 570.07(23) FS.

LAW IMPLEMENTED: 576.051(2),(2),(7), 576.061, 576.071, 576.181 FS.

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

TIME AND DATE: 8:00 a.m., August 31, 2001

PLACE: Agricultural Environmental Services Conference Room, 3125 Conner Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 FULL TEXT OF THE PROPOSED RULE 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 as	Commercial Values (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 CaCO₃ .09 .07
 (4) CALCIUM SULFATE (land plaster, gypsum) (when sold as material).

Calcium CaSO₄ .30 .30

*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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, 3125 Conner Blvd., Building #8, Tallahassee, Florida 32399-1650, Telephone (850)488-8731

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Steven J. Rutz, Director, Division of Agricultural Environmental Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 13, 2001

DEPARTMENT OF EDUCATION

State Board of Education

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

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt the updated publication, "Financial and Program Cost Accounting for Florida Schools, 2001." The effect will be a document incorporated by reference that is consistent with current law, accounting principles, and district practices.

SUMMARY: The publication, "Financial and Program Cost Accounting for Florida Schools," as incorporated by reference in the rule, has been revised to: modify balance sheet accounts in accordance with Governmental Accounting Standards Board Statement 34; modify revenue accounts for federal programs based on changes in legislation and reporting; modify revenue accounts for state programs in accordance with changes in state funding; modify local revenue accounts for changes in fee structures; modify fund and account group structure for consistency with Governmental Accounting Standards Board Statement 34; clarify function and object code definitions; provide accounting guidance in accordance with Governmental Accounting Standards Board Statement 34 in Chapters 1, 6, 7 and 8; and to modify Chapter 5 to reflect changes in legislation.

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: 237.01 FS.

LAW IMPLEMENTED: 237.01, 237.34 FS.

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

TIME AND DATE: 9:00 a.m., September 11, 2001

PLACE: Hermitage Center, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeanine Blomberg, Director, Division of Support Services, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399-0400, (850)488-6023

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.001 District Financial Records.

The superintendent of schools of each school district shall be responsible for keeping adequate records and accounts of all financial transactions in the manner prescribed by the Commissioner in the publication titled, "Financial and Program Cost Accounting and Reporting for Florida Schools, 2001 ~~1997~~" which is hereby incorporated by this rule and made a part of the rules of the State Board. Copies of the manual may be obtained from the Office of Funding and Financial Management Reporting ~~Financial Management Section~~, Department of Education, 325 West Gaines Street, Turlington Building, Tallahassee, Florida 32399, at a cost to be established by the Commissioner but which shall not exceed actual costs.

Specific Authority ~~229.053(1)~~; 237.01 FS. Law Implemented 237.01, 237.34 FS. History--Amended 9-17-72, Repromulgated 12-5-74, Amended 4-28-77, 8-2-79, 7-21-80, 10-7-81, 8-10-83, 9-27-84, 10-1-85, Formerly 6A-1.01, Amended 11-8-88, 7-30-91, 10-6-92, 10-18-94, 1-26-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, 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: July 27, 2001

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Course Requirements – Grades 6-12 Basic and Adult Secondary Programs

RULE NO.: 6A-1.09412

PURPOSE AND EFFECT: The purpose of this amendment is to present to the State Board of Education for approval the course requirements to be used in grades 6-12. The course requirements are presented to be adopted by reference in the publication entitled “2001-2002 Florida Course Descriptions for Grades 6-12/Adult, Basic Education.” The effect of this amendment is to ensure instructional consistency in courses taught in these grades.

SUMMARY: The proposed amendment incorporates by reference the publication “2001-2002 Florida Course Descriptions for Grades 6-12/Adult, Basic Education.”

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: 229.565 FS.

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

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

TIME AND DATE: 9:00 a.m., September 11, 2001

PLACE: Hermitage Center, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director, Division of Public Schools and Community Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (805)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

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

A course description directs district personnel by providing the essential content and course requirements for each course in grades 6-12 contained in the “~~Florida~~ Course Code Directory and Instructional Personnel Assignments” adopted by Rule 6A-1.09441, FAC. Course requirements approved by the State Board of Education are contained in the publication “2001-2002 Florida Course Descriptions for Grades 6-12/Adult, Basic Education and Adult Secondary Programs 2000-2001” which is hereby incorporated by reference and made a part of this rule. District school boards of education are authorized, through local rules, to approve a variance of up to ten (10) percent of the course requirements of each course description. Copies of approved course descriptions may be

obtained from the Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street ~~Turlington Building~~, Tallahassee, Florida 32399.

Specific Authority 229.565 FS. Law Implemented 229.565, 229.592, 230.23(7), 233.165 FS. History—New 2-21-85, Formerly 6A-1.9412, Amended 1-29-86, 1-1-87, 9-6-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 6-6-93, 10-18-94, 8-28-95, 5-14-96, 9-15-97, 10-13-98, 5-3-99, 5-3-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, 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: July 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 13, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

RULE NO.: 6A-1.09441

PURPOSE AND EFFECT: The purpose of this amendment is to update the document “Course Code Directory and Instructional Personnel Assignments,” as incorporated by reference in the rule. This document provides public school personnel with an updated listing of all courses offered in the public elementary, secondary, vocational-technical and adult schools of Florida including related teacher certification coverages.

SUMMARY: The proposed amendment incorporates an updated “Course Code Directory and Instructional Personnel Assignments” which lists by number, abbreviation, and title each approved course or program that may be taught in the public schools and the related teacher certification coverages.

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: 236.081 FS.

LAW IMPLEMENTED: 229.592, 232.246, 236.081, 240.40202 FS.

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

TIME AND DATE: 9:00 a.m., September 11, 2001

PLACE: Hermitage Center, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director, Division of Public Schools and Community Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (805)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09441 Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) The program in which the student is in membership shall be one of the programs listed in Section 236.081(1)(c), Florida Statutes.

(2) The course or program in which the student is in membership shall be an educational activity which constitutes a part of the instructional program approved by the district school board.

(3) The student shall be under the supervision of an instructional staff member as defined in Rule 6A-1.0501, FAC.

(4) The course or program shall be listed in the "Course Code Directory and Instructional Personnel Assignments" for the year in which the student is in membership.

(5) The "Course Code Directory and Instructional Personnel Assignments 2001-2002 ~~2000-2001~~" is hereby incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from the Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street, Turlington Building, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Specific Authority ~~229.053(4)~~, 236.081 FS. Law Implemented 229.592, 232.246, 236.081, 240.40202 FS. History—New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-19-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, 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: July 27, 2001

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:	RULE NOS.:
Instructional Personnel Certification	6A-4.001
General Provisions	6A-4.002
Degrees, Programs, and Credits	6A-4.003
Florida Educator's Certificates with Academic, Administrative, and Specialty Class Coverages	6A-4.004
Renewal and Reinstatement of a Professional Certificate	6A-4.0051
General and Professional Preparation	6A-4.006

PURPOSE AND EFFECT: These rules are amended to align the certification requirements with current Florida law. The effect of amending these rules will be to eliminate certification requirements which are no longer in effect and to streamline rules to reflect only the current requirements.

SUMMARY: These rules are to be amended to align certification requirements with Florida law.

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(5),(11) FS.

LAW IMPLEMENTED: 229.053, 231.02, 231.145, 231.15, 231.17, 231.24 FS.

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

TIME AND DATE: 9:00 a.m., September 11, 2001

PLACE: Hermitage Center, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 RULES IS:

6A-4.001 Instructional Personnel Certification.

(1) The purpose of instructional personnel certification is to provide evidence that educators ~~the teachers~~ in the State of Florida are professionally qualified in order to protect the educational interests of students, parents, and the public at large. Instructional personnel who obtain certification in the

State of Florida shall possess adequate pedagogical and relevant subject matter knowledge and demonstrate an acceptable level of professional performance.

(2) The certificates are issued by the Florida Department of Education in accordance with Chapter 231, Florida Statutes, and these rules. Other statutory provisions may have an impact on the educator teacher certification process. Persons should refer to both the statutes and the rules for complete information regarding the legal basis of the instructional personnel certification process.

(3) Certification is administered and implemented by the Bureau of Educator Teacher Certification, Florida Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399-0400. Communications to the Department should be directed to that office. The office of the superintendent of schools for each district county school system may also be contacted for information regarding the educator teacher certification process.

Specific Authority 229.053(1), 231.15(1), 231.17(1)(11) FS. Law Implemented 231.02, 231.15, 231.17 FS. History—Amended 4-20-64, 4-11-69, Revised 7-19-72, Repromulgated 12-5-74, Amended 5-11-76, 7-1-79, 12-11-79, 3-17-81, 9-30-84, Formerly 6A-4.01, Amended 12-25-86, 10-31-88.

6A-4.002 General Provisions.

(1) Educator's certificates.

(a) Types of certificates. The types of certificates are the professional certificate, the nonrenewable professional certificate, the temporary certificate, and the athletic coaching part-time certificate. Requirements for obtaining all types of certificates are specified in Rules 6A-4.004, ~~6A-4.050~~, and ~~6A-4.066~~, FAC.

(b) ~~The professional, nonrenewable professional, and temporary certificates are full-time educator's certificates.~~ An applicant for a full-time Florida educator's certificate shall be governed by Florida Statutes and rules for the temporary and professional certificates that are in effect at the time of application and qualification for the initial full-time certificate provided successive full-time certificates are issued for consecutive school fiscal years. An individual who permits a temporary certificate to expire for at least one (1) school fiscal year may secure another full-time certificate in accordance with Florida Statutes and rules for temporary and professional certificates which are in effect at the time the most recent application is received in the Bureau of Educator Teacher Certification, Florida Department of Education.

(c) Effective date of certificates. Each certificate shall bear an effective date of July 1 of the school fiscal year for which it is issued.

(d) Definition of coverage. The term "coverage" as used in Florida State Board of Education rules for educator teacher certification purposes shall be defined as the designation on a Florida educator's certificate which indicates the area in which

an individual has a content knowledge base. The term "coverage" shall be used synonymously with the terms "subject," "area," or "field."

(e) Definition of endorsement. The term "endorsement" as used in Florida State Board of Education rules for educator teacher certification purposes shall be defined as a rider on a Florida educator's certificate with a designated coverage. An endorsement shown on a certificate with a coverage signifies a pedagogical knowledge base which targets particular levels, stages of development, or circumstances.

(f) Classification of coverages and endorsements shown on certificates. Each coverage or endorsement shown on a certificate shall be identified as an academic class, administrative class, specialty class, or vocational class. The classification is specified in the specialization rule for each coverage or endorsement.

(g) Authority of the Commissioner of Education. Under extenuating circumstances not covered in these rules, the Commissioner is authorized to issue a certificate to an individual upon the request of a Florida district school superintendent.

(h) Responsibility to qualify for and maintain a valid certificate. It shall be the responsibility of each applicant to complete all requirements for the temporary and professional certificates and to file with the Bureau of Educator Teacher Certification, Florida Department of Education, evidence of such completion within the specified timelines. For renewal of the professional certificate, it shall be the responsibility of each applicant to obtain current information regarding renewal requirements and complete such requirements prior to expiration of the professional certificate. Information regarding renewal of the professional certificate may be obtained by contacting the employing Florida district school board or nonpublic school, or by contacting the Bureau of Educator Teacher Certification, Florida Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399-0400.

(i) Certificates from other states. Certificates from other states shall not be valid for teaching in Florida.

1. Certificates from other states used to document eligibility for a Florida certificate shall:

a. Be the standard educator's certificate issued by that state which is comparable to a Florida Professional Certificate.

b. Be issued in a subject comparable to a Florida certification subject, and

c. Require the same or higher level of training required for certification in that subject in Florida.

2. Official documentation of another state's certificate shall be a photocopy of the front and back of the original certificate.

(j) Alteration of certificates. The alteration of any certificate with the intent to mislead or defraud shall be sufficient grounds for revocation of the certificate. It shall be incumbent upon the certificate holder to establish evidence of the absence of intent to mislead or defraud.

(2) Degree major.

(a) A degree major used in Florida State Board of Education rules for educator teacher certification purposes is defined as the major field of study as identified by the degree granting institution. A degree major completed at an accredited or approved standard institution as defined in Rule 6A-4.003(4), FAC., in an area in which Florida offers certification may be utilized to satisfy the specialization requirements specified in Rules 6A-4.008 through 6A-4.035 and Rules 6A-4.054 through 6A-4.062, FAC., for the subject to be shown on the certificate.

(b) The Commissioner is authorized to deny acceptance of a major for educator teacher certification purposes if the courses completed for the major are not comparable in quantity and content to the specific course requirements listed in Florida State Board of Education rules for certification in that subject.

(3) College credit. College credit used for educator teacher certification purposes shall be undergraduate or graduate credit earned at an accredited or approved standard institution ~~or a community or junior college~~ as specified in Rule 6A-4.003, FAC. Credit used to satisfy vocational education course requirements shall be completed at an accredited or approved standard institution approved by the State Board for Vocational Education. All college credit shall be computed by semester hours. One (1) quarter hour of college credit shall equal two-thirds (2/3) of one (1) semester hour. Community and junior college credit used for educator teacher certification purposes shall parallel those of the first and second years of course work at an accredited or approved standard institution and shall be comparable to courses offered at Florida community and junior colleges which have been approved by the Florida Department of Education.

(4) Waiver of college credit.

(a) Course exemption. Exemption from a college course as verified in writing by the institution of higher education shall be accepted the same as credit earned in that course to meet a specific course requirement for certification.

(b) College teaching experience. Teaching a college course at an accredited or approved standard institution or an accredited community or junior college as described in Rule 6A-4.003, FAC., shall be accepted the same as credit earned in that course to meet a specific course requirement for certification. A written statement from the registrar or other official designated by the president verifying the college teaching experience shall be filed with the Bureau of Educator Teacher Certification, Florida Department of Education.

(5) Teaching experience.

(a) Definition of teaching experience. Teaching experience as used in Florida State Board of Education rules for educator teacher certification purposes shall be defined as full-time teaching, administrative, or supervisory service.

1. Teaching experience used for academic, administrative, vocational, and specialty class subjects shall be gained in a public, or state supported, ~~or nonpublic~~ elementary or secondary school; or in a prekindergarten (ages three [3] and four [4]) school as defined in Section 228.041(5), Florida Statutes; or in a birth through age two (2) school ~~as follows: a school which is part of a public or state supported school; or is a contractor for a public school system; a nonpublic school which is accredited by the National Academy of Early Childhood Programs and which has an approved Florida Professional Orientation Program, or a contractor for Department of Health and Rehabilitative Services (HRS) providing services under the provisions of the "Individuals with Disabilities Education Act (IDEA), Part 'H'."~~ Such ~~HRS contractor shall have an approved Professional Orientation Program.~~ However, teaching experience in a nonpublic school shall be acceptable provided the applicant held a valid full-time teaching certificate issued by the state department of education in the state where the teaching experience was acquired.

2. Teaching experience used for vocational class subjects shall be gained in an elementary or secondary school as specified in Subparagraph (5)(a)1. of this rule, in a public or state supported vocational or technical school, or in an accredited community or junior college as described in Rule 6A-4.003, FAC.

(b) Utilization of teaching experience. A year of full-time teaching experience may be accepted in lieu of three (3) semester hours of college credit. A maximum of three (3) years of teaching experience may be used in lieu of nine (9) semester hours of college credit. Not more than two (2) years of teaching experience may be used in lieu of six (6) semester hours of college credit toward satisfying requirements in general preparation, professional preparation, or a specialization area. When teaching experience is used to satisfy a course requirement in a specialization area or to satisfy a methods course requirement in professional preparation, the teaching experience shall be comparable to the course requirement acquired in the subject or field and at the appropriate instructional level to which it is applied.

(c) Limitations on the use of teaching experience. Teaching experience shall not be accepted in lieu of college credit to satisfy the following certification requirements:

1. Renewal or reinstatement of a professional certificate,
2. Reissuance of a temporary certificate,
3. Satisfaction of a graduate credit requirement,
4. Satisfaction of an entire certification subject.

(6) Noncitizens. A noncitizen may be issued an Official Statement of Status of Academic Eligibility or a certificate as specified below:

(a) An Official Statement of Status of academic Eligibility shall be issued when the applicant meets requirements specified in Section 231.17(1)(b), Florida Statutes Rule 6A-4.004(1), FAC.

(b) The certificate may be issued when the applicant meets requirements specified in Rule 6A-4.004(2), FAC., and an official of the employing Florida public, state supported, or nonpublic school submits documentation of appropriate immigration status, as follows: The documentation shall be a photocopy of the completed United States Immigration and Naturalization Form I-9, Employment Eligibility Verification, accepted for employment in compliance with the United States Immigration Reform and Control Act of 1986.

~~1. Verification from the United States Immigration and Naturalization Services, 7880 Biscayne Boulevard, Miami, Florida 33138, of legal admission to the United States and no restrictions on employment, or~~

~~2. Verification from an official of the employing Florida public, state supported, or nonpublic school of eligibility for employment. The verification shall be a photocopy of the completed United States Immigration and Naturalization Form I-9, Employment Eligibility Verification, accepted for employment in compliance with the United States Immigration Reform and Control Act of 1986.~~

(c) Exchange teachers.

1. An exchange teacher is defined as a teacher from a country other than the United States teaching ~~on an exchange basis~~ as the result of a reciprocal arrangements with the United States government or between a nationally recognized organization in the United States and another country.

2. A temporary certificate valid for ~~three (3) two (2)~~ years may be issued to an exchange teacher. The certificate shall reflect the designation of exchange teacher and shall not reflect a subject. Only one (1) certificate may be issued under this provision when an applicant meets the following requirements:

a. Submits an application form and fee as specified in Rule 6A-4.0012, FAC.;

b. Submits verification of participation in an exchange program. Verification shall be provided by the employing school district, state supported or nonpublic school, and

c. Submits a request for issuance of the temporary certificate from the employing Florida school superintendent or chief administrative officer of the state supported or nonpublic school which has ~~an~~ Department of Education approved system for documenting the demonstration of required professional education competence Florida professional orientation program.

Specific Authority 229.053(1), 231.15(1), 231.17~~(4)~~(11) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History—Amended 4-10-64, 4-8-68, 4-11-70, 10-18-71, 3-19-72, 12-18-72, 6-17-73, 4-19-74, Repromulgated 12-5-74, Amended 6-22-76, 6-27-77, 12-26-77, 4-27-78, 7-1-79, 7-2-79, 6-26-80, 7-28-81, 1-3-82, 5-11-82, 6-22-83, 3-28-84, 1-31-85, 3-13-85, Formerly 6A-4.02, Amended 12-25-86, 10-18-88, 10-10-89, 4-15-91, 11-10-92, 5-30-94, 11-13-96, _____.

6A-4.003 Degrees, Programs, and Credits.

Degrees, programs, and credits shall be determined acceptable for educator teacher certification purposes based on the following:

(1) Accredited institutions. Degrees and credits awarded by an institution of higher learning accredited by one (1) of the accrediting associations listed below shall be acceptable for educator teacher certification purposes.

(a) Regional accrediting associations.

~~1.~~ The regional accrediting associations are as follows:

~~1.a.~~ The Southern Association of Colleges and Schools,

~~2.b.~~ The Middle States Association of Colleges and Secondary Schools,

~~3.e.~~ The New England Association of Colleges and Secondary Schools,

~~4.d.~~ The North Central Association of Colleges and Secondary Schools,

~~5.e.~~ The Northwest Association of Secondary and Higher Schools, and

~~6.f.~~ The Western Association of Colleges and Schools.

(b) Accrediting agencies approved by the United States Department of Education.

~~2. A bachelor's or higher degree awarded by an institution accredited by one (1) of the six (6) regional accrediting associations shall be considered as having been awarded by a standard institution. A standard institution shall be defined as an institution accredited by one (1) of the six (6) regional accrediting associations to award a bachelor's or higher degree or a newly created university in the State University System of Florida for no more than two (2) years from the date of first course offerings. To be defined as a standard institution, the newly created university shall offer degree programs that have evolved from degree programs at an existing university in the State University System of Florida accredited by the Southern Association of Colleges and Schools. The institution shall have been accredited at the level of the degree at the time the degree was awarded. Degrees and credits granted within the four (4) year period immediately preceding the date of initial accreditation of the institution shall be considered as having been granted by a standard institution.~~

~~3. Credit awarded by a community or a junior college accredited at the associate's level by one (1) of the six (6) regional accrediting associations shall be accepted for certification purposes as specified in Rule 6A-4.002(3)(b), FAC. The community or junior college shall have been accredited at the time the credit was awarded. Credit granted within the two (2) year period immediately preceding the date of initial accreditation of the institution shall be considered as having been granted by an accredited institution.~~

~~(b) Council on Postsecondary Accreditation. A bachelor's or higher degree awarded by an institution in the State of Florida accredited by an accrediting association which is a member of the Council on Postsecondary Accreditation shall~~

be accepted as granted by a standard institution. The institution shall have been accredited at the level of the degree at the time the degree was awarded.

(e) Professional law associations. A degree awarded by an institution or law school accredited by either the American Bar Association or the Association of American Law Schools shall be accepted as granted by a standard institution. The institution or law school shall have been accredited at the time the degree was awarded.

(2) Nonaccredited approved institutions. A non-accredited approved institution of higher learning shall be identified as having a quality program resulting in a bachelor's or higher degree by one (1) of the following criteria: Nonaccredited institutions. The criteria for identifying a nonaccredited institution and the utilization of degrees and credits from a nonaccredited institution are specified below:

(a) The institution is accepted for certification purposes by the state department of education where the institution is located. Degrees or credits awarded by an institution which is not an accredited institution as specified in Rule 6A-4.003(1), FAC., shall be considered as having been awarded by a nonaccredited institution provided the institution meets one (1) of the following:

1. The institution was listed at the time the degree was awarded as an institution of higher learning in the Directory of Higher Education published by the United States Office of Education prior to and including the 1968-69 directory.

2. The institution was recognized as a candidate or correspondent at the time the degree was awarded by one (1) of the six (6) regional accrediting associations listed in Rule 6A-4.003(1)(a)1., FAC.

3. The foreign institution is listed in the International Handbook of Universities or the Commonwealth Universities Yearbook or accepted as an institution of higher learning by a standard institution.

(b) The institution holds a certificate of exemption pursuant to Section 246.085(1)(b), Florida Statutes. Utilization of degrees and credits awarded by a nonaccredited institution.

1. A bachelor's or higher degree from a nonaccredited institution shall be accepted for Florida teacher certification purposes provided the degree has been validated as specified in Rule 6A-4.003(4), FAC.

2. Credits earned at a nonaccredited institution which do not terminate in a bachelor's or higher degree shall not be accepted for any certification purposes unless the credits were accepted in transfer toward a degree awarded by a standard institution.

(c) The institution is a newly created Florida public college or university that offers a bachelor's or higher degree program.

(d) The institution is located outside the United States and awards a degree that is the equivalent to a bachelor's or higher degree awarded by an accredited or approved institution in the

United States. Isolated credit will be acceptable for certification purposes provided the credit is the equivalent of college credit earned in the United States, or

(e) The degree from the institution was accepted by an accredited or approved institution either in transfer or as a basis for admission into the graduate program which resulted in the conferral of a higher degree.

An applicant who holds a valid standard educator's certificate issued by a state other than Florida which may be used to satisfy the eligibility requirements for a professional certificate as described in Sections 231.17(1) and (2), Florida Statutes, or to demonstrate mastery of subject matter knowledge as in Section 231.17(4), Florida Statutes, is considered to have met the requirements of this rule.

~~(3) Nonlisted institutions. The criteria for identifying a nonlisted institution and the utilization of degrees and credits from a nonlisted institution are specified below:~~

~~(a) Degrees or credits awarded by an institution which does not meet the criteria of an accredited institution specified in Rule 6A-4.003(1), FAC., or a nonaccredited institution specified in Rule 6A-4.003(2), FAC., shall be considered as awarded by a nonlisted institution.~~

~~(b) Utilization of degrees and credits awarded by a nonlisted institution:~~

~~1. A bachelor's, master's, or specialist's degree awarded by a nonlisted institution shall be accepted for Florida teacher certification purposes provided the degree has been validated as specified in Rule 6A-4.003(4), FAC.~~

~~2. A doctor's degree awarded by a nonlisted institution may not be used for any certification purposes. There are no provisions for validation of a doctor's degree awarded by a nonlisted institution.~~

~~3. Credits earned at a nonlisted institution which do not terminate in a bachelor's, master's, or specialist's degree shall not be accepted for any certification purposes unless the credits are accepted in transfer toward a degree awarded by a standard institution.~~

~~(4) Validation of degrees.~~

~~(a) Bachelor's, master's, and specialist's degrees awarded by nonaccredited or nonlisted institutions. A bachelor's, master's, or specialist's degree awarded by a nonaccredited institution as described in Rule 6A-4.003(2), FAC., or a nonlisted institution as described in Rule 6A-4.003(3), FAC., may be validated by one (1) of the following plans:~~

~~1. Plan One. Earn a degree which is at least one (1) degree level above the level of the degree to be validated at a standard institution. The institution shall be accredited at the appropriate degree level. The registrar or other official designated by the president of the validating institution shall verify that the degree earned at the nonaccredited or nonlisted institution was used as a basis for admission to the degree program.~~

~~2. Plan Two. Gain admission to a graduate degree program at a standard institution. The degree program shall be at least one (1) degree level above the level of the degree to be validated. The institution shall be accredited at the appropriate degree level. The registrar or other official designated by the president of the validating institution shall verify that the degree earned at the nonaccredited or nonlisted institution was used as a basis for admission to the degree program.~~

~~3. Plan Three. Complete an individualized validation program at a standard institution. The institution shall be accredited at the same degree level or a degree level higher than the degree to be validated. The registrar or other official designated by the president of the validating institution shall verify that the validated degree is equivalent to a degree awarded by the validating institution in the same subject and at the same degree level.~~

~~(b) Doctor's degrees awarded by nonaccredited institutions. A doctor's degree from a nonaccredited institution as described in Rule 6A-4.003(2), FAC., may be validated by completion of an individualized validation program at a standard institution. The institution shall be accredited at the doctor's degree level. The registrar or other official designated by the president of the validating institution shall verify that the validated degree is equivalent to a doctor's degree awarded by the validating institution in the same subject or field.~~

~~(3)(5) Highest acceptable degree level of training.~~

~~(a) The highest degree which has been awarded by an accredited or approved standard institution as described in subsections (1) and (2) of this rule, Rule 6A-4.003(1), FAC., or the highest degree which has been validated as specified in Rule 6A-4.003(4), FAC., shall be recognized for certification. The degree level shall be determined by the criteria listed below.~~

~~1. Bachelor's degree. An earned bachelor's degree, such as the bachelor of arts, bachelor of science, or bachelor of education degree which normally required four (4) years of higher education; or a foreign degree that required sixteen (16) years of combined pre-university and university education; or a foreign degree that has been evaluated by an education credential evaluation agency or an accredited or approved standard institution and as the verified by the validating institution to be equivalent to a bachelor's degree from an institution as described in subsections (1) and (2) of this rule of higher learning in the United States shall be recognized as the bachelor's degree level of training.~~

~~2. Master's degree. An earned master's degree or an earned advanced bachelor's degree of a professional nature, such as library science, in combination with an earned four-year bachelor's degree; or a post-bachelor's foreign degree that required at least five (5) years of higher education; or a foreign post-bachelor's degree that has been evaluated by an education credential evaluation agency or an accredited or approved standard institution as the and verified by the~~

~~validating institution to be equivalent to a master's degree from an institution as described in subsections (1) and (2) of this rule of higher learning in the United States shall be recognized as the master's degree level of training.~~

~~3. Specialist in education degree. An earned sixth-year post-master's level degree in education, such as specialist in education degree shall be recognized as the specialist's degree level of training.~~

~~4. Doctor's degree. An earned academic or professional doctor's degree, or an earned Bachelor of Laws (LLB) or higher law degree granted by an institution of higher learning in the United States, or a foreign doctor's degree that required at least seven (7) years of higher education, or a foreign doctor's degree that has been evaluated by an education credential evaluation agency or an accredited or approved standard institution as the and verified by the validating institution to be equivalent to a doctor's degree from an institution as described in subsections (1) and (2) of this rule, of higher learning in the United States shall be recognized as the doctor's degree level of training.~~

~~(b) A certificate, diploma, or other award shall not be recognized as an earned degree.~~

~~(4)(6) Accreditation and acceptance of teacher education programs for specific certification purposes.~~

~~(a) Teacher education programs at institutions accredited by the National Council for the Accreditation of Teacher Education. A teacher education program at the bachelor's degree level at an institution of higher learning which was accredited by the National Council for the Accreditation of Teacher Education shall fulfill the general and professional preparation requirements and the specialization requirements in the major subject of the approved program indicated on the college transcript. The institution shall have been accredited by the National Council for the Accreditation of Teacher Education at the time the degree was awarded. A degree granted within the four (4) year period immediately preceding the date of initial accreditation of the institution shall be considered as having been granted by an institution which is accredited by the National Council for the Accreditation of Teacher Education.~~

~~(a)(b) Teacher education programs approved by the Florida Department of Education. A teacher education program approved by the Florida Department of Education shall fulfill the general and professional preparation requirements and the specialization requirements in the major subject of the approved program. The teacher education program shall have been approved at the time the program was completed.~~

~~(b)(e) Inservice components in a Florida District Inservice Plan approved by the Florida Department of Education. A core of inservice components prescribed for a specific endorsement and approved by the Department of Education in the master inservice plan shall satisfy the professional preparation and specialization requirements for the designated endorsement.~~

Successful completion of the components in the approved master inservice plan shall be verified by the Florida district superintendent.

~~(c)(d)~~ Teacher education programs in states other than Florida. A teacher education program at the bachelor's or higher degree level shall fulfill the general and professional preparation requirements and the specialization requirements for an academic class subject or a degreed vocational class subject in accordance with the following provisions:

1. The teacher education program shall have been approved for the initial regular certificate at the time of completion by the state department of education in the state where the institution is located, or by the National Council for the Accreditation of Teacher Education; and
2. The major subject of the approved program shall be in a subject in which Florida offers certification; and
3. The instructional level of the major subject of the approved program shall be comparable to or broader than the instructional level at which Florida offers certification in the subject; and
4. When a master's or higher degree is required for Florida certification in a subject, the program must have been completed at the same or higher level ~~provisions of (6)(d) of this rule are not applicable.~~

~~(e) Teacher certificates issued by states other than Florida. A valid teaching certificate at the bachelor's or higher degree level of training shall fulfill the general and professional preparation requirements and the specialization requirements for an academic class subject or a degreed vocational class subject in accordance with the following provisions:~~

1. ~~The certificate shall be the standard certificate issued by that state and comparable to the professional certificate issued by Florida; and~~
2. ~~The subject shown on the certificate shall be a subject in which Florida offers certification, and the instructional level of the subject shall be comparable to or broader than the instructional level at which Florida offers certification in the subject; and~~
3. ~~Two (2) years of successful full-time teaching experience shall have been gained under the certificate. The experience shall have been gained during two (2) of the five (5) years immediately preceding the date of application for the Florida certificate.~~
4. ~~When a master's or higher degree is required for Florida certification in a subject, a master's or higher degree shall have been used as a basis for issuance of the certificate and certification in that subject.~~

Specific Authority 229.053(1), 231.15(1), 231.17(4)(e)-(11) FS. Law Implemented 229.053, 231.15, 231.17(4)(e)-(11) FS. History—Amended 4-20-64, 3-26-66, 4-8-68, 7-7-68, 4-11-70, 1-17-72, Repromulgated 12-5-74, Amended 6-22-76, 11-9-76, 10-12-77, 7-1-79, 1-3-82, 4-30-85, Formerly 6A-4.03, Amended 12-25-86, 9-12-89, 4-15-91, 11-25-97.

(Substantial rewording of Rule 6A-4.004 follows. See Florida Administrative Code for present text.)

6A-4.004 Florida Educator's Certificates with Academic, Administrative, Degreed Vocational, and Specialty Class Coverages.

A Florida educator's certificate is issued to an applicant with academic, administrative, degreed vocational, and specialty class coverages as specified below.

(1) Temporary certificate.

(a) The three-year nonrenewable temporary certificate may be issued to an applicant who does not qualify for the professional certificate but meets the following requirements:

1. Holds a valid Official Statement of Status of Eligibility as specified in Section 231.17(1)(b), Florida Statutes, which reflects that the applicant has satisfied specialization requirements for the subject requested.

2. Obtains full-time employment in a position for which a Florida educators' certificate is required in a Florida public, state supported, or a nonpublic school which has a Department of Education approved system for documenting the demonstration of required professional education competence. Verification of employment shall be submitted by a Florida district superintendent or designee or the chief administrative officer, and

3. Satisfies the fingerprint requirement as follows:

a. Submits the original fingerprint reports which have been processed by the Florida Department of Law Enforcement and the Federal Bureau of Investigation as specified below:

(I) Original fingerprint reports shall be provided by the employing district, state supported school, or nonpublic school. A name and description search shall be acceptable in lieu of a technical fingerprint search after two (2) sets of fingerprints are declared illegible by the Florida Department of Law Enforcement or the Federal Bureau of Investigation or when an individual is unable to provide fingerprints because of a physical disability, and

(II) Fingerprints shall have been submitted to the Florida Department of Law Enforcement and the Federal Bureau of Investigation within the two-year period immediately preceding the date of employment for which the certificate is required, or

b. Holds a Florida educator's certificate which has not expired for more than one (1) school fiscal year from the date the application for a certificate is received by the Bureau of Educator Certification.

(b) Expired temporary certificates. A three-year nonrenewable temporary certificate may be issued to an applicant who held a temporary certificate but did not hold a temporary certificate for the school year immediately preceding the school fiscal year for which the certificate is requested and meets all requirements specified in paragraph (1)(a) of this rule.

(2) Professional certificate. The professional certificate is the highest type of full-time certificate issued. The professional certificate is issued to an applicant who meets the requirements as specified in Sections 231.17(1) and (2), Florida Statutes. However, if a subject area test has not been developed and the absence of such test prohibits an individual from obtaining a professional certificate or adding a subject to a professional certificate, the employing Florida district superintendent or chief administrative officer of a state supported or nonpublic school may verify the attainment of the essential subject matter competencies. When the Praxis I: Academic Skills Test is used for the general knowledge test, the score must meet the score established in Rule 6A-4.0021, FAC.

(3) Nonrenewable certificates covering speech-language impaired.

(a) One nonrenewable temporary certificate valid for two (2) school fiscal years shall be issued to an applicant who meets the following requirements:

1. Completes the application requirements as specified in Rule 6A-4.0012, FAC.,

2. Obtains full-time employment as specified in subparagraph (1)(a)2., of this rule,

3. Submits fingerprint reports as specified in subparagraph (1)(a)3., of this rule, and

4. Holds a bachelor's degree in speech-language impairment from an accredited or approved institution as specified in Rule 6A-4.003, FAC.,

(b) One nonrenewable professional certificate valid for five (5) school fiscal years shall be issued to an applicant who meets the following requirements:

1. Meets requirements for a temporary certificate covering speech-language impaired as specified in paragraph (3)(a) of this rule,

2. Demonstrates mastery of general knowledge by one of the options specified in Section 231.17(3), Florida Statutes,

3. Demonstrates mastery of professional preparation and education competence by one of the options specified in Section 231.17(5), Florida Statutes, and

4. Submits verification of acceptance and enrollment into a graduate degree program in speech-language impaired at an accredited or approved institution as prescribed in Rule 6A-4.003, FAC. Verification of admission to the program shall be an official transcript or a letter from an official of the college or university.

(4) Certificates covering only athletic coaching (grades K-12).

(a) A certificate valid for three (3) school fiscal years reflecting only athletic coaching may be issued to an applicant who does not meet the requirements specified in paragraph (4)(b) of this rule. The certificate may be issued one (1) time to an applicant who meets the following requirements:

1. Completes the application requirements as specified in Rule 6A-4.0012, FAC., and

2. Submits fingerprint reports as specified in subparagraph (1)(a)3., of this rule.

(b) A certificate valid for five (5) school fiscal years reflecting only athletic coaching may be issued to an applicant who meets the following requirements:

1. Completes the application requirements as specified in Rule 6A-4.0012, FAC.,

2. Satisfies specialization requirements as specified in subsection (2) of Rule 6A-4.0282, FAC., and

3. Submits fingerprint reports as specified in subparagraph (1)(a)3., of this rule.

(5) Addition of subjects to a professional certificate. A subject may be added to a valid professional certificate when an applicant meets the following requirements:

(a) Completes application requirements as specified in Rule 6A-4.0012, FAC., and

(b) Demonstrates mastery of the subject matter as specified in section 231.17(4), Florida Statutes, for each subject to be added to a professional certificate.

(6) Addition of endorsements. An endorsement may be added to a valid temporary or professional certificate when an applicant meets the following requirements:

(a) Completes the application requirements as specified in Rule 6A-4.0012, FAC., and

(b) Satisfies the specialization requirements specified in the rules of the Florida State Board of Education for each endorsement to be added to the certificate.

(7) Expired certificates.

(a) Certificates which have expired are invalid.

(b) An applicant who held a professional certificate which has expired may secure another professional certificate provided all requirements for the professional certificate in effect at the time the application is filed have been completed. Completion of requirements for issuance of a professional certificate which has expired shall not be considered as satisfaction of requirements for subsequent professional certificates.

(c) An applicant who does not qualify for the professional certificate may be issued a temporary certificate as specified in subsection (1) of this rule.

(d) An applicant whose professional certificate has been expired for less than five (5) years may reinstate the professional certificate if requirements are completed as specified in Rule 6A-4.0051(6), FAC.

Specific Authority 229.053(1), 231.15(1), 231.17(~~4~~)(11) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History—Amended 4-20-64, 4-8-68, 7-7-68, 4-11-69, 4-11-70, 9-17-72, 8-17-74, Repromulgated 12-5-74, Amended 11-9-76, 7-1-79, 8-27-80, 1-3-82, 4-26-84, 11-18-84, 6-18-85, Formerly 6A-4.04, Amended 12-25-86, 10-18-88, 9-12-89, 12-4-89, 4-15-91, 10-10-91, 5-3-94, _____.

6A-4.0051 Renewal and Reinstatement of a Professional Certificate.

A professional certificate is renewed or reinstated and certification coverages retained on the certificate in accordance with the following provisions:

(1) Professional certificate ~~—active status~~. A professional certificate may be renewed for with “active status” by an individual who is employed in Florida by a public school district, state supported school, or nonpublic school that requires state certification and has a Florida Department of Education approved Professional Orientation Program; or an employee on special assignment or on leave which has been authorized through collective bargaining contracts or school board rule; a school board member; or an employee of the Department of Education. The professional certificate reflecting active status shall be issued to the individual who meets the requirements specified below:

(a) Completes six (6) semester hours of college credit or the equivalent as described below or an amount as specified in subsection (2) of this rule for retention of certificate covers: ~~Completes at least one (1) year of full-time teaching experience or service during the last validity period of the certificate. This teaching experience or service shall be verified by the Florida district school superintendent, chief administrative officer of the state supported or nonpublic school, or a Florida Department of Education supervisor.~~

(b) ~~Completes college credit, inservice training, or the equivalent which meets the criteria specified in Rule 6A-4.0051(3), FAC., for the retention of certification coverages on the certificate and one (1) of the criteria listed below:~~

1. College credit. ~~Six (6) semester hours of~~ College credit earned at an accredited or approved standard institution or an accredited community or junior college as specified in Rule 6A-4.003, FAC., may be used to renew the professional certificate.

2. Inservice training. ~~One hundred twenty (120) Inservice points earned through inservice education activities which were part of a District Master Plan for Inservice Education developed and approved by a Florida school district and approved by the Florida Department of Education in accordance with Rules 6A-5.061 and 6A-5.071, FAC., may be used to renew the professional certificate. Twenty (20) inservice points shall be equal to one (1) semester hour of college credit.~~ The inservice training shall be verified by the Florida district school superintendent or chairperson of the governing board and shall include the number of inservice points earned in each area of certification.

3. College credit and inservice training. ~~A combination of college credit and inservice points may be used to renew the professional certificate provided the combined college credit and inservice points are equal to one hundred twenty (120) inservice points. One (1) semester hour of college credit shall~~

~~be equal to twenty (20) inservice points. The inservice points shall be verified by the Florida district school superintendent as specified in Rule 6A-4.0051(1)(b)2., FAC.~~

(b)4. Subject area tests. A passing scores on a subject area tests in two (2) of the certification areas shown on the certificate may be used to renew the coverage on the professional certificate. A subject area test shall be approved by the Florida State Board of Education and shall be in a certification area shown on the certificate. ~~When only One (1) test is used toward meeting the requirements for renewal of the certificate, the test shall be equal to three (3) semester hours of college credit, sixty (60) inservice points and shall be used in combination with college credit, additional inservice points, or completion of a Florida Department of Education approved summer work program in a certification area shown on the certificate.~~ Official documentation of a passing score on each subject area test used for renewal of the certificate shall be submitted to the Bureau of Educator Teacher Certification, Florida Department of Education and shall be the original score report issued by the test administration agency.

(c) National board certification. A certificate issued by the National Board for Professional Teaching Standards is deemed to meet state renewal requirements for the life of the educator’s national certificate in the subject shown on the national certificate. Official documentation shall be a photocopy of the national certificate.

~~5. Summer work programs. Completion of summer work programs in two (2) of the certification areas shown on the certificate may be used to renew the professional certificate. A summer work program shall be approved by the Florida Department of Education and shall be completed in a business or industry directly related to an area of certification listed on the certificate. When completion of only one (1) summer work program is used toward meeting the requirements for renewal of the certificate, the summer work program shall be equal to sixty (60) inservice points and shall be used in combination with college credit, additional inservice points, or passage of a Florida State Board of Education approved subject area test in a certification area shown on the certificate. Completion of a summer work program used for renewal of the certificate shall be verified by the Florida district school superintendent.~~

~~(2) Professional certificate —inactive status:~~

(a) ~~A professional certificate may be renewed with “inactive status” by an individual who has not been employed as described in Rule 6A-4.0051(1), FAC. The professional certificate reflecting inactive status shall be issued to an individual who earns college credit or the equivalent as specified below:~~

1. College credit. ~~Six (6) semester hours of college credit earned at a standard institution or an accredited community or junior college as described in Rule 6A-4.003, FAC., may be used to renew the professional certificate.~~

2. Subject area tests. Passing scores on subject area tests in two (2) of the certification areas shown on the certificate may be used to renew the professional certificate. A subject area test shall be approved by the Florida State Board of Education and shall be in a certification area shown on the certificate. When only one (1) test is used toward meeting the requirements for renewal of the certificate, the test shall be used in lieu of three (3) semester hours of college credit in combination with additional college credit. Official documentation of a passing score on each subject area test used for renewal of the certificate shall be submitted to the Bureau of Teacher Certification, Florida Department of Education, and shall be the original score report issued by the test administration agency.

3. Inservice training. One hundred twenty (120) inservice points earned through inservice education activities which were part of a district Master Plan for Inservice Education developed by a Florida school district and approved by the Florida Department of Education in accordance with Rules 6A-5.061 and 6A-5.071, FAC., may be used to renew the professional certificate. The inservice training shall be verified as specified in subparagraph (1)(b)2., of this rule.

4. College credit and inservice training. A combination of college credit and inservice points may be used to renew the professional certificate provided the combined college credit and inservice points are equal to one hundred twenty (120) inservice points. One (1) semester hour of college credit shall be equal to twenty (20) inservice points. The inservice points shall be verified as specified in subparagraph (1)(b)2., of this rule.

(b) A professional certificate with an inactive status shall be converted to a professional certificate with an active status reflecting the same validity period when a Florida district school superintendent or chairperson of the governing board verifies that the individual meets the requirements specified below:

1. Becomes employed in Florida in an instructional or administrative position by a public school district, state supported, or nonpublic school that requires state certification and has a Florida Department of Education approved Professional Orientation Program;

2. Completes one (1) of the following:

a. Demonstration of successful performance as measured by a Florida Department of Education approved performance measurement system. The evaluation shall be conducted during the first ninety (90) school days following the date of employment, or

b. Completion of an approved Florida Professional Orientation Program as described in Rule 6A-5.075, FAC.

(2)(3) Retention of certification coverages. When renewing a professional certificate, certification coverages shall be retained on a professional certificate in accordance with the following:

(a) To retain one (1) certification coverage on a professional certificate, at least three (3) semester hours of college credit or the equivalent shall be completed in the specialization area or an appropriate category in accordance with Section 231.24(3)(a), Florida Statutes of that certification coverage. Three (3) additional semester hours or sixty (60) additional inservice points may be completed in any area.

(b) To retain two (2) coverages on a professional certificate, at least three (3) semester hours of college credit or the equivalent shall be completed for each subject in the specialization area or an appropriate category in accordance with Section 231.24(3)(a), Florida Statutes of each certification coverage. When requirements have not been satisfied for the retention of a certification coverage on the certificate, the coverage shall be deleted from the certificate when the certificate is renewed.

(c) To retain more than two (2) certification coverages on a professional certificate, the applicant shall be permitted two (2) successive validity periods for renewal of all specialization areas, but must earn no fewer than six (6) semester hours or the equivalent in any one (1) validity period. To retain more than two (2) certification coverages on a professional certificate, at least three (3) semester hours of college credit or the equivalent shall be completed in the specialization area of at least two (2) certification coverages shown on the certificate. For the first renewal subsequent to June 30, 1988, all coverages on the certificate shall be retained for the next validity period. A coverage shall not continue to be retained on a certificate unless three (3) semester hours or the equivalent is completed in the specialization area or an appropriate category in accordance with Section 231.24(3)(a), Florida Statutes, of that coverage during one (1) of two (2) successive validity periods. When requirements specified herein have not been satisfied for the retention of a certification coverage or coverages on a certificate, the coverage or coverages shall be deleted from the certificate when the certificate is renewed.

(3)(4) General requirements.

(a) All requirements necessary for the renewal of a certificate shall be completed during the last validity period of the certificate to be renewed and prior to the expiration date of the certificate. Requirements for the first renewal shall be completed subsequent to the date that the application for the certificate was received in the Bureau of Educator Teacher Certification, Florida Department of Education, or subsequent to the beginning validity date shown on the certificate, whichever is later.

(b) Application and appropriate fee as specified in Rule 6A-4.0012, FAC., for renewal of a certificate shall be submitted to the Bureau of Educator Teacher Certification, Florida Department of Education or the employing Florida school district, during the last year of the validity period of the certificate and prior to the expiration date of the certificate. However, if the renewal application form is not received by the

Bureau of Educator Teacher Certification or the employing Florida school district, before the expiration of the professional certificate, the application form, application fee, and a thirty (30) dollar late fee shall be submitted prior to July 1 of the year following expiration of the certificate in order to retain the professional certificate. ~~In no event will a professional certificate be renewed if it has expired for more than one (1) fiscal year or if requirements for renewal have not been completed prior to the expiration of the professional certificate.~~

(c) The validity period of the renewed certificate shall be for a period not to exceed five (5) years from July 1 of the school fiscal year following the date that the application was received in the Bureau of Educator Teacher Certification, Florida Department of Education or the employing Florida school district. However, if the renewal application is received by the Bureau of Educator Teacher Certification or the employing Florida school district after expiration of the professional certificate as specified in paragraph ~~(3)(4)~~(b) of this rule, the validity period of the renewed certificate shall be for a period not to exceed five (5) years from July 1 following the expiration of the last professional certificate.

(d) A grade of at least "C" or the equivalent shall be earned in each course used for the renewal of a certificate. A grade of pass shall be acceptable under the pass or fail grading system.

(e) A certification coverage which has been deleted from a professional certificate shall be added to the certificate when requirements specified in Rule 6A-4.004~~(5)(7)~~, FAC., have been completed.

(f) A one (1) year extension of the validity period of a professional certificate shall be granted by the Florida Department of Education in the event of serious illness, injury, or other extraordinary extenuating circumstances beyond the control of the applicant. The extension shall be granted only upon written request of the applicant or the superintendent of the local school district or of the chief administrative officer of a state supported or nonpublic school. The written request shall explain the extenuating circumstances. In case of illness or injury, a physician's written verification shall be submitted.

~~(4)(5)~~ Special provisions for military service. An individual who holds a valid professional certificate and who is called into or volunteers for actual wartime military service or required peacetime military service may renew the professional certificate and retain all certification coverages shown on the certificate for the period of time equal to the time spent in military service. ~~A professional certificate reflecting inactive status shall be issued when the individual does not meet the provisions in Rule 6A-4.0051(1), FAC.~~ To qualify for the renewal of the certificate, the individual shall complete the application requirements as specified in Rule 6A-4.0012, FAC., and submit a notarized copy of the military separation papers.

~~(5)(6)~~ Special provisions for teachers of limited English proficient students.

(a) An educator who holds a professional certificate may use college credits or inservice points completed in English-for-Speakers-of-Other-Languages training in excess of six (6) semester hours during one certificate-validity period toward renewal of the professional certificate during the subsequent validity periods. A teacher who holds a professional certificate which expires in the year 1991, 1992, 1993, 1994, or 1995, and who completes the appropriate requirements for renewal of the professional certificate prior to completing training required in Rule 6A-6.0907, FAC., may use the college credit or inservice points completed for teaching limited English proficient students toward the next professional certificate renewal.

(b) An educator who holds a temporary certificate may use college credits or inservice points completed in English-for-Speakers-of-Other-Languages training toward renewal of the educator's first professional certificate. Such training must not have been included within the degree program, and the educator's temporary and professional certificates must be issued for consecutive school years. A teacher who holds a temporary certificate valid for the years 1990-1992, 1991-1993, 1992-1994, or 1993-1995, may use the college credit or inservice points completed for teaching limited English proficient students as required in Rule 6A-6.0907, FAC., toward renewal of the first professional certificate. The temporary and professional certificates must be issued for consecutive school years.

(c) These provisions supersede the requirements in paragraph ~~(3)(4)~~(a) of this rule for the individuals noted in paragraphs ~~(5)(6)~~(a) and ~~(6)~~(b) of this rule.

(6) Reinstatement of a professional certificate. The Department may reinstate an expired professional certificate within five (5) years after the date of expiration if the certificate holder:

(a) Completes the application requirements as specified in Rule 6A-4.0012, FAC.,

(b) Satisfies the fingerprint requirement as specified in Rule 6A-4.004(1)(a)3., FAC.,

(c) Documents completion of six (6) semester hours of college credit during the five (5) years immediately preceding reinstatement of the expired certificate, completion of one hundred twenty (120) inservice points, or a combination thereof, as specified in paragraph (1)(a) of this rule, and

(d) During the five (5) years immediately preceding reinstatement of the certificate, achieves a passing score on the subject area examination for each subject to be shown on the reinstated certificate. Only subjects currently issued by the Department may be shown on a reinstated certificate.

Specific Authority 229.053(1), 231.15~~(1)(2)~~, 231.24~~(4)~~ FS. Law Implemented 229.053, 231.145, 231.15, 231.24 FS. History--New 12-25-86, Amended 4-23-91, 2-12-92.

6A-4.006 General and Professional Preparation.

Credit in general and professional preparation as listed below shall be required for the professional certificate unless exemption for a specific certification subject is provided in State Board Rules.

(1) General preparation. ~~Forty-five (45) semester hours in general preparation with not less than six (6) semester hours earned and not more than twelve (12) semester hours counted in each of the five areas listed below.~~ A graduate with a bachelor's or higher degree from an accredited or approved standard institution as described in Rule 6A-4.003, FAC., shall be considered to have met the general preparation requirements.

~~(a) Arts of communication.~~

~~1. A minimum of six (6) semester hours shall be required in English composition, rhetoric, or grammar.~~

~~2. Up to six (6) semester hours in speech, journalism, or elementary foreign languages may be used to meet the total of twelve (12) semester hours permitted in this area.~~

~~(b) Human adjustment. A minimum of six (6) semester hours shall be required in areas such as: health, physical education, psychology, religion, philosophy, logic, ethics, nutrition, problems of living in home and family, or community living.~~

~~(c) Biological science, physical sciences and mathematics. A minimum of six (6) semester hours shall be required. Credit may be earned in comprehensive courses or separate subjects. The entire six (6) semester hours shall not be in mathematics.~~

~~(d) Social science. A minimum of six (6) semester hours shall be required. Credit may be earned in comprehensive courses or in separate subjects, provided credit is earned in at least two (2) of the following: geography, history, political science, sociology, anthropology, or economics.~~

~~(e) Humanities and applied arts. A minimum of six (6) semester hours shall be required. Credit may be earned in comprehensive courses or in separate subjects, provided credit is earned in at least two of the following: literature (English, American, world), literature written in a foreign language, music, technological skills, construction design and fine arts, or art as applied to personal and family living.~~

(2) Professional preparation. Twenty (20) semester hours in professional preparation as specified below:

(a) Course requirements in education.

1. Six (6) semester hours in foundations of education with credit in both sociological and psychological foundations as described below:

a. Sociological foundations include courses such as school and society, introduction to education, history of education, and principles and philosophy of education.

b. Psychological foundations include courses such as educational psychology, child psychology, adolescent psychology, psychology of learning, and growth and development of the individual.

2. Six (6) semester hours in general methods of teaching, administration, and curriculum in the elementary school or secondary school. Courses should provide an overview of the entire school program and give specific help with respect to the principles of teaching, general curriculum, instructional design, testing and measurement, evaluation of the school program, general methods, school organization and administration needed by teachers in the public schools.

3. Special methods.

a. Grades K-12. Four (4) semester hours in methods of teaching the subject to include credit at the elementary and secondary levels for each of the following subjects: art, computer science, foreign languages, health, humanities, and music.

b. Middle grades (5-9) and secondary (6-12). Two (2) semester hours in methods of teaching the subject at the appropriate level for each middle grade or secondary subject.

c. Home Economics (6-12). Six (6) semester hours in home economics education to include two (2) semester hours in methods of teaching home economics at the secondary level. The six (6) semester hours shall be earned at one (1) institution which is approved by the State Board of Vocational Education.

(b) Practical experience in teaching. Practical experience in teaching may be satisfied by one (1) of the plans listed below:

1. Six (6) semester hours earned in a college student teaching program or in a supervised internship completed in an elementary or secondary school, or

2. Two (2) years of full-time teaching experience as specified in Rule 6A-4.002(5)(a), FAC.

(3) Professional preparation for agriculture. Twenty (20) semester hours in professional preparation to include credit in each of the following areas: psychological foundations of education as specified in subsubparagraph (2)(a)1.b. of this rule, secondary school curriculum, basic principles or philosophy of vocational education, general methods or techniques of teaching vocational education, program planning in vocational agriculture education, methods of teaching vocational agriculture, and practical experience in teaching. The practical teaching experience requirement may be satisfied as specified in paragraph (2)(b) of this rule.

~~(4)(3) Exemptions.~~

(a) Requirements which are specified in paragraphs (2)(a) and (2)(b) of this rule shall be waived for issuance of a professional certificate covering only school food service.

(b) Requirements which are specified in Paragraph (2)(a) of this rule shall be waived for issuance of a professional certificate covering only prekindergarten/primary education, preschool education, school social worker, and speech-language impaired.

(c) Special methods of teaching the subject which are specified in subparagraph (2)(a)3., of this rule shall be waived for the following coverages: educational leadership,

educational media specialist, elementary education, English to speakers of other languages, exceptional student education coverages, guidance and counseling, physical education, ~~professional school principal~~, reading, school principal, and school psychologist.

Specific Authority 229.053(1), 231.15(1), 231.17~~(4)~~⁽⁵⁾ FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—Amended 4-20-64, 4-8-68, 7-7-68, 4-11-69, 6-17-73, Repromulgated 12-5-74, Amended 10-12-76, 7-1-79, 11-5-84, Formerly 6A-4.06, Amended 9-12-89, 5-30-94, 7-17-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for Educational Programs, 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: July 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:	RULE NOS.:
Florida Educator’s Certificates with Degreed Vocational Class Coverages	6A-4.050
General and Professional Preparation for a Professional Certificate with Degreed Vocational Class Coverages	6A-4.052
Florida Educator’s Certificates with Nondegreed Vocational Class Coverages	6A-4.066
Professional Preparation for a Professional Certificate with Nondegreed Vocational Class Coverages	6A-4.068
Specialization Requirements for Certification in Occupational Specialist – Vocational Class Beginning July 1, 1988	6A-4.072

PURPOSE AND EFFECT: The purpose of the repeal of these rules is to eliminate provisions which are no longer current. Applicable requirements have been recommended for adoption in other rules in Chapter 6A-4, FAC. The effect of the repeals will be consistency in certification requirements both in law and rule.

SUMMARY: These rules are recommended for repeal to eliminate requirements relating to certification which are no longer current. Applicable requirements have been incorporated in other rules in Chapter 6A-4, FAC.

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: 229.053, 231.02, 231.145, 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., September 11, 2001

PLACE: Hermitage Center, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 RULES IS:

6A-4.050 Florida Educator’s Certificates with Degreed Vocational Class Coverages.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 9-12-89, Amended 12-4-89, 4-15-91, 10-10-91, Repealed_____.

6A-4.052 General and Professional Preparation for a Professional Certificate with Degreed Vocational Class Coverages.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 10-17-89, Repealed_____.

6A-4.066 Florida Educator’s Certificates with Nondegreed Vocational Class Coverages.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History—New 10-31-88, Amended 9-12-89, 12-4-89, 4-15-91, 5-4-93, Repealed_____.

6A-4.068 Professional Preparation for a Professional Certificate with Nondegreed Vocational Class Coverages.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History—New 10-31-88, Amended 5-14-91, 5-4-93, Repealed_____.

6A-4.072 Specialization Requirements for Certification in Occupational Specialist – Vocational Class Beginning July 1, 1988.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.15, 231.17 FS. History—New 10-31-88, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for Educational Programs, 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: July 27, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Articulation Between Universities, Community Colleges, and School Districts
 RULE NO.: 6A-10.024

PURPOSE AND EFFECT: The purpose of this amendment is to revise out-of-date portions of the statewide articulation agreement governing the transfer of credit awarded for college-level examinations and updates credit transfer and degree terminology in the rule to be consistent with Section 240.115, Florida Statutes, and the Southern Association of Colleges and Schools accreditation standards.

SUMMARY: This amendment deletes out-of-date lists of college credit examinations and establishes a process for recommending and annually updating course and credit equivalents for college credit examinations. In addition, portions of the rule have been revised to comply with Section 240.115, Florida Statutes, and the status of the associate in science degree to allow for continued ease of articulation while not endangering institutions' accreditation have been clarified.

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), 240.115(1) FS.

LAW IMPLEMENTED: 228.093(3)(d), 229.053(2)(c), 229.551(1)(f), 229.555(2), 229.814(5), 240.115, 240.116, 246.013 FS.

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

TIME AND DATE: 9:00 a.m., September 11, 2001

PLACE: Hermitage Center, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Cox, Deputy Commissioner for Educational Programs, Department of Education, 400 South Monroe Street, Room PL08, Capitol, Tallahassee, Florida 32399-0400, (850)413-0555

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.024 Articulation Between Universities, Community Colleges, and School Districts.

(1) through (5) No change.

(6) The associate in science degree is the career education ~~and transfer~~ degree of the community colleges. It is a two-year degree intended to prepare students for the workforce ~~and for transfer into the State University System.~~ The following provisions allow for articulation from an associate in science to a baccalaureate degree.

(a) The associate in science degree shall be awarded upon:

1. Completion of the minimum number of semester hours of college credit courses as required in Rule 6A-14.030(2)(a), FAC., including,

2. Completion of at least fifteen to eighteen (15-18) semester hours in the general education core curriculum in the liberal arts and sciences comprised of courses which meet the Southern Association of College and Schools Commission on Colleges criteria. English and math courses must meet the requirements of Rule 6A-10.030, FAC. No physical education ~~or wellness~~ credit will be included in the general education block of credit.

3. Achievement of the minimum standards in Rule 6A-10.0312, FAC., will be required by the time the student earns 36 semester hours at the senior institution in upper division work.

4. Completion of common prerequisites will be required for the baccalaureate degree or as otherwise outlined in program-specific statewide agreements.

5. Courses taken as part of the associate in science degree to meet the general education requirements will transfer and apply toward the 36 credit hours required for the baccalaureate degree. No additional general education credit hours can be required except to complete the total 36 general education hours or for remediation.

(b) The Interdisciplinary Capstone Agreement. Every associate in science degree graduate of a Florida community college program that articulates with an interdisciplinary capstone degree program in a Florida public or private university shall be guaranteed admission to that program except for limited access programs and those requiring specific grades on particular courses for admission. All associate in science degree graduates who articulate under the interdisciplinary capstone agreement shall be treated equally, regardless of the community colleges from which they receive their degrees.

1. The general education component of the A.S. degree will maintain its integrity upon transfer to the interdisciplinary capstone program.

2. The Articulation Coordinating Committee shall maintain a current listing of interdisciplinary capstone programs which will be published on an annual basis.

(c) The Career Ladder Agreement – Beginning fall term 2000, all graduates of a Florida community college associate in science degree program listed in the Statewide Articulation Manual shall be granted admission to any of the universities in the State University System in the program designated to

articulate with their degree, except for limited access programs and those requiring specific grades on particular courses for admission. Each State University System institution shall develop admissions criteria to ensure that associate in science degree students are evaluated on an equal basis with associate in arts degree graduates and native university students for admission into programs designated as limited access and those requiring specific grades on particular courses for admission.

1. The associate in science degree shall be awarded based on all of the requirements contained in subsection (6)(a) of this rule and in accordance with the articulation agreement provisions contained in the Statewide Articulation Manual.

2. General education courses not taught in accordance with the Southern Association of Colleges and Schools Commission on Colleges criteria for programs designed for college transfer shall not be included in the associate in science degree.

3. The associate in science to bachelor of arts/bachelor of science articulation agreements between the State Board of Community Colleges and the State University System shall be documented and maintained in a Statewide Articulation Manual. The State Board of Community Colleges and the Board of Regents, in consultation with their member institutions, shall review periodically, as necessary, but no more than once a year, the provisions of the state articulation agreements and the prescribed curricula to ensure the continued effectiveness of the articulation between the A.S. and B.A./B.S. programs. Any recommendations for revisions to the state articulation agreements will be forwarded to the Articulation Coordinating Committee for review and approval.

(7) The Applied Technology Diploma (ATD) consists of a course of study that is part of an associate in science (A.S.) Or an associate in applied science degree (A.A.S.), is less than sixty (60) credit hours, is approximately fifty (50) percent of the technical component (non-general education), and leads to employment in a specific occupation. An applied technology diploma program may consist of either vocational credit or college credit.

(a) Students must have a high school diploma or the equivalent to be admitted to an applied technology diploma program. Within six (6) weeks of entry, students must be tested pursuant to Rule 6A-10.040, FAC., and, if below minimum standards for completion from the program as defined in the program standards document adopted in Rule 6A-6.0571, FAC., must receive remedial instruction. The minimum standards must be at least the equivalent of a score of ten (10) on all sections of any basic skills test approved in Rule 6A-10.040, FAC. Students must successfully complete all remedial instruction before completing the Applied Technology Diploma.

(b) Community colleges may offer either college or vocational credit toward the applied technology diploma. Vocational-technical centers may offer only vocational credits.

(c) All faculty providing instruction must have at least an associate degree in the specific instructional program area or meet the criteria for "exceptional cases" as defined by the Southern Association of Schools and Colleges.

(d) The information related to the guaranteed transfer of credit between an applied technology diploma program and associate in science or an associate in applied science degree must be documented and maintained in the Statewide Articulation Manual and the Vocational Education Program Courses Standards, which is incorporated by reference in Rule 6A-6.0571, FAC. The Statewide Articulation Manual and the Vocational Education Program Courses Standards shall include the following:

1. The total number of clock or credit hours within the program.
2. The associate degree into which the applied technology diploma is guaranteed to transfer.
3. The number of college credit hours guaranteed to transfer.
4. An effective date.

(e) The transfer of the applied technology diploma to an associate degree is guaranteed for a period of three (3) years following the date of the award of the applied technology diploma.

(f) Applied technology diploma students entering an associate degree program shall meet the admissions standards stipulated in Section 240.321, Florida Statutes. Additional admissions requirements for limited access programs may be established by the community college boards of trustees.

~~(8) Credit by examination. College Level Examination Program (CLEP). The transfer of credit awarded on the basis of scores achieved on examinations in the College Level Examination Program is protected by this rule only for examinations taken in the national administration program of CLEP or for examinations taken in institutional administrations which use the CLEP Microcomputer Scoring System and transmit student test data to the Educational Testing Service.~~

~~(a) For examination programs listed in subsections (9) through (13) of this rule, examination specifications and content information shall be submitted to the Statewide Course Numbering System for course equivalency recommendations. General examinations.~~

~~1. Transfer of credit under the terms of this rule is mandatory provided that the institution awarding the credit did so on the basis of scaled scores determined to represent student achievement at or above the fiftieth (50th) percentile on the combined men-women sophomore norms in use prior to 1978, with no letter grade or grade points assigned. Minimum scaled scores for the award of credit are:~~

English Composition with Essay	500
Humanities	490
Mathematics	500
Natural Sciences	490
Social Sciences and History	490

2. No more than six (6) semester credits shall be transferred in each of the five (5) areas of the general examinations: English, humanities, mathematics, natural sciences, and social sciences history.

3. Credit for general examinations in English taken after September 1, 1979, shall be transferred only for scores determined by successful completion of both the objective and the essay portions of the examination.

(b) A list of examinations, minimum scores for guaranteed transfer credit, maximum credits guaranteed to transfer, and recommended course equivalents shall be maintained by the Articulation Coordinating Committee and reviewed annually. Subject examinations. Transfer of credit under terms of this rule is mandatory provided that the institution awarding the credit did so on the basis of the fiftieth (50th) percentile or above on national norms, with no letter grades or grade points assigned. Minimum scores for the award of credit are:

Subject Matter examination	Minimum score for awarding credit	Length of course for which the examination was designed (Number of semesters)	Recommended maximum semester credit
Afro-American history*	50	1	3
American government	50	1	3
American history	49	2	6
American history I:			
Early Colonization to 1877	49	1	3
American history II:			
1865 to present	49	1	3
American literature	50	2	6
Analysis & interpretation of literature	51	2	6
General biology	49	2	6
Clinical chemistry*	50	Based on subject matter in clinical year training.	
Calculus with elementary functions	49	2	6
Calculus with analytical geometry*	49	2	
College algebra	47	1	3
College algebra-trigonometry	50	1	3
Computers & data processing*	49	1	3
Educational psychology*	49	1	3
Elementary computer programming - FORTRAN IV*	51	1	3
College composition*	50	2	6
English literature	49	2	6
English, freshman*	51	2	6
French	50	0	12
	46	0	9
	42	0	6

Freshman College Composition	50	2	6
General chemistry	50	2	6
General psychology*	50	1	3
Geology*	49	2	6
German	55	0	12
	52	0	9
	43	0	6
Hematology*	51	Based on subject matter in clinical year training.	
History of American Education*	50	1	3
Human growth & development	51	1	3
Immunohematology*	50	Based on subject matter in clinical year training.	
Information systems and applications	49	1	3
Introduction to educational psychology	50	1	3
Introduction to management*	49	1	3
Introductory accounting	50	2	6
Introductory business law	51	2	6
Introductory calculus*	48	2	6
Introductory economics*	48	2	6
Introductory MACRO Economics*	50	1	3
Introductory MICRO Economics*	50	1	3
Introductory MACRO and MICRO Economics*	49	1	3
Introductory marketing*	50	1	3
Introductory psychology	49	1	3
Introductory sociology	50	2	6
Microbiology*	49	Based on subject matter in clinical year training.	
Money & banking*	49	1	3
Principles of Macro-economics	44	1	3
Principals of Management	49	1	3
Principles of marketing	50	1	3
Principles of Microeconomics	42	1	3
Spanish	55	0	12
	48	0	9
	45	0	6
Statistics*	51	1	3
Tests & measurements*	49	1	3
Trigonometry	54	1	3
Western civilization	49	2	6
Western civilization I:			
Ancient Near East to 1648	50	1	3
Western civilization II:			
1648 to present	48	1	3

*Test discontinued. Scores still accepted.

(c) Transfer of credit by examination is guaranteed for up to forty-five (45) credits, provided that credit was awarded in accordance with the Articulation Coordinating Committee's recommended minimum scores and course equivalents. Forty-five (45) CLEP credits is the maximum that may be accepted in transfer.

(d) Transfer of examination credit over forty-five (45) credits is at the discretion of the receiving institution. The institution awarding CLEP examination credit may, but need not, specify for what course(s) it is being awarded.

(e) Credit by examination may not duplicate ordinary credit, dual enrollment credit or other credits earned through examination.

(f) No grades or grade points shall be assigned for credit by examination.

(g) Institutions may award credit for examinations that are not listed in this rule or that do not have recommended course equivalents, minimum scores, and maximum credits. Acceptance of transfer credit so awarded is at the discretion of the receiving institution.

(9) The College Board College Level Examination Program (CLEP). College Board Advanced Placement Program (AP):

(a) The transfer of credit awarded on the basis of scores achieved on examinations in the College Level Examination Program is protected by this rule only for examinations taken in an administration authorized by CLEP. Transfer of credit under terms of this rule is mandatory, provided that the institution awarding the credit did so on the basis of minimum scores and maximum amount of credit guaranteed to transfer with no letter grades or grade points assigned.

(b) For examinations taken after July 2001, transfer of credit is mandatory for all CLEP examinations, except for foreign languages, on which students achieved a scale score of fifty (50). The institution awarding College Board AP credit should specify course(s) for which credit is being awarded. The standard policies of the institution prohibiting credit for overlapping courses shall apply.

(c) For examinations taken prior to July 1, 2001, transfer of credit under the terms of this rule is mandatory provided that the institution awarding the credit did so on the basis on CLEP recommendations or scaled scores determined to represent student achievement at or above the fiftieth (50) percentile on the combined men-women sophomore norms in use prior to 1978, with no letter grade or grade points assigned. Minimum scores, maximum credit guaranteed to transfer, and recommended courses are:

A.P. Examination	Recommended SCNS Course Course Number	Minimum Score	Maximum Credit Guaranteed to Transfer
A.P. Virgil	LNW 660	3	3
A.P. Catullus-Horace	LNW 321	3	3
A.P. French Language	FRE 420	3	3
	FRE 420 and 421	4	6
A.P. French Literature	FRE 100	3	3
	FRE 100 and 101	4	6
A.P. German Language	GER 400	3	3
	GER 400 and 401	4	6
A.P. Spanish Language	SPN 310	3	3

	SPN 310 and 311	4	6
A.P. Spanish Literature	SPW 201	3	3
	SPW 201 and 202	4	6
A.P. Physics B	PHY 020	3	3
	PHY 053	4	4
A.P. Physics C*	PHY 043	5 on Mechanics and 3 on Electricity & Magnetism	4
	PHY 023	3 on Mechanics and 3 on Electricity & Magnetism	3
*No credit when the score is 3 or higher on only one of the two tests.			
A.P. Statistics	STA 014	3	3
A.P. Calculus AB	MAC 311 & MAC 312	3	8
	or		
	MAC 411 & MAC 313	3	8
A.P. Calculus BC	MAC 311, MAC 312, and MAC 313	3	12
	or		
	MAC 411, MAC 412, and MAC 413	3	12
A.P. Biology	BSC 000	3	3
A.P. Microeconomics	ECO 023	3	3
A.P. Macroeconomics	ECO 013	3	3
A.P. General Chemistry	CHM 045, 045L, & 046	5	7
	CHM 045 & 045L	3	4
A.P. Language and Composition	ENC 101	3	3
	ENC 101 & 102	4	6
A.P. Literature and Composition	LIT 070	3	3
	LIT 070 & 100	4	6
A.P. Music Theory	MUT 111 & MUT 241		4
A.P. United States Government and Politics	POS 041	3	3
A.P. Comparative Government and Politics	CPO 002	3	3
A.P. Studio Art (General Portfolio)	ART 201	3	
	ART 201 & 202	5	
A.P. Studio Art (Drawing Portfolio)	ART 300	3	
	ART 300 & 301	5	
A.P. History of Art	ARH 050	3	3
	ARH 050 & 051	5	6
A.P. United States History	AMH 000 or AMH 010 or AMH 020	3	3
A.P. European History	EUH 000 or EUH 001	3	3
A.P. Computer Science A	CGS 060	4	3
A.P. Computer Science AB	CGS 462	4	3

(d) For foreign language CLEP examinations, transfer of credit for examinations taken after July 1, 2001, is mandatory provided that credit was awarded on the basis of the Articulation Coordinating Committee's recommended

minimum scores and maximum credit guaranteed to transfer. College Board AP credit that duplicates CLEP credit shall not be awarded or accepted in transfer.

(10) College Board Advanced Placement Program (AP). Transfer of Advanced Placement credit under terms of this rule is mandatory, provided that the institution awarding the credit did so on the basis of the Articulation Coordinating Committee's recommended minimum scores and maximum amount of credit guaranteed to transfer. International Baccalaureate (IB) Diploma Program. The award of credit based on scores achieved on IB Diploma program examinations and the transfer of such credit are mandatory under the provisions herein.

~~(a) Students who have not been awarded the IB Diploma shall be awarded six (6) semester credits in the subject areas of each IB higher level examination on which they scored five (5) points or above.~~

~~(b) Students who have been awarded the IB Diploma shall be awarded up to thirty (30) semester credits in the subject areas in which they scored four (4) or above on IB Diploma program examinations. The credits shall be awarded as follows:~~

~~1. Six (6) semester credits for each IB examination on which they scored five (5) or above.~~

~~2. Three (3) semester credits for each IB examination on which they scored four (4).~~

~~(c) For students who completed IB Diploma program examinations before April, 1993:~~

~~1. Three (3) semester credits shall be awarded in the subject areas of each IB higher level examination on which they scored four (4).~~

~~2. Six (6) semester credits shall be awarded in the subject areas of each IB higher level examination on which they scored five (5) or above.~~

~~3. One (1) semester credit shall be awarded in the subject areas of each IB subsidiary level examination on which they scored four (4).~~

~~4. Three (3) semester credits shall be awarded in the subject areas of each IB subsidiary level examination on which they scored five (5) or above.~~

~~(d) Courses for which credit is to be awarded shall be determined by the community college or university first admitting and enrolling the students and shall be specified on the students' transcripts.~~

~~(e) No grades or grade points shall be assigned.~~

~~(f) Standard policies of the institution prohibiting credit for overlapping courses shall apply. No credit shall be awarded or accepted in transfer that duplicates other credit being awarded or accepted in transfer.~~

(11) International Baccalaureate (IB) Diploma Program. The award of credit based on scores achieved on IB Diploma program examinations and the transfer of such credit are mandatory under the provisions herein.

(a) Students who have not been awarded the IB Diploma shall be awarded six (6) semester credits in the subject areas of each IB higher level examination on which they scored five (5) points or above.

(b) Students who have been awarded the IB Diploma shall be awarded up to thirty (30) semester credits in the subject areas in which they scored four (4) or above on IB Diploma program examinations. The credits shall be awarded as follows:

1. Six (6) semester credits for each IB examination on which they scored five (5) or above.

2. Three (3) semester credits for each IB examination on which they scored four (4).

(c) For students who completed IB Diploma program examinations before April 1993:

1. Three (3) semester credits shall be awarded in the subject areas of each IB higher level examination on which they scored four (4).

2. Six (6) semester credits shall be awarded in the subject areas of each IB higher level examination on which they scored five (5) or above.

3. One (1) semester credit shall be awarded in the subject areas of each IB subsidiary level examination on which they scored four (4).

4. Three (3) semester credits shall be awarded in the subject areas of each IB subsidiary level examination on which they scored five (5) or above.

(12) Excelsior College Examinations, formerly known as the Regents College Examinations or the Proficiency Examination Program (PEP). Transfer of credit under terms of this rule is mandatory provided that the institution awarding the credit did so on the basis of the Articulation Coordinating Committee's recommended minimum scores and maximum amount of credit guaranteed to transfer with no letter grades or grade points assigned.

(13) Defense Activity of Non-Traditional Education Support (DANTES) Subject Standardized Tests (DSSTs). Transfer of credit under terms of this rule is mandatory provided that the institution awarding the credit did so on the basis of the Articulation Coordinating Committee's recommended minimum scores and maximum amount of credit guaranteed to transfer with no letter grades or grade points assigned.

(14)(11) United States Armed Forces Institute (USAFI).

(a) Credit earned through correspondence courses sponsored by USAFI may, but need not, be included under standard policies of the institutions. The standard policies of the institution prohibiting credit for overlapping courses shall apply.

(b) Credit may be awarded for tests of General Education Development (GED) only when verified by CLEP scores prescribed in Rule 6A-10.024(5), FAC.

(c) Credit awarded on the basis of subject tests (USST) in collegiate subjects may be included provided that the scores are at the fiftieth (50th) percentile or above.

(d) The institution awarding credit on the work sponsored by USAFI may, but need not, specify the course for which credit is being awarded. The standard policies of the institution prohibiting credit for overlapping courses shall apply.

(e) No grade or quality points are to be assigned for credit awarded on the basis of work sponsored by USAFI.

(f) No credit is to be awarded on work sponsored by USAFI which is duplicative of credit awarded by CLEP, College Board AP, or courses taken in the institution or received in transfer.

~~(12) Proficiency Examination Program (PEP). The transfer of credit awarded on the basis of scores achieved on examinations in the Proficiency Examination Program is protected by this rule only for examinations taken in the national administration program of PEP. Minimum scores for the award of credit are:~~

Examination	Score	Semester Hours of Credit
Afro-American History	50 (standard score)	3
Microbiology	50 (standard score)	3
Physical Geology	50 (standard score)	3
Statistics	50 (standard score)	3

~~(13) Defense Activity of Non-Traditional Education Support (DANTES) Examinations:~~

~~(a) Transfer of credit under terms of this rule is mandatory provided that the institution awarding the credit did so on the basis of minimum scores and maximum amount of credit guaranteed to transfer with no letter grades or grade points assigned.~~

~~(b) The institution awarding DANTES credit should specify course(s) for which the credit is being awarded. The standard policies of the institution prohibiting credit for overlapping courses shall apply.~~

~~(c) Minimum scores, maximum credit guaranteed to transfer, and recommended courses are:~~

DANTES Examination	Recommended SCNS Course Number	Minimum Score	Maximum Credit
			Guaranteed to Transfer
Astronomy	AST-002	50	3
Beginning German I	GER-120	50	4
Beginning German II	GER-121	50	4
General Anthropology	ANT-000	49	3
Introduction to Computers with instruction in Basic	EGS-461	51	3

~~(15)(14) Alternatives to the College-Level Academic Skills Test. For purposes of Section 240.107(9)(a), Florida Statutes, the recentered Scholastic Achievement Test (SAT-I) or its equivalent on the original SAT, and the Enhanced~~

American College Testing Program (ACT), or its equivalent on the original ACT, may be used to exempt the College-Level Academic Skills Test, as specified in Rule 6A-10.0311, FAC.

~~(16)(15) Pre-professional course responsibility. Lower division programs in state universities and community colleges may offer introductory courses to enable students to explore the principal professional specializations available at the baccalaureate level. Such courses shall be adequate in content to count toward the baccalaureate for students continuing in such specialization. However, deciding major course requirements for a baccalaureate, including courses in the major taken in the lower division, shall be the responsibility of the state university awarding the degree.~~

~~(17)(16) Limited access programs. Community college transfer students shall have the same opportunity to enroll in university limited access programs as native university students. University limited access program selection and enrollment criteria shall be established and published in catalogs, counseling manuals, and other appropriate publications. A list of limited access programs shall be filed annually with the Articulation Coordinating Committee.~~

~~(18)(17) A state university may accept non-associate in arts degree credit in transfer based on its evaluation of the applicability of the courses to the student's program at the university.~~

~~(19)(18) State universities and community colleges shall publish with precision and clarity in their official catalogs the admission, course, and prerequisite requirements of the institution, each unit of the institution, each program, and each specialization. Any applicable duration of requirements shall be specified. The university catalog in effect at the time of a student's initial collegiate enrollment shall govern upper division prerequisites, provided the student maintains continuous enrollment as defined in that catalog.~~

~~(20)(19) Standard transcript. The Articulation Coordinating Committee shall maintain a standard format for universities and community colleges to record the performance and credits of students. Each such transcript shall include all courses in which a student enrolls each term, the status in each course at the end of each term, all grades and credits awarded, College-Level Academic Skills Test scores, and a statement explaining the grading policy of the institution. The Articulation Coordinating Committee shall collaborate with the Division of Public Schools in the development of a standard format on which district school systems shall record the performance and credits of students.~~

~~(21)(20) By December 1, 1991, the Department and all public universities, community colleges, and school districts shall have implemented the electronic exchange of student transcripts and associated educational records, including acquisition of and access to test scores of students, using the Florida Information Resource Network and following the procedures in the Florida Automated System for Transferring~~

Educational Records section in "DOE Information Data Base Requirements: Volume I – Automated Student Information System," which is incorporated by reference in Rule 6A-1.0014, FAC.

~~(22)(21)~~ When a student transfers among ~~regionally accredited~~ postsecondary institutions that are fully accredited by a regional or national accrediting agency recognized by the United States Department of Education and that participate in the common course designation and numbering system, the receiving institution shall award credit for courses satisfactorily completed at the previous participating institutions when the courses are judged by the appropriate common course designation and numbering system faculty task forces to be academically equivalent to courses offered at the receiving institution including equivalency of faculty credentials regardless of the public or nonpublic control of the previous institution. The award of credit may be limited to courses that are entered in the course numbering system. Credit so awarded shall satisfy institutional requirements on the same basis as credits awarded to native students and are entered in the course numbering system. Credit so awarded can be used by transfer students to satisfy requirements in these institutions on the same basis as native students.

~~(23)(22)~~ All postsecondary courses offered for college credit, vocational credit, or college preparatory credit, as they are defined in Rule 6A-10.033, FAC., shall be entered in the common course designation and numbering system. Each course shall be assigned a single prefix and a single identifying number in the course numbering system.

Specific Authority 229.053(1), 240.115(1) FS. Law Implemented 228.093(3)(d), 229.053(2)(c), 229.551(1)(f), 229.555(2), 229.814(5), 240.115, 240.116, 246.013 FS. History—New 5-5-75, Amended 10-7-75, 6-8-76, 8-22-77, 12-26-77, 3-28-78, 5-10-78, 7-2-79, 2-27-80, 5-27-81, 1-6-83, 4-5-83, 6-28-83, 1-9-85, Formerly 6A-10.24, Amended 8-4-86, 5-18-88, 5-29-90, 7-30-91, 10-4-93, 5-3-94, 1-2-95, 9-30-96, 6-15-98, 12-13-99, 8-14-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for Educational Programs,
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: July 27, 2001

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission
Operational Procedures

RULE CHAPTER NO. 9B-3

RULE TITLE: Qualification Program for Special
Inspectors of Threshold Buildings

RULE NO.: 9B-3.043

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to repeal the Florida Building Commission's rule establishing the qualification program for special inspectors of threshold buildings. In Section 82 of Chapter 2000-141, Laws of Florida, the Florida Legislature deleted the authority of the Florida Building Commission to establish qualifications for and certify special inspectors and transferred that authority to the Board of Professional Engineers in Section 471.105(7), F.S., and to the Board of Architecture and Interior Design in Section 481.213(7), F.S.

SUMMARY: Deletes the authority of the Florida Building Commission to establish qualifications for and certify special inspectors of threshold buildings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 553.79(5)(c) FS.

LAW IMPLEMENTED: 553.79(5)-(8) FS.

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

TIME AND DATE: 12:00 Noon, August 28, 2001

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.043 Qualification Program for Special Inspectors of Threshold Buildings.

Specific Authority 553.79(5)(c) FS. Law Implemented 553.79(5)-(8) FS. History—New 10-3-84, Amended 2-24-85, Formerly 9B-3.43, Amended 4-9-87, 6-8-94, 2-27-96, 9-7-00, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Shirley Collins, Director, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

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

**DEPARTMENT OF TRANSPORTATION
Florida Seaport Transportation and Economic
Development Council**

RULE TITLES:	RULE NOS.:
Definitions	14B-1.001
Port Project Funding Application Procedures and Requirements	14B-1.002
Measuring Economic Benefits	14B-1.003
Determination of Funding; Council/ Agency Review	14B-1.004
Council Procedures	14B-1.005
Eligible Port Funding Requirements	14B-1.006
Reporting Requirements	14B-1.007

PURPOSE AND EFFECT: The purpose of the proposed amendment to the rule is to update the application procedures and Council operating procedures due to the amendment to Chapter 311, Florida Statutes, and sections 320.20(3) and (4), Florida Statutes. The effect of the proposed rule is to change the procedures for seaport funding applications.

SUMMARY: The proposed rules set forth the necessary procedures for applying for funds pursuant to Chapter 311, Florida Statutes, to finance port transportation or port facilities projects that will improve the movement and intermodal transportation of cargo or passengers in commerce and trade and that will support the interests, purposes, and requirements of ports located in this state.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 311.09(4) FS.

LAW IMPLEMENTED: 311.07, 311.09, 315.02, 320.20(3), 320.20(4) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michael L. Rubin, Assistant Secretary, Florida Seaport Transportation and Economic Development Council, P. O. Box 10137, Tallahassee, FL 32302, (850)222-8028

THE FULL TEXT OF THE PROPOSED RULES IS:

14B-1.001 Definitions.

(1) "Council" means the Florida Seaport Transportation and Economic Development Council as provided in s. 311.09(1), F.S.

(2) "Program Funds" are those funds identified in s. 311.07(2), F.S., derived from the State Transportation Trust Fund and funds derived from the provisions of ss. 320.20(3) and (4), F.S. ~~"Trust Fund" means the Florida Seaport Transportation and Economic Development Trust Fund as provided in s. 311.07(2), F.S.~~

(3) "Eligible Port" means deepwater ports listed in s. 403.021(9)(b), F.S., which are governed by a public body, or any other deepwater port which is governed by a public body which complies with the water quality provisions of s. 403.061, F.S., the comprehensive master plan requirements of s. 163.3178(2)(k), F.S., the local financial management and reporting provisions of Part III of Chapter 218, F.S., and the auditing provisions of s. 11.45(3)(a),(4), F.S.

(4) "Port Transportation Project" means:

(a) Transportation facilities within the jurisdiction of the port; or

(b) The dredging or deepening of channels, turning basins, or harbors; or

(c) The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing; or

(d) The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce; or

(e) The acquisition of land to be used for port purposes; or

(f) The acquisition, improvement, enlargement, or extension of existing port facilities; or

(g) Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; defined in s. 376.22, F.S., or which result from the funding of eligible projects listed herein; or

(h) Transportation facilities as defined in s. 334.03(31)(27), F.S., which are not otherwise part of the Department of Transportation's adopted work program; or

(i) Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3), F.S.; or

(j) Construction or rehabilitation of port facilities as defined in s. 315.02, excluding any park or recreational facilities, in ports listed in s. 311.09(1) with operating revenues of \$5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.

(5) "Port Master Plan" means a comprehensive master plan prepared by each eligible deepwater port ~~listed in s. 403.021(9), F.S.~~, which addresses existing port facilities and any proposed expansions and which adequately addresses the applicable requirements of s. 163.3178(2)(k), F.S., or other provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163.

(6) "Florida Seaport Mission Plan" means the mission statement developed by the Council which defines the goals and objectives of the Council concerning the development of port facilities and an intermodal transportation system. ~~The five-year five-year plan shall be updated annually and shall include specific recommendations for the construction of intermodal transportation projects which connect a port to another transportation mode and the development of transportation facilities or port facilities for the purpose of enhancing international trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing port transportation projects which enhance international commerce and provide economic benefits to the state.~~

(7) "Matching Funds" ~~for an approved port transportation project other than seaport intermodal access projects~~ are those funds provided by the eligible port ~~from any source other than the Florida Department of Transportation~~ which shall, at a minimum, be an amount equal to the ~~program funds~~ ~~each contribution provided by the Trust Fund to fund the approved project.~~ "Matching Funds" for seaport intermodal access projects as described in s. 341.053(5), F.S., that are identified in the Seaport Mission Plan shall be as mutually determined by the Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port funds, local funds, private funds, or specifically earmarked federal funds. "Matching Funds" for seaport intermodal access projects that involve the dredging or deepening of channels, turning basins, or harbors; or the rehabilitation of wharves, docks, or similar structures shall be 25 percent of the total project funds coming from any port funds, federal funds, local funds, or private funds.

(8) "Approved Project" means a port transportation project which has been determined by the Department of Community Affairs to be consistent, to the maximum extent feasible, with an approved local government comprehensive plan and with the port master plan; determined by the Department of

Transportation to be consistent with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program; and determined by the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ to be consistent with the Florida Seaport Mission Plan and to have an economic benefit to the state.

(9) "Eligible Costs" means costs that may be incurred and paid by program funds ~~funds from the Trust Fund~~. Eligible costs include: design and engineering, permitting costs, environmental mitigation, construction of the port transportation project, security, right-of-way acquisition, relocation of electrical utilities, drainage, railroad spurs, water lines, sewer lines, ~~and~~ other infrastructure costs associated with construction of the port transportation project, and the acquisition of trade data information products. Eligible costs may include improvements or fixtures constructed or placed on leased property so long as the useful life of the improvements or fixtures is equal to or less than the length of the lease, or so long as the improvements or fixtures remain under the control and use of the port after the termination of the lease. Costs associated with preparation of the application or administration of the project fund are not eligible costs.

(10) "Acquisition" means the legal acquisition of real or personal property and may be by purchase, lease, gift, devise, grant, bequest, or eminent domain.

(11) "Existing Port Facilities" shall mean facilities, and improvements of every kind, nature, and description to property or facilities as defined in s. 311.07, F.S.

(12) "Trade Data Information Products" are products related to the purchase of information related to any or all of the following:

- (a) Market intelligence;
- (b) Economic activity;
- (c) Economic and natural resources;
- (d) Transportation infrastructure;
- (e) Navigational and shipping issues;
- (f) Environmental issues.

(13) "Major Change" shall mean a change to an approved project that is reasonably expected to have the following impact:

- (a) Increases the program funds requested for an approved project;
- (b) Increases the capacity of heavy truck traffic, railcar, passenger car or changes in the configuration of internal roadways or rail lines by more than 5% of the capacity in the original estimate;
- (c) Leads to a new or substantially different type of facility or project, including any operational change or other changes that impact the reported level of service on any affected roadway; or

(d) Any land acquisition.

(14) "Emergency Project" shall mean a project which requires the maintenance or reconstruction of an eligible project which contributes or enables the port to continue to perform an essential service at the same level of service which it has previously provided in the movement of cargo or passengers, or is a project which, because of changing circumstances or new opportunities can not wait until the next application period without causing harmful effects to the welfare of the port or the citizens of the state. Any eligible port seeking to submit an emergency project shall submit a written request to the Chair of the Council delineating the emergency need and requesting consideration of an application for the emergency project by the Council.

Specific Authority ~~420.53~~; 311.09(4) FS. Law Implemented ~~341.07~~, ~~341.09~~ ~~320.20~~ FS. History—New 12-19-90, Amended _____.

14B-1.002 Port Project Funding Application Procedures and Requirements.

(1) An application shall be accepted only from an eligible port. The port shall apply for the grant by submitting to the Council an application entitled "Florida Seaport Transportation and Economic Development Project Application", Form FSTED-1, hereby incorporated by reference, effective _____ which contains five separate elements as described in (7) below. Applications shall be submitted by the authorized representative appropriate duly authorized official of such port. ~~Beginning in 1991, the period for submitting applications for the applicable fiscal year funding shall be from January 1 to August 1 February 15 in each calendar year. Upon a showing by the port applicant of extenuating circumstances, the Chairman of the Council may extend the application period for a reasonable time.~~ Application forms may be obtained from and completed applications shall be submitted in electronic format and one (1) hardcopy submitted in five (5) copies to: Florida Seaport Transportation and Economic Development Council, P. O. Box 10137, Tallahassee, FL 32302; or, 315 South Calhoun Street, Suite 712, Tallahassee, FL 32301.

(2) The applicant must provide information in application format so that it may be determined whether the proposed port transportation project is consistent, to the maximum extent feasible, with an approved local government comprehensive plan and port master plan. The applicant must attach documentation indicating that both the Department of Community Affairs and the Council have the current updated Port Master Plan provide its current updated port master plan both to the Council and to the Department of Community Affairs.

(3) The application must be accompanied by a drawing or map which depicts the port transportation project in relation to the port and the local community, clearly identifying the port project location.

(4) The applicant must provide information in application format so that it may be determined whether the project provides an economic benefit and is consistent with the Florida Seaport Mission Plan.

(5) The applicant must provide information in application format so that it may be determined whether the project is consistent with the policies and needs contained in the Florida Transportation Plan.

(6) The Council will have fifteen (15) days from August 1 receipt of an application to examine the application and notify the applicant ~~in writing~~ of any apparent errors or omissions and to request any needed additional information. The applicant shall then have fifteen (15) days from receipt of the request to provide the additional information. The application shall not be considered to be properly completed if the additional information is not provided. If technical changes are necessary, the Council or Administrative Staff can make those changes with approval of the applicant port.

(7) The project information required to be submitted by the applicant port is contained in the application Form FSTED-1, consisting of the following five parts units or forms:

(a) Part A. Incorporate herein by reference is a copy of Part A, the ~~The~~ cover sheet summary of the Council's application contains the summary information: name of applicant, authorized representative, brief project name, project number, amount requested/fiscal year, and summary of project approval history ~~description (project number, amount requested/fiscal year), plan information, economic benefit analysis, map/drawing, and signature of authorized official of the applicant port. Attached to Form A is a description of "Project Eligibility Requirements."~~

(b) Part B. Project Description and Means of Financing. Incorporated herein by reference is a copy of Part Form B which requires a detailed description of the project, ~~estimated number of years for project completion, phase or year of request, state funds requested, and source of port matching funds.~~

1. Part B-1 – Not Phased Projects. Requires estimated total costs of project, amount of funds requested, and amount and source of matching funds.

2. Part B-2 – Phased Projects. Requires estimated number of years to complete a phased project, current phase of project submitted, description of work to be done in this phase, and chart describing five-year funding forecast for the project.

3. B-3 – 5-Year Capital Improvement Program. If necessary, requires attachment of 5-year Capital Improvement Plan, with identification of project in the Plan.

~~(e) Form C. Port Development Candidate File. Incorporated herein by reference is Form C which is a five year forecast of funding requests for capital improvements at the applicant port. If the port's total capital improvement program for the five year period is different than the five year forecast of funding requests, a description of the total five year capital~~

improvement program should also be provided. This latter information will be used for the reporting requirements of the Florida Seaport Mission Plan.

~~(c)(d)~~ Part C. Plan Information. Incorporated herein by reference is ~~Part C Form D~~ which requires information from the applicant port about its port master plan and local government comprehensive plan so that the Department of Community Affairs may review the project to determine whether it is consistent to the maximum extent feasible with the local government comprehensive plan and the port master plan. The applicant must attach documentation indicating that both the Department of Community Affairs and the Council have a provide two (2) copies of its current updated port master plan of the port when submitting the applications.

~~(d)(e)~~ Part D. Economic Benefit Analysis. Incorporated herein by reference is ~~Part D Form E~~ which requires economic benefit information related to the project so that the Office of Tourism, Trade, and Economic Development Department of Commerce may determine whether the project provides an economic benefit to the state and is consistent with the Florida Seaport Mission Plan. Part D also requires, if applicable, a statement of eligibility, operating revenues, and economic benefits for ports with annual operating revenues of \$5 million or less that are seeking funding for certain projects defined in s. 315.02, F.S.

(e) Part E. Transportation Impact Information. Incorporated herein by reference is Part E which requires transportation impact information related to the project so that the Department of Transportation may determine the transportation impact to the state. Prior to submitting Part E to the Council, the port applicant is encouraged to submit the project description and Part E to impacted appropriate local government(s) in order to highlight any possible transportation problems relating to level of service requirements.

(8) All forms and form instructions are incorporated herein by reference and are available by writing to the address provided in subsection (1) above.

(9) Approved projects that have a major change shall require the submission of a new application for Council and agency consistency review. The Council will consider the submittal by an eligible port of an application for funding of an emergency project at any time during the calendar year. An emergency project is defined as the maintenance or reconstruction of an eligible project which contributes to or enables the port to continue to perform an essential service at the same level of service which it has previously provided in the movement of cargo or passengers.

(10) The Council may consider the submittal by an eligible port of an application for funding of an emergency project or for funding of a previously approved project that requires a new application pursuant to subsection (9), after the annual period for submitting applications has expired. Any eligible port seeking to submit an application after the annual period

for submitting applications has expired shall submit a written request to the Chair of the Council requesting consideration of the application by the Council. The written request shall delineate the reasons why the application should be considered after the annual period for submitting applications has expired.

Specific Authority ~~420.53~~; 311.09(4) FS. Law Implemented 311.09 FS. History—New 12-19-90, Amended.

14B-1.003 Measuring Economic Benefits.

~~(1)~~ (1) The Council shall review each properly completed application to determine the economic benefit of the port transportation project measured by the potential for the proposed project to increase or maintain cargo flow, cruise passenger movement, international commerce, port revenues, and the number of jobs for the port's local community.

~~(2) The minimum criteria to be utilized by the Council in specifying and identifying a port transportation project as facilitating the economic benefit of Florida shall consist of satisfaction of the following:~~

~~(a) Each application must indicate the amount of the port's capital investment in the port transportation project and the source of port matching funds.~~

~~(b) Each application must provide a separate port analysis of how the port transportation project will support international commerce, increase cargo flow through the port or improve cruise passenger movements. The analysis must provide specific assumptions about demand for additional service or capacity on which the project is based; type of employment to include the average hourly wage that will be created by the project or reasons the port project is needed to support existing employment; expected life of the project; expected port revenue stream resulting from the project; and a description of how the port project will affect and enhance the local, regional and state economies. The applicant shall, upon request by the Council, provide any other economic impact information which would assist the Council and the Department of Commerce to determine the economic benefit of the port transportation project.~~

Specific Authority ~~420.53~~; 311.09(4) FS. Law Implemented 311.09 FS. History—New 12-19-90, Amended.

14B-1.004 Determination of Funding; Council/Agency Review.

~~(1) The Council shall review and take action on approve or disapprove each project eligible for funding from the Trust Fund within one hundred twenty (120) days of the application deadline. After such determination, the Council shall annually submit to the Secretary of Transportation, the Office of Tourism, Trade, and Economic Development Secretary of Commerce, and the Secretary of Community Affairs a list of projects which have been approved by the Council. The list shall specify the requested recommended funding level for each project; and, if staged implementation of the project is~~

appropriate, the funding requirements for each stage shall be specified. The decision to fund a project at any funding level is within the sole discretion of the Council.

(2) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Department of Community Affairs shall review the projects to determine consistency, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the port is located and with the port master plan. Within forty-five (45) days from receipt of the list of projects and supporting applications, the Department of Community Affairs shall notify the Council of those projects which are not consistent, to the maximum extent feasible, with such comprehensive plans and port master plans. Should additional information be requested from one or more applicants by the Department of Community Affairs to permit the Department of Community Affairs to evaluate project consistency, the time limit for the Department's review and notice to the Council shall be extended fifteen (15) days following receipt of the requested information.

(3) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Department of Transportation shall review the list of projects for consistency with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program. In evaluating the consistency of a project, the Department shall determine whether the transportation impact of the proposed project is adequately handled by existing state highway facilities or by the construction of additional state highway facilities as identified in the Department's adopted work program. In reviewing for consistency a transportation facility project as defined in s. 334.03(31)(27), F.S., which is not otherwise part of the Department's work program, the Department shall evaluate whether the project is needed to provide for projected movement of cargo or passengers from the port to the State Highway System or local road. If the project is needed to provide for projected movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. Within forty-five (45) days from receipt of the list of projects, the Department of Transportation shall identify those projects which are not consistent with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program and shall notify the Council of projects found to be inconsistent. Should additional information be requested from one or more applicants by the Department of Transportation to permit the Department of Transportation to evaluate project consistency, the time limit for the Department's review and notice to the Council shall be extended fifteen (15) days following receipt of the requested information.

(4) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., Department of Commerce shall review the list of projects to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The Office of Tourism, Trade, and Economic Development Department of Commerce shall evaluate the economic benefits of each project based upon the information required by the Council Rule No. 14B-1.003 and, in so doing, may conduct any appropriate investigation to determine the accuracy of the information. Within forty-five (45) days from receipt of the list of projects, the Office of Tourism, Trade, and Economic Development Department of Commerce shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the Council of its findings. Should additional economic impact information be requested from the applicant by the Office of Tourism, Trade, and Economic Development Department of Commerce, the time limit for the Department's review of the project shall be extended fifteen (15) days following receipt of the requested information.

(5)(a) The Council shall review the findings of the Department of Community Affairs, the Office of Tourism, Trade, and Economic Development Department of Commerce, and the Department of Transportation. Projects found to be inconsistent pursuant to subsections (2), (3), and (4) above and projects which have been determined not to offer an economic benefit to the state pursuant to subsection (4) shall not be included in the list of projects to be funded. However, the list of proposed projects may include projects which have been determined inconsistent, where such inconsistency determination was wholly unrelated to the proposed project itself, but was made on the basis that the local government comprehensive plan was not in compliance with the requirements of Chapter 163, F.S. Such projects are eligible for funding at the time the local government comprehensive plan is determined by the Department of Community Affairs or the Administration Commission to be in compliance with Chapter 163, F.S.; provided, however, that no amendments to the local comprehensive plan which brought it into compliance altered or modified the plan in relation to the impacts of the project itself.

(b) The Department of Community Affairs, Department of Transportation, or the Office of Tourism, Trade, and Economic Development may vote to overrule any action of the Council approving a project pursuant to subsection (1). Any action to overrule a project must be taken prior to, or at, the Council meeting approving such project for submission to the Department of Transportation for funding. A vote overruling an action of the Council approving a project shall be in writing.

shall give specific reasons for the vote to overrule, and shall be considered final agency action for purposes of Chapter 120, Florida Statutes.

(6) The Council shall submit to the Department of Transportation a list of approved projects for funding ~~from the Trust Fund.~~ The Department of Transportation shall include in its annual legislative budget request a Florida Seaport Transportation and Economic Development grant program for expenditure of funds of not less than \$8 million per year in the Trust Fund. Such budget request shall request funding for the list of approved projects submitted by the Council ~~based upon the funds expected to be available in the Trust Fund during the ensuing budget year.~~ Additionally, the Council may submit to the department a list of unfunded approved projects that could be made production-ready within the biennium and for which program trust funds are not available in that budget year. The list of unfunded approved projects shall be submitted by the Department of Transportation as part of the project list prepared pursuant to s. 339.135(4)(j), F.S., and the needs list prepared pursuant to s. 339.155(5)(b), F.S.

Specific Authority ~~120.53~~; 311.09(4) FS. Law Implemented 311.09 FS. History—New 12-19-90, Amended _____.

14B-1.005 Council Procedures.

~~(1) The Council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the Council must meet at least semiannually. A majority of voting members of the Council constitutes a quorum for the purpose of transacting the business of the Council. All members of the Council are voting members except for members representing the Department of Transportation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development Department of Commerce. A majority vote of the voting members present is sufficient for any action of the Council, unless the bylaws of the Council require a greater vote for a particular action.~~

~~(1)(2) The Council shall allocate ~~prioritize~~ funding for approved projects. A majority vote of the voting Council members present is sufficient to approve funding for a specific port transportation project and is sufficient for the Council to allocate ~~prioritize~~ funding for all approved projects. A Certification of Project Acceptance which certifies that the Council has reviewed the port projects pursuant to the requirements of applicable Florida law must be executed by the Chairman of the Council, witnessed, and attested to by the Assistant Secretary prior to submission of the approved project candidate list to the Department of Transportation. Said certification in the form approved by the Department of Transportation shall accompany the project list submittal. A majority vote of the voting Council members present is sufficient to disapprove funding for a specific port transportation project.~~

~~(2)(3) The Council shall submit a summary of port transportation projects with pertinent information to the Council members no less than five (5) seven (7) working days prior to the date of the meeting at which such projects will be considered for funding approval.~~

~~(3)(4) Applicants whose port transportation projects are not recommended for funding in any given year may reapply for subsequent funding consideration by the Council.~~

~~(4)(5) The Council shall publish in the Florida Administrative Weekly, at least seven (7) days prior to Council meetings or workshops, notification of the time and place the Council will meet. Such meetings or workshops shall be open to the public. At least seven (7) days prior to a meeting, the Council shall prepare and make available an agenda for distribution on request of any interested person. ~~The Council also shall provide seven (7) days prior notification of Council meetings or workshops by mailing a notice to each eligible port applicant whose port transportation project is to be considered.~~~~

~~(5) The Council may hold monthly meetings with the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade and Economic Development to facilitate the project review process and other related issues.~~

~~(6) Special meetings of the Council may be held at the call of the Chairman or shall be called by the Chairman at the written request of a majority of the voting members. Upon seven (7) days public notice, a special meeting may be conducted by a telephone conference call with members of the Council in accordance with the provisions of Chapter 28-8, F.A.C., Model Rules of Procedure.~~

~~(7) Emergency meetings of the Council may be held at the call of the Chairman in accordance with the provisions of Chapter 28-2.007, F.A.C., Model Rules of Procedure.~~

~~(6)(8) Members of the Council shall serve without compensation but are entitled to receive reimbursement for per diem and traveling expenses as provided in s. 112.061, F.S. The Council may elect to provide an administrative staff, by contract or otherwise, to provide services to the Council on matters relating to the program Trust Fund and the Council. The cost for such administrative services shall be paid by all ports that receive program funds funding from the Trust Fund, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total program trust funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in full by the recipient port upon execution by the port and the Department of Transportation of a Joint Participation Agreement or as otherwise directed by the FSTED Council. at the time the first payment of trust funds are disbursed to it. Such administrative services payment is in addition to the matching funds required to be paid by the recipient port.~~

Specific Authority ~~120.53~~; 311.09(2),(11) FS. Law Implemented 311.09 FS. History—New 12-19-90, Amended _____.

14B-1.006 Eligible Port Funding Requirements.

(1) ~~Except for projects funded pursuant to ss. 320.20(3) and (4), F.S., a~~ port eligible for matching funds ~~from the Trust Fund~~ may receive a grant of program funds ~~from the Trust Fund~~ of not more than \$7 million during any one calendar year and grants of not more than \$30 million during any five calendar year period.

(2) Any port which receives funding from the Council Trust Fund shall institute procedures to ensure that jobs created as a result of the state funding shall be subject to equal opportunity hiring practices in the manner provided in s. 110.112, F.S.

(3) The Department of Transportation shall subject any project that receives funds pursuant to this section to a final audit. The Department may adopt rules and perform such other acts as are necessary or convenient to ensure that the final audits are conducted and that any deficiency or questioned costs noted by the audit are resolved.

(4) Funds received by eligible ports from the Council Trust Fund shall be expended on eligible costs only. If program funds are not expended on eligible costs, then the port shall immediately reimburse the Council for its share of the ineligible expenditures.

(5) Except for seaport intermodal access projects and projects funded pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., upon legislative approval of the Department of Transportation's budget request as provided in Rule 14B-1.004 and upon entering into the Department of Transportation's a written grant Joint Participation Agreement (JPA) agreement with an eligible port, the Department of Transportation will reimburse the eligible port an amount equal to 50 percent of eligible costs incurred on an approved project. This reimbursement will be made upon receipt of an invoice showing total eligible costs incurred to date, less the port's 50 percent share, less reimbursements received to date. These reimbursements will be made in compliance with the payment requirements set forth in s. 215.422, F.S. The final reimbursement to the port will be released upon the satisfactory completion of a final audit conducted by the Florida Department of Transportation.

(6) For projects funded pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., the reimbursement procedures will be as set forth in the Master Agreement, the Indenture of Trust, the Loan Agreement, which are incorporated herein by reference, and any other agreement with another applicable governmental entity.

Specific Authority ~~420.53;~~ 311.07(4) FS. Law Implemented 311.07, 320.20(3),(4) FS. History--New 12-19-90, Amended.

14B-1.007 Reporting Requirements.

~~(1) If the port transportation project is to be funded in annual phases, the Council shall require the port to submit an annual written report which describes the work completed per the project schedule, the status of the project, a description of~~

~~any change orders which change the nature of the project and a budget summary detailing the amount of financial contribution to the project by the port. A phased project shall be considered by the Council as one project and shall be annually prioritized accordingly. An approved phased project shall be awarded separate annual grants until complete; provided, however, that no change order has been requested by the recipient port. Change orders requested for previously approved projects will require resubmission of a revised project application for Council and agency consistency review.~~

~~(2) Except for seaport intermodal access projects and projects pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S.,~~ the eligible port shall enter into the Department of Transportation's a Joint Participation Agreement (JPA) with the Department of Transportation which sets forth the duties and obligations of the parties thereto regarding the expenditure and receipt of funds prior to any expenditure of state funds. The recipient port also shall provide a signed letter stating that the port accepts total responsibility and ownership of the port transportation project.

Specific Authority ~~420.53;~~ 311.09(4) FS. Law Implemented 311.07 FS. History--New 12-19-90, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Rubin

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Towsley, Chair of the FSTED Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2000

DATE NOTICE PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2001

**STATE BOARD OF ADMINISTRATION
Florida Prepaid College Board**

RULE TITLE: Application
RULE NO.: 19B-4.001

PURPOSE AND EFFECT: To update the Florida Prepaid College Program Application and the Florida Prepaid College Program Master Covenant to reflect the current year and to change the effective date of these documents.

SUMMARY: This rule change is being made to update the Florida Prepaid College Program Application and Master Covenant for the Florida Prepaid College Program to reflect the current year and to change the effective date of these documents.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(7)(a) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

These rules apply to purchasers of advance payment contracts for the prepayment of postsecondary registration and/or dormitory residency fees. The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchases pursuant to a court order may be submitted to the Board at any time. After acceptance by the Board of the purchaser's application, a participation and payment schedule and master covenant shall be mailed to the purchaser. The advance payment contract shall be comprised of the application, master covenant, and participation and payment schedule. The Florida Prepaid College Program Application, Form No. FPCP ~~2000-2001~~-1, is hereby incorporated by reference and may be obtained by calling 1-800-552-GRAD (4723) (prompt 1). The effective date of the form is October ~~16, 2000~~ 15, 2001. The Florida Prepaid College Program Master Covenant, Form No. FPCP ~~2000-2001~~-2, is hereby incorporated by reference with an effective date of October ~~16, 2000~~ 15, 2001.

Specific Authority 240.551(7)(a) FS. Law Implemented 240.551 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-7-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE:

RULE NO.:

Contract Requirements

19B-5.003

PURPOSE AND EFFECT: To implement an amendment to s. 240.551(11), F.S. adding nonprofit s. 501(c)(3) organizations operating scholarship programs approved by the Board to the types of organizations that are permitted to not name a qualified beneficiary on advance payment contracts until April 1 of the anticipated enrollment year; and to clarify the procedure the Board will follow when advance payment contract benefits expire.

SUMMARY: This rule change allows s. 501(c)(3) organizations to purchase advance payment contracts without naming the beneficiary until April 1 of the anticipated enrollment year and clarifies the procedures the Board will follow when the benefits of an advance payment contract expire. These changes are being made due to amendments to s. 240.551(11), Florida Statutes, enacted during the 2001 Regular Session of the Florida Legislature.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.003 Contract Requirements.

(1) Purchasers must name the qualified beneficiary in the application, provided, however, that the board's direct support organization and organizations operating scholarship programs pursuant to Rule 19B-5.007 shall be permitted to leave the qualified beneficiary's name blank until April 1 of the anticipated enrollment year.

(2) Only one qualified beneficiary is allowed per contract, and a specific beneficiary can be named in only one contract. In the event duplicate contracts for the same beneficiary are processed, the contract processed first shall be deemed valid and the remaining contract shall be deemed terminated.

(3) The purchaser does not have to designate the postsecondary institution that the beneficiary will attend.

(4) The contract may be used within three years in advance of the selected matriculation date indicated in the application with no penalty or additional cost. However, to utilize a contract prior to the selected matriculation date, the purchaser must pay the contract in full before changing such matriculation date.

(5)(a) The benefits of a contract may be received for up to a ten-year ~~ten-year~~ period after the ~~said selected~~ matriculation date. This ten-year limitation may be extended upon application to the Board. Any time spent by the qualified beneficiary in the military service tolls the time for receiving contract benefits under all contract plans. The matriculation projected enrollment date is the projected college enrollment year shall correspond to the age/grade of the qualified beneficiary, based on the information about the qualified beneficiary's age or grade contained in the purchaser's application form, or similar information received subsequently by the Board from the purchaser. The right to use the benefits from a contract shall expire on December 31, ten years after the matriculation date, or any extension thereof.

(b) When the benefits from a contract have not been used on December 31, nine years after the matriculation date or one year prior to the expiration of any extension of the expiration date for the use of contract benefits, the Board shall mail a written notice to the purchaser which indicates:

1. The procedure the purchaser must follow to extend the time period for the use of contract benefits or to obtain a refund for the contract;

2. That the right to use the contract benefits will expire on December 31, ten years after the matriculation date or any extension thereof; and

3. That such benefits and refund will escheat to the Florida Prepaid College Trust Fund on that date.

4. Such notice shall be mailed not later than 180 days prior to the expiration of the contract benefits. An alphabetical list of the names of purchasers of such accounts shall be posted on the Board's website on the Internet.

(c) The benefits from and any refund associated with a contract for which the benefits have not been used by December 31, ten years after the matriculation date, or any extension thereof, shall escheat to the Florida Prepaid College Trust Fund.

(6) Accounts that are composed of tuition and local fee contracts will only be paid if both the tuition account and local fee account are in good standing. Local fee payments shall not be remitted to pay tuition for any beneficiary.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.003, Amended 5-31-95, 6-20-96, 2-18-99, 6-6-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Scholarship Programs Operated by Non-Profit Organizations

RULE NO.: 19B-5.007

PURPOSE AND EFFECT: To implement s. 240.551(23), F.S., by specifying the application procedure and information that a s. 501(c)(3) organization must submit about its scholarship program to enable the Board to approve programs as eligible to purchase advance payment contracts for organizations scholarship programs.

SUMMARY: This rule details the application procedures a s. 501(c)(3) organization will follow in order to have its scholarship program approved by the Board so that the organization can purchase advance payment contracts for its scholarship programs. This rule is being created to implement s. 240.551(23), Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.007 Scholarship Programs Operated by Non-Profit Organizations.

(1) During the open enrollment period, a nonprofit organization may purchase advance payment contracts for a scholarship program operated by the organization provided the Board has approved the scholarship program.

(2) The Board will approve scholarship programs operated by nonprofit organizations upon submission of a written application to the Board that contains:

(a) Evidence that the organization is a nonprofit organization described in s. 501(c)(3) of the Internal Revenue Code;

(b) Evidence that the organization is exempt from taxation pursuant to s. 501(a) of the Internal Revenue Code;

(c) Information describing the scholarship program and its purposes;

(d) A statement that the nonprofit organization operates the scholarship program;

(e) A statement that the nonprofit organization shall comply with the terms of the advance payment contract, s. 240.551, F.S., and the rules of the Board.

(3) An application for approval of a scholarship program may be submitted with an application to purchase one or more advance payment contracts.

(4) After an application is determined by the Executive Director to be complete, the Board will consider and approve the application for the scholarship program at its next meeting.

(5) Approval by the Board of a scholarship program is not and shall not be promoted by the nonprofit organization as, an endorsement by the Board of the scholarship program or the sponsoring nonprofit organization.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Fee Schedule
RULE NO.: 19B-6.001

PURPOSE AND EFFECT: To authorize the Board to waive payment of outstanding late fees in excess of \$70.00 for advance payment contracts that are paid in full and to waive all

outstanding late fees when the outstanding late fee balance is \$50.00 or less for advance payment contracts that are paid in full. To repeal the out-of-state transfer fee.

SUMMARY: This rule changes authorizes the Board to waive late fees for advance payment contracts that are paid in full and to repeal the out-of-state transfer fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-6.001 Fee Schedule.

The following fee schedule will apply for all advance payment contract applicants and purchasers:

(1) Application Fee – A forty-two dollar (\$42.00) nonrefundable application fee will be collected at the time the application is submitted.

(2) Termination Fee – Fifty percent (50%) of the amount paid into the plan up to a cap of fifty dollars (\$50.00) will be assessed upon termination of any plan purchased, unless:

(a) The purchaser or beneficiary dies or is disabled; or

(b) The beneficiary receives a scholarship which renders the plan unusable; or

(c) The purchaser holds the advance payment contract for a period of at least two years immediately preceding the request for termination and refund. The purchaser shall request a waiver of the termination fee at the time of the refund request. Only one termination fee will be assessed for a single termination request for both the university and dormitory plan. Documentation of one of the above events permitting the fee waiver shall also be submitted with the request.

(3) Cancellation Fee – In verifying the residency of a beneficiary, if the Board discovers that a purchaser has committed fraud, a cancellation fee of one hundred percent (100%) of the amount paid into the plan up to a maximum of

two hundred fifty dollars (\$250.00) will be assessed, and the remainder of the amount paid into the plan will be automatically refunded to the purchaser.

(4) Late Fee –

(a) A late fee of ten dollars (\$10.00) will be assessed on each monthly payment received twenty (20) days past the due date. The Board may grant an additional four (4) days grace period when a federal holiday occurs within the twenty (20) days mentioned above. ~~A maximum charge of seventy dollars (\$70.00) in outstanding late fees will be charged against each account upon cancellation.~~ This charge shall be separate from and in addition to any termination fee that might be imposed pursuant to subsection (2) of this rule. If both the tuition and local fee payments are received twenty (20) or more days past the due date, only the tuition account will be assessed a ten dollar (\$10.00) late fee.

(b) When a contract is terminated, not more than seventy dollars (\$70.00) in outstanding late fees may be deducted from the refund for the contract.

(c) When a contract is paid-in-full, the Board will waive:

1. Any outstanding late fees in excess of seventy dollars (\$70.00).

2. The outstanding late fee balance when the outstanding late fee balance is fifty dollars (\$50.00) or less.

(5) Insufficient Funds – Purchasers will automatically be assessed a ten dollar (\$10.00) fee for all payments returned for insufficient funds.

(6) Addition of a dormitory contract – A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds a dormitory plan to the previously purchased tuition plan.

(7) Addition of a local fee contract – A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds the corresponding local fee plan to the previously purchased tuition plan.

~~(8) Out of State Transfer Fee – A fee of twenty five dollars (\$25.00) will be assessed for the transfer of benefits to eligible postsecondary institutions outside Florida.~~

~~(8)~~(9) Outstanding fees – All outstanding fees must be paid by March 1 of the anticipated enrollment year in order for the qualified beneficiary to receive the contract benefits. Fees assessed after March 1 of the anticipated enrollment year and remaining unpaid on February 1 of the succeeding year will result in a suspension of the contract benefits.

~~(9)~~(10) Reinstatement Fee – A \$42.00 fee shall be assessed for the reinstatement of a voluntarily canceled or involuntarily canceled account. This fee shall be due on each tuition, local fee and dormitory account. The fee shall be due from the purchaser at the time the request for reinstatement is made and shall be in addition to all payments and fees required to bring an account current.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, Formerly 4G-6.001, Amended 12-5-93, 6-20-96, 12-16-97, 2-18-99, 2-8-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Qualified Individuals
RULE NO.: 19B-8.001

PURPOSE AND EFFECT: To implement the recently enacted amendments to s. 529 of the Internal Revenue Code that adds first cousins to the list of persons that can be a substitute beneficiary under an advanced payment contract.

SUMMARY: This rule adds first cousins to the list of appropriate substitute beneficiaries under advanced payment contracts. This change is being made due to recent amendments to s. 529 of the Internal Revenue Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-8.001 Qualified Individuals.

A purchaser may request transfer of a contract to an eligible substitute beneficiary who is the brother, sister, half brother, half sister, step-brother, ~~or~~ step-sister, or first cousin of the qualified beneficiary. A purchaser who is the grandparent of the qualified beneficiary may request the transfer of a contract to an eligible substitute beneficiary who is a grandchild of the

purchaser. The substitute beneficiary must meet the residency requirement of a qualified beneficiary at the time of substitution. Documentation must also be submitted with the transfer request evidencing the relationship of the transferee. The contract purchaser will be required to sign and notarize any request to substitute beneficiaries on an advance payment contract. The substitution must be made prior to the qualified beneficiary using benefits at a postsecondary institution.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Formerly 4G-8.001, Amended 12-5-93, 6-20-96, 8-18-97, 12-16-97, 3-24-99, 2-8-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Transfer to In-State Independent College or University

RULE NO.: 19B-9.002

PURPOSE AND EFFECT: This rule modification makes technical changes related to the changes in Rules 19B-9.003 and 19B-11.001, F.A.C.

SUMMARY: This rule change makes technical changes to the transfer of the benefits of advance payment contracts to in-state independent colleges and universities and eligible out-of-state colleges and universities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.002 Transfer to In-State Independent College or University.

In the event the beneficiary matriculates in an independent college or university in Florida, the redemption value will be forwarded to the institution. For purposes of such transfers of the tuition and local fee plans, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of matriculation. For purposes of such transfers of the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of matriculation for the number of semesters reflected in each purchaser's contract.

Specific Authority 240.551(5) FS. Law Implemented 240.551(7)(d) FS. History--New 3-29-89, Amended 2-6-90, Formerly 4G-9.002, Amended 12-5-93, 6-20-96, 10-20-96, 2-18-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Transfer to Out-of-State Schools

RULE NO.: 19B-9.003

PURPOSE AND EFFECT: This rule revision implements changes to s. 240.551, F.S., made by the 2001 Legislature that modify the amount allowed to be transferred to eligible out-of-state colleges and universities.

SUMMARY: This rule change modifies the amount of the benefits of advance payment contracts that can be transferred to out-of-state colleges and universities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.003 Transfer to Out-of-State Schools.

A qualified beneficiary may transfer the benefits of an advance payment contract to an eligible out-of-state community college, college or university. The amount transferred shall not exceed the redemption value of the advance payment contract; ~~or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee.~~ For purposes of such transfers of the tuition and local fee plans, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of matriculation. For purposes of such transfers of the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of matriculation for the number of semesters reflected in each purchaser's contract.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Formerly 4G-9.003, Amended 12-5-93, 6-20-96, 2-18-99, 1-7-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: General
RULE NO.: 19B-11.001

PURPOSE AND EFFECT: This rule revision implements changes made by the 2001 Legislature which revise the amount of a refund allowed a purchaser of an advance payment contract in the event the contract beneficiary is awarded a scholarship or suffers death or total disability.

SUMMARY: This rule change revises the amount of the refund to a purchaser of an advance payment contract in the event the contract beneficiary is awarded a scholarship or suffers death or total disability. This change is being implemented due to amendments enacted during the 2001 Regular Session of the Florida Legislature.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-11.001 General.

Except as provided herein, refunds shall not exceed the amount paid for any plan bought by the purchaser, except for conversions pursuant to Rule 19B-11.002, F.A.C., and dormitory residence plan refunds due to insufficient housing pursuant to Rule 19B-11.004, F.A.C. Involuntary and voluntary termination pursuant to Rule 19B-10.001, F.A.C. and 19B-10.002, respectively, shall result in a refund to the purchaser after assessment of appropriate fees. Termination of student status after the official drop/add period eliminates the refund option for that semester. However, refunds may exceed the amount paid into the fund in the following circumstances:

(1) If a beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be returned to the purchaser in semester installments coinciding with the matriculation by the beneficiary in ~~amounts of either:~~ an amount not to exceed the redemption value of the advance payment contract.

~~(a) the original purchase price plus 5 percent compounded interest, or~~

~~(b) the current rates at State postsecondary institutions, whichever is less.~~

Proof of scholarship shall be given to the Board in such form as specified by the Board from the institution granting the scholarship.

(2) In the event of death or total disability of the beneficiary, moneys paid for the purchase of an advance payment contract shall be returned to the purchaser in lump sum ~~with either:~~ in an amount not to exceed the redemption value of the advance payment contract.

~~(a) The original purchase price plus 5 percent compounded interest, or~~

(b) ~~The current rates at State postsecondary institutions, whichever is less.~~

Proof of death or disability shall be in such form as required by the Board.

(3) For purposes of refunds pursuant to Rule 11.001(1) or (2) for tuition and local fee plans, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of the refund request. For purposes of refunds pursuant to Rule 11.001(1) or (2) for the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of the refund request, for the number of semesters reflected in each purchaser's contract.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.001, Amended 8-18-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: _____ RULE NO.:

Florida Prepaid College Foundation, Inc.; Requirements; Use of Board Property 19B-15.001

PURPOSE AND EFFECT: This rule implements s. 240.551(22)(f), F.S. It specifies operational procedures for the Florida Prepaid College Foundation, Inc. and authorizes the Foundation to use the property, personnel, and facilities belonging to the Florida Prepaid College Board.

SUMMARY: This rule details operational procedures for the Florida Prepaid College Foundation, Inc. and details the use of property, personnel and facilities belonging to the Florida Prepaid College Board by the Prepaid Foundation. This change is being made to implement s. 240.551(22)(f), Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(22)(f) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-15.001 Florida Prepaid College Foundation, Inc.: Requirements; Use of Board Property.

(1) The Florida Prepaid College Foundation, Inc., a not-for-profit corporation established pursuant to s. 240.551(22), Florida Statutes, shall:

(a) Submit its articles of incorporation and by-laws to the Board annually for approval.

(b) Promptly notify the Board of any amendments to the Foundation's articles of incorporation and by-laws.

(c) Submit its annual budget to the Board not later than May 31 of each year.

(d) Contract with an independent certified public accounting firm for an annual financial and compliance audit of the financial accounts and records of the Foundation.

(e) Establish a fiscal year that will begin on July 1 of each year and end on June 30 of the following year.

(f) Disclose the material provisions of the contract between the Foundation and the Board to donors of gifts, contributions and bequests to the Foundation and in all promotional and fundraising publications of the Foundation

(g) With the exception of those public records described in ss. 240.551(14), 240.551(22)(a) and 240.554, Florida Statutes, allow inspection and copying of all other documents, papers, letters or other records of the Foundation that are made or received in conjunction with the business of the Foundation in accordance with the requirements of the Florida Public Records Law, s. 119.07, F.S.

(h) Allow the Board, its employees or designees, or other state agencies as provided by law to audit the Foundation upon reasonable notice at the Foundation's offices during normal business hours.

(2) To be eligible to use the Board's property (except money), facilities and personal services, the Foundation shall:

(a) Provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age or national origin.

(b) Make a written request to the Executive Director of the Board specifying the property, facilities and personal services which the Foundation requests that it be allowed to use.

(c) Operate under a written contract with the Board.

Specific Authority 240.551(22)(f) FS. Law Implemented 240.551 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Chaplaincy Services
RULE NO.: 33-503.001

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

SUMMARY: The proposed rule provides that the chaplain of each institution is directly responsible to the area chaplaincy services specialist rather than to the warden and provides for religious activities to be supervised by employees and volunteers as well as by the chaplain.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-503.001 Chaplaincy Services.

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

(c) The Chaplain of each institution is directly responsible to the area Chaplaincy services specialist and coordinates activities with the institution's security staff warden. He plans, coordinates and supervises all religious activities and services at the institution. He is responsible for the moral and spiritual well-being of all inmates, including the non-religious.

(2) No change.

(3) Religious Services and Rituals.

(a) All religious services, rituals or activities at the institution shall be conducted or supervised by the Chaplain or other employee or regular service volunteer.

(b) through (12) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 20.315, 944.09, 944.11 FS. History-New 1-6-82, Formerly 33-3.14, 33-3.014, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Alex Taylor
NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Cost Containment Board

RULE TITLES:
Definitions 59E-5.101
Florida Hospital Uniform Reporting System 59E-5.102
Reporting Requirements 59E-5.103
Prior Year Report Requirements 59E-5.201
Notice of Violation or Deemed Not Filed and Response 59E-5.205
Public Medical Assistance Trust Fund Assessments 59E-5.605

PURPOSE AND EFFECT: The Agency intends to establish and adopt procedures and specifications for the implementation of Section 16 of Chapter 2000-256, Laws of Florida. The rules are being amended to comply with the statutory provisions of Chapter 395.701, F.S., and to provide an updated reporting mechanism to improve the efficiency and accuracy of financial data collection.

SUMMARY: The 2000 Session of the Florida Legislature amended Chapter 395.701, F.S., to provide a reduced assessment percentage for outpatient hospital net revenues. The changes to the Agency's Florida Uniform Hospital Reporting System necessary to implement the changes are incorporated by reference in this material.

SUMMARY STATEMENT OF ESTIMATED REGULATORY COST: Based on best information available, the estimated regulatory costs to all Florida hospitals would be \$478,000 to \$956,000 in the start up year and \$239,000-\$458,000 in succeeding years. A rule development workshop was held on August 22, 2000 on the materials and forms associated with this rule. Comments from the workshop participants were received and incorporated as appropriate. In response to a request from the Florida Hospital Association, a public hearing was held on March 9, 2001 and testimony was received in regard to a lower cost regulatory alternative proposed by the industry. The issue was resolved by the passage of CS/SB 1558 by the 2001 legislature. No other disagreement exists at this time.

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

SPECIFIC AUTHORITY: 408.15, 395.7015(5) FS.

LAW IMPLEMENTED: 395.701, 408.061, 395.7015 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 THEFAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Chris Augsburger, Regulatory Analyst Supervisor, Bureau of Health Facility Regulation/Financial Analysis, 2727 Mahan Drive, MS# 28, Tallahassee, FL 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

59E-5.101 Definitions.

The definitions set forth in Section 408.032, F.S., and the following definitions shall apply to this Chapter, and to the Florida Hospital Uniform Reporting System (FHURS) Manual, unless otherwise specified:

(1) "Actual report" is the report of a hospital's actual financial and statistical data as required by the reporting forms contained in the FHURS Manual.

(2) "Adjusted admission" is the sum of acute admissions and intensive care admissions divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory, and ancillary patient services to gross revenues, unless the hospital reports all sub-acute admissions in which case "adjusted admission" is the sum of sub-acute admissions divided by the ratio of total inpatient revenues to gross revenues.

(3) "Audited actual experience", "audited actual data", or "audited financial statements" means data contained within financial statements examined by an independent, Florida-licensed, certified public accountant in accordance with generally accepted auditing standards and including an opinion on the audited financial statements.

(4) "Change in hospital ownership" means that a majority of the ownership or the controlling interest of the hospital is transferred or assigned. A change in ownership includes, but is not limited to, the acquisition of the hospital by any person or other legal entity by any means; the leasing of the hospital when the lessee agrees to undertake or provide services at the hospital to the extent that legal liability for operation of the hospital rests with the lessee; conversion of the hospital's type or kind of business organization; the sale, acquisition, assignment or other voluntary or involuntary transfer of a majority of the ownership or the controlling interest of the hospital; merger of the hospital corporation into a new corporation; or consolidation of the hospital corporation with one or more corporations resulting in the creation of a new corporation.

(5) "Charity care patient" means a medically indigent patient whose charges are, in whole or in part, classified as "Charity/Uncompensated Care – Other" who meets the requirements of ~~Account~~ 5960, Chapter III, FHURS Manual and/or "Charity/Uncompensated Care – Hill Burton" who meets the requirements of Account 5950, Chapter III, FHURS Manual.

(6) "Chart of accounts" means the list of accounts, code numbers, definitions, standard units of measure and principles and concepts included in the FHURS Manual.

(7) "Day of admission" means the day on which a person is admitted to a hospital or sub-acute facility for bed occupancy for purposes of receiving inpatient hospital or sub-acute services and counts as one inpatient day. If admission and discharge or death occur the same day, the day is considered a day of admission and counts as one inpatient day.

(8) "Executive staff members" means the Secretary, ~~Executive Director~~ and such other staff members as designated by the Secretary ~~Executive Director~~.

(9) "FHURS Manual" means the Florida Hospital Uniform Reporting System Manual as adopted by the Agency Board and incorporated by reference in Rule 59E-5.102.

(10) "Financial statements" means a presentation of financial data, including accompanying notes, derived from accounting records and intended to communicate a hospital's economic resources or obligations at a point in time, or the changes therein for a period of time, and the results of operations for a period of time in accordance with generally accepted accounting principles.

(11) "Generally accepted accounting principles" (GAAP) means accounting principles or standards generally accepted in the United States, as published by the American Institute of Certified Public Accountants, and Statements of Financial Accounting Standards and interpretations thereof as published by the Financial Accounting Standards Board and as may be amended by rule of the Department of Business and Professional Regulation, ~~Department of Professional Regulation~~ Board of Accountancy.

(12) "Generally accepted auditing standards" (GAAS) means the generally accepted auditing standards adopted by the American Institute of Certified Public Accountants, together with interpretations thereof, as set forth in Statements on Auditing Standards as published by the American Institute of Certified Public Accountants and as may be amended by rule of the Department of Business and Professional Regulation, ~~Department of Professional Regulation~~ Board of Accountancy.

(13) "Gross patient services revenue" means the sum of daily hospital service charges, ambulatory service charges, ancillary service charges; including all charges for sub-acute services.

(14) "Gross operating revenue" means "Gross revenue" as that term is defined in Section 408.07(22) ~~407.002(12)~~, F.S.

(15) "Hospital" means a health-care institution, as defined in Section 395.002(13)(a)(b)(6), F.S., and licensed pursuant to Chapter 395, F.S.

(16) "Inpatient admission" means a person who has been admitted to a hospital for bed occupancy for purposes of receiving inpatient hospital services. A person is considered an inpatient if formally admitted by the hospital as an inpatient by physician order with the expectation that the individual would remain at least overnight and occupy a bed.

(17) "Inpatient revenues" means gross charges generated from the provision of hospital services to any patient admitted to the hospital as an inpatient to the hospital. When an individual is furnished outpatient services and is thereafter admitted as an inpatient of the same hospital before midnight of the next day, the outpatient charges are reported as inpatient revenue.

(18) "Net operating revenue" means ~~"Net revenue" as that term is defined in Section 407.002(19), F.S.~~ gross revenue minus deductions from revenue plus other operating revenue.

(19) "Net Outpatient Revenue" means outpatient revenue minus deductions from revenue appropriate to charges billed for outpatient services.

(20)(19) "Non-operating revenue" means revenue not directly related to the entity's ongoing or principal operations. Non-operating revenue may include unrestricted gifts, unrestricted income from endowment funds, gain on sale of hospital properties, and income and gains from investments of general funds.

(21) "Outpatient" means a person who receives a pre-admission assessment, a diagnostic procedure, or a therapeutic procedure at a health care facility licensed under Chapter 395, F.S., who is not admitted with the intent they will leave the facility in less than 24 hours.

(22) "Outpatient Revenue" means total charges for hospital services rendered to outpatients.

(23)(20) "Patient day" means a day, which begins at midnight and ends 24 hours later. The midnight-to-midnight method must be used even if the provider uses a different definition of a patient day for its statistical or other purposes. Whenever a patient occupies a bed in more than one patient care area in one day, the inpatient day should be counted only in the patient care area in which the patient was located at the census-taking hour. The day of admission will be counted as a full day; however, the day of discharge is not counted. A full day must be counted when a patient is admitted as an inpatient with the expectation of the patient remaining overnight and occupying a bed, but is discharged on the same day.

(24)(21) "Prior year report" means, collectively, the actual report and the corresponding financial statements with an audit report of an independent Florida-licensed certified public accountant for the same reporting period and including an opinion on the audited financial statements.

(25)(22) "Total net revenue" means the sum of net patient services revenue, other operating revenue, and non-operating revenue.

(26)(23) "Total revenue" means the sum of gross revenue, other operating revenue and non-operating revenue.

Specific Authority 408.15 FS., Ch. 88-394, Laws of Florida, Law Implemented 407.002, 408.061, 408.072, 408.08 FS. History--New 6-11-92, Formerly 10N-5.101, Amended.

59E-5.102 Florida Hospital Uniform Reporting System.

(1) The Agency for Health Care Administration hereby adopts and establishes a uniform system for hospital reporting by adopting and incorporating by reference the Florida Hospital Uniform Reporting System (FHURS) Manual, Version 92-1, April 9, 1992. This manual, which includes reporting forms, has the force and effect of the Agency for Health Care Administration's rules.

(2)(*) The following changes will be made to the current FHURS Manual: In Chapter II, "Reporting Forms and Instructions" pages 2.45, 2.46, and 2.47 will be deleted and replaced by pages 2.45, 2.46, 2.46a, and 2.47.

(3)(2) A copy of the FHURS Manual may be obtained, upon payment of the cost of reproduction, by writing to: The Agency for Health Care Administration, Supervisor of Financial Analysis, Bureau of Health Facility Regulation, Director of Public Information, 2727 Mahan Drive, Mail Stop #28, 325 John Knox Road, 301 The Atrium, Tallahassee, Florida 32308 32303.

Specific Authority 408.15 FS. Law Implemented 408.061(2), 408.07(22) FS. History--New 6-11-92, Formerly 10N-5.102, Amended 2-24-94, _____.

59E-5.103 Reporting Requirements.

(1) Each hospital must comply with the reporting requirements set forth in Rule 59E-2.015.

(2) Each report or document must contain all information specified for that report or document in the FHURS Manual and shall be submitted on the forms and in the formats set forth in the FHURS Manual.

(3) Separate reports are required for each licensed hospital, regardless of ownership or operation.

(4) Extensions for filing a report may be sought pursuant to the provisions of Rule 59E-2.017. However, no extension may be granted for submitting corrections pursuant to Rules 59E-5.205, 59E-5.304, and 59E-5.317.

(5) Prior year reports shall be filed in compliance with the requirements of Rule 59E-5.201.

~~(6) Budget reports shall be filed in compliance with the requirements of Rule 59E-5.301.~~

~~(6)(7)~~ Hospitals changing ownership must comply with the reporting requirements set forth in Rules 59E-5.202 and 59E-5.302 and must submit written notification of the ownership change within 30 days of the effective date of the change. The new owner shall submit the notification, which shall include:

- (a) Identification of the new owner;
- (b) The address of the new owner;
- (c) The status of the hospital's license;
- (d) The status of Medicaid and Medicare certification and identification of provider numbers; and
- (e) Such other information as may be necessary to identify the new owner;
- (f) The name of the hospital prior to and after the ownership change; and
- (g) Such other information as may be required by the Agency Board to identify the facility, its owner and to assure that all reporting requirements are met by the hospital.

~~(7)~~(8) Hospitals changing fiscal year end must comply with the reporting requirements set forth in Rules 59E-5.202 and 59E-5.302 and must submit written notification of the fiscal year end change within 30 days of such change. The notification shall include:

- (a) Identification of the hospital;
- (b) The previous fiscal year end;
- (c) The new fiscal year end; and
- (d) The reason for the change in fiscal year end.

~~(8)~~(9) Hospitals which are seeking licensure for the first time or which are seeking licensure for an existing hospital due to a change in ownership shall so notify the Agency Board within 30 days of the date that an application for a hospital license pursuant to Section 395.003, F.S., is filed.

Specific Authority 408.061, 408.15 FS. Ch. 88-394, Laws of Florida. Law Implemented 408.061, 408.072 FS. History—New 6-11-92, Formerly 10N-5.103, Amended _____.

59E-5.201 Prior Year Report Requirements.

(1) Each hospital shall submit to the Agency, not more than 120 days subsequent to the end of its fiscal year, its prior year report for the fiscal year then ended.

(2) The prior year report shall consist of the following:

(a) For hospital financial accounting periods ending subsequent to December 31, 1998, and with corresponding due dates beginning on April 30, 1999 and beyond, the actual report shall be submitted to the Agency using the computer software known as "FADES". The FADES software has been developed by the Agency for the purpose of electronically filing the actual report. The software is a *Visual Basic* template that reproduces the FHURS worksheets pursuant to 59E-5.103 of this chapter in an electronic format. The software also converts the worksheet data into a precisely designed file structure which can be electronically processed through the Agency's computer system. Hospitals shall use the FADES software to keypunch the FHURS worksheet information and to transmit the data to the Agency. An installation diskette will be provided to hospitals prior to the due date of the 1999 report in a timely manner free of charge. Hospitals shall not use an alternative version of the software until such software is approved for use by the Agency. Hospitals shall not request

approval for use of alternative software within 120 days prior to the report being due. The data produced from the FADES application shall be returned to the Agency on a 3.5-inch computer diskette pursuant to the formatting requirements provided in Rule 59E-5.206.

(b) The 3.5-inch diskette shall be submitted with the following information on an externally affixed label.

1. "Hospital FHURS Report".
2. Hospital Name.
3. Hospital Number (8 digit format).
4. Reporting period.
5. "Submission Number" which represents a progressive count of the number of diskettes sent to the Agency for this report.
6. Name of contact person including area code and telephone number.

(c) FHURS "Worksheet A" on paper that contains the appropriate signatures by the Chief Executive Officer and Chief Financial Officer of the hospital;

(d) Two paper copies of the audited financial statements; and

(e) One paper copy of the Medicare cost report.

(3) Hospitals with fiscal years ending subsequent to July 1, 2000 shall submit for the year 2000 and 2001 reporting cycles only, one paper copy of worksheet C-3a (rev.). Worksheet C-3a (rev.) will be incorporated into the electronic reporting system for the 2002 reporting cycle. The electronic version of worksheet C-3a contained in the FADES filing of the hospital's actual report for the year 2000 and 2001 reporting cycles must also be completed.

~~(4)~~(3) The actual report shall be prepared for each hospital from the audited financial statements. Whenever an actual report is not in agreement with the corresponding audited financial statements, the hospital shall provide a reconciliation of the amounts presented in the audited financial statements to amounts reported in the actual report.

~~(5)~~(4) In the event a hospital's audited actual data is restated in accordance with generally accepted accounting principles, the hospital shall report the restatement to the Agency within 30 days of the issuance of the restatement.

Specific Authority 408.061 FS. Law Implemented 408.061, 408.08 FS. History—New 6-11-92, Formerly 10N-5.201, Amended 3-28-99, _____.

59E-5.205 Notice of Violation or Deemed Not Filed and Response.

(1) Once a report has been filed in accordance with Rule 59E-2.015 and Rule 59E-5.201, the Agency will review the report and determine if:

(a) It conforms to applicable statutory, rule and FHURS Manual requirements;

(b) The data are mathematically accurate, reasonable and verifiable.

(2) If the report does not conform to the above requirements, the report will be deemed "not accepted" and a notice of violation will be sent certified mail, or by other delivery service which provides proof of delivery, to the hospital.

(3) The notice shall clearly indicate the deficiencies found, the corrections or modifications necessary to make it complete or conforming or its data verifiable, as well as the time by which a corrected or modified report must be received by the Agency.

(4) A hospital shall have no fewer than 10 working days following receipt of the notice of violation or notice of deemed not filed to return the requested corrected or modified report to the Agency.

(5) Modifications or corrections to various accounts and worksheet cells shall be made by resubmitting the entire report using the FADES software and be re-transmitted via computer diskette using the formats pursuant to 59E-5.206. The diskette shall be submitted with the following information on an externally affixed label.

(a) "Corrections to Hospital FHURS Report."

(b) Hospital Name.

(c) Hospital Number (8-digit format).

(d) Reporting period.

(e) "Submission Number" which represents a progressive count of the number of diskettes sent to the agency for this report. A cover letter shall be provided with the diskette outlining the contents of the corrections contained on the diskette.

~~(6) The Agency intends to provide for a transition period in the transmittal of corrections to actual reports. For financial accounting periods ending in calendar 1999 only, paper copies of FHURS Worksheet A-1, A-2, B-1, B-3, B-4, B-4a, C-1, C-2, C-3, C-4, C-5, C-6, C-7, and X-1 will be accepted for corrections. Corrections to FHURS worksheets not specifically identified in this paragraph must be submitted electronically using the FADES software. When a combination of corrections is necessary that includes both the noted and not noted worksheets in this paragraph, the FADES software must be used for all corrections for financial accounting periods ending after calendar 1999, no paper copies of corrected worksheets will be accepted.~~

(6)(7) Actual reports must be properly formatted on a 3.5 inch diskette in accordance with Rule 59E-5.206 of this chapter and readable by Agency software, otherwise the report will be deemed not filed and the hospital will be subject to the penalties for late filing as prescribed in this chapter.

(7)(8) Hospitals whose reports are deemed not filed resulting from an improperly formatted diskette will receive an edit report that will attempt to describe the formatting deficiencies in sufficient detail to initiate corrective action by the hospital.

Specific Authority 408.061, 408.15 FS. Law Implemented 408.061, 408.062, 408.08 FS. History—New 6-11-92, Formerly 10N-5.205, Amended 3-28-99, Amended _____.

59E-5.605 Public Medical Assistance Trust Fund Assessments.

(1) Within six months after the end of each hospital's fiscal year, the Agency's Bureau of Health Facility Regulation will certify to the Bureau of Finance and Accounting the Board shall certify to the Department of Health and Rehabilitative Services (HRS) the amount of each hospital's public medical assistance trust fund assessment.

(a) For hospitals with fiscal years ending subsequent to July 1, 2000 the amount certified shall be equal to 1.5 percent of the annual inpatient net operating revenue of each hospital and shall be equal to 1.0 percent of outpatient net operating revenue, based upon the prior year's actual data filed with the Board Agency. Net revenues for outpatient radiation therapy shall be excluded from the calculation of outpatient net operating revenue.

(b) Assessment is based on the prior year's net operating revenues, exclusive of outpatient radiation therapy revenues, and all payments made to the PMATF shall reflect that calculation.

(2) Each hospital shall be notified of the assessment amount being certified to the Bureau of Finance and Accounting HRS.

(3) Within 21 days of receipt of notification of the assessment amount, a hospital may request a hearing pursuant to Section 120.57, F.S.

(4) If a hearing is timely requested, the Agency Board shall certify to the Bureau of Finance and Accounting HRS an interim assessment amount which shall equal the assessment amount last certified to the Bureau of Finance and Accounting HRS. Upon resolution of the issues regarding certification, the proper assessment amount shall be certified. The assessment amount for the year shall not be affected by the issuance of an interim assessment.

(5) Initial assessments against new hospitals will be certified upon approval of the first Prior Year Report, the assessment shall be based upon actual net operating revenue as reflected in that report shall be paid at the time a hospital is licensed. The assessment shall be based on the hospital's projected net operating revenue during its first year of operation and until it's first Prior Year Report is accepted by the Board. Upon approval of the first Prior Year Report, the assessment shall be based upon actual net operating revenue as reflected in that report.

(6) In the event a hospital fails to file its Prior Year Report or the report is not accepted by the Agency Board, the quarterly assessment shall be based on the most recently filed Prior Year Report accepted by the Agency Board. Upon

~~approval of the first Prior Year Report, the assessment shall be based upon actual net operating revenue as reflected in that report.~~

(7) If the data contained in the Prior Year Report is based upon a fiscal period of less than one calendar year, the data provided shall be annualized and the assessment will be calculated on an annualized basis.

(8) Assessments during the first year of operation under new ownership shall be based on the hospital's net operating revenue for the last fiscal year under previous ownership.

(9) Assessments are made against facilities, accordingly the amount of the assessment and liability for the assessment remains with the facility regardless of any change in ownership.

Specific Authority 408.15 FS., Chapter 2000-256, Laws of Florida. Law Implemented 395.701(2)(a), 408.072 FS. History--New 6-11-92, Formerly 10N-5.606, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Christopher J. Augsburger, Regulatory Analyst Supervisor
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeffery N. Gregg, Bureau Chief, Health Facility Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 23, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

RULE NO.: 59G-4.025

SUMMARY: The rule will establish the Assistive Care Service as a state plan service and will incorporate by reference the Assistive Care Service program policies in the Florida Medicaid Assistive Care Services and Assisted Living for the Elderly Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.906 FS.

LAW IMPLEMENTED: 409.906, 409.912 FS.

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

TIME AND DATE: 10:00 a.m. – 11:00 a.m., Tuesday, September 4, 2001

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.025 Assistive Care Services.

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

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

Specific Authority 409.906 FS. Law Implemented 409.906, 409.912 FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Keith Young
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Branker, Acting Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Nursing
RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-term Care Reimbursement Plan (the Plan) payment methodology, effective September 1, 2001. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The Agency will provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with

related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

The effect of the proposed amendment is changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The Agency will provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

SUMMARY: The proposed amendment to rule number 59G-6.010 incorporates revisions to the Florida Title XIX Long-Term Care Reimbursement Plan. The amendment seeks to provide that changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The Agency will provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., September 4, 2001

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XX XIX~~ Effective Date _____ ~~September 20, 2000~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy ~~Secretary Director~~ for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The plan incorporates Provider Reimbursement Manual (HCFA Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00, 9-20-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. John Owens

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Bob Sharpe

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Home and Community-Based Services Waiver

RULE NO.: 59G-8.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate the Assistive Care Service policy into the Florida Medicaid Assistive Care Services and Assisted Living for the Elderly Coverage and Limitations Handbook. This rule amendment will also update the Assisted Living for the Elderly Waiver policy contained in the existing Florida Medicaid Assisted Living for the Elderly Coverage and Limitations Handbook.

SUMMARY: The rule amendment will incorporate the Assistive Care Service Program and update the Assisted Living for the Elderly Waiver policies in the Florida Medicaid Assistive Care Services and Assisted Living for the Elderly Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.906 FS.

LAW IMPLEMENTED: 409.906, 409.912 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: 11:00 a.m. – 12:00 a.m., Tuesday, September 4, 2001

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-8.200 Home and Community-Based Services Waiver. (1) through (14) No change.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Keith Young

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

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO: 01-01R

RULE CHAPTER TITLE: Air Pollution Control – General

RULE CHAPTER NO.: 62-204

RULE TITLE: Provisions

RULE NO.: 62-204.800

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments change the rule chapter name, correct typographical errors and update through June 30, 2001, the

adoptions by reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 60, 61, and 63.

SPECIFIC AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S.

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

WRITTEN COMMENTS: The Secretary of the Department of Environmental Protection will consider written comments received within 21 days of publication of this notice. Comments should be submitted to Ms. Sandy Ladner, Division of Air Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400.

THE FULL TEXT OF THE PROPOSED RULE IS:

AIR POLLUTION CONTROL – GENERAL PROVISIONS
STATE IMPLEMENTATION PLAN

62-204.800 Federal Regulations Adopted by Reference.

(1) through (6) No change.

(7) Chapter 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) Definitions. For the purposes of Rule 62-204.800(7), F.A.C., the definitions contained in the various provisions of 40 CFR Part 60; adopted herein shall apply, except that the term “Administrator,” when used in any provision of 40 CFR Part 60 that is delegated to the Department by the U.S. Environmental Protection Agency, shall mean the Secretary or the Secretary’s designee.

(b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 CFR Part 60, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 60, Subpart D, Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744.

2. 40 CFR 60, Subpart Da, Electric Utility Steam Generators for Which Construction is Commenced After September 18, 1978; amended September 16, 1998, 63 FR

49442 (effective April 1, 1999); amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744; amended April 10, 2001, at 66 FR 18546; amended June 11, 2001, at 66 FR 31177; except that the Secretary is not the Administrator for purposes of 40 CFR 60.45a.

3. 40 CFR 60, Subpart Db, Industrial-Commercial-Institutional Steam Generating Units; amended September 16, 1998, 63 FR 49442 (effective April 1, 1999); amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended March 13, 2000, 65 FR 13242 (effective October 1, 2000); amended October 17, 2000, at 65 FR 61744; amended April 10, 2001, at 66 FR 18546; except that the Secretary is not the Administrator for purposes of 40 CFR 60.44b(f) and (g) and 40 CFR 60.49b(a)(4).

4. 40 CFR 60, Subpart Dc, Small Industrial-Commercial-Institutional Steam Generating Units; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended March 13, 2000, 65 FR 13242 (effective October 1, 2000); amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR 60.48c(a)(4).

5. 40 CFR 60, Subpart E, Incinerators; amended October 17, 2000, at 65 FR 61744.

6. 40 CFR 60, Subpart Ea, Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989, and on or Before September 20, 1994; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744.

7. 40 CFR 60, Subpart Eb, Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994, or for Which Modification or Reconstruction is Commenced After June 19, 1996; amended August 25, 1997, 62 FR 45116 and 62 FR 45124; amended October 17, 2000, at 65 FR 61744. Any municipal waste combustor plant which contains a municipal waste combustor unit subject to 40 CFR 60, Subpart Eb, is subject to the permitting requirements of Chapter 62-213, F.A.C. Any municipal waste combustor plant subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR 60, Subpart Eb, shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., ninety days before expiration of the source's construction permit, but no later than 180 days after commencing operation.

8. 40 CFR 60, Subpart Ec, Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996; promulgated September 15, 1997, 62 FR 48348; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for purposes of 40 CFR 60.56 (c)(i).

9. 40 CFR 60, Subpart F, Portland Cement Plants; amended October 17, 2000, at 65 FR 61744.

10. No change.

11. 40 CFR 60, Subpart H, Sulfuric Acid Plants; amended October 17, 2000, at 65 FR 61744.

12. 40 CFR 60, Subpart I, Hot Mix Asphalt Facilities Asphalt Concrete Plants.

13. 40 CFR 60, Subpart J, Petroleum Refineries; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744.

14. 40 CFR 60, Subpart K, Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978; amended October 17, 2000, at 65 FR 61744.

15. 40 CFR 60, Subpart Ka, Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984; amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268; except that the Secretary is not the Administrator for purposes of 40 CFR 60.114a.

16. 40 CFR 60, Subpart Kb, Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984; amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268.

17. 40 CFR 60, Subpart L, Secondary Lead Smelters; amended October 17, 2000, at 65 FR 61744.

18. No change.

19. 40 CFR 60, Subpart N, Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973; amended October 17, 2000, at 65 FR 61744.

20. 40 CFR 60, Subpart Na, Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983; amended October 17, 2000, at 65 FR 61744.

21. 40 CFR 60, Subpart O, Sewage Treatment Plants; amended October 17, 2000, at 65 FR 61744.

22. 40 CFR 60, Subpart P, Primary Copper Smelters; amended October 17, 2000, at 65 FR 61744.

23. through 24. No change.

25. 40 CFR 60, Subpart S, Primary Aluminum Reduction Plants; amended October 17, 2000, at 65 FR 61744.

26. 40 CFR 60, Subpart T, Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants; amended October 17, 2000, at 65 FR 61744.

27. 40 CFR 60, Subpart U, Phosphate Fertilizer Industry: Superphosphoric Acid Plants; amended October 17, 2000, at 65 FR 61744.

28. 40 CFR 60, Subpart V, Phosphate Fertilizer Industry: Diammonium Phosphate Plants; amended October 17, 2000, at 65 FR 61744.

29. 40 CFR 60, Subpart W, Phosphate Fertilizer Industry: Triple Superphosphate Plants; amended October 17, 2000, at 65 FR 61744.

30. 40 CFR 60, Subpart X, Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities; amended April 15, 1997, 62 FR 18277; amended October 17, 2000, at 65 FR 61744.

31. 40 CFR 60, Subpart Y, Coal Preparation Plants; amended October 17, 2000, at 65 FR 61744.

32. 40 CFR 60, Subpart Z, Ferroalloy Production Facilities; amended October 17, 2000, at 65 FR 61744.

33. 40 CFR 60, Subpart AA, Steel Plants: Electric Arc Furnaces Constructed ~~A~~after October 21, 1974, and on or ~~B~~before August 17, 1983; amended March 2, 1999, 64 FR 10105 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744.

34. 40 CFR 60, Subpart AAa, Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed ~~A~~after August 17, 1983; amended March 2, 1999, 64 FR 10105 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744.

35. 40 CFR 60, Subpart BB, Kraft Pulp Mills; amended October 17, 2000, at 65 FR 61744.

36. 40 CFR 60, Subpart CC, Glass Manufacturing Plants; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744.

37. 40 CFR 60, Subpart DD, Grain Elevators; amended October 17, 2000, at 65 FR 61744.

38. 40 CFR 60, Subpart EE, Surface Coating of: Metal Furniture; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for purposes of 40 CFR ~~Subsection~~ 60.316(d).

39. 40 CFR 60, Subpart GG, Stationary Gas Turbines; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for purposes of 40 CFR 60.334(b)(2) and 40 CFR 60.335(f)(1).

40. 40 CFR 60, Subpart HH, Lime Manufacturing Plants; amended October 17, 2000, at 65 FR 61744.

41. 40 CFR 60, Subpart KK, Lead-Acid Battery Manufacturing Plants; amended October 17, 2000, at 65 FR 61744.

42. 40 CFR 60, Subpart LL, Metallic Mineral Processing Plants; amended October 17, 2000, at 65 FR 61744.

43. 40 CFR 60, Subpart MM, Automobile and Light-Duty Truck Surface Coating Operations; amended October 17, 2000, at 65 FR 61744.

44. 40 CFR 60, Subpart NN, Phosphate Rock Plants; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744.

45. 40 CFR 60, Subpart PP, Ammonium Sulfate Manufacturing; amended October 17, 2000, at 65 FR 61744.

46. 40 CFR 60, Subpart QQ, Graphic Arts Industry: Publication Rotogravure Printing; amended October 17, 2000, at 65 FR 61744.

47. 40 CFR 60, Subpart RR, Pressure Sensitive Tape and Label Surface Coating Operations; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for purposes of 40 CFR ~~Subsection~~ 60.446(c).

48. 40 CFR 60, Subpart SS, Industrial Surface Coating: Large Appliances Applications; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for purposes of 40 CFR ~~Subsection~~ 60.456(d).

49. 40 CFR 60, Subpart TT, Metal Coil Surface Coating; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for purposes of 40 CFR ~~Subsection~~ 60.466(d).

50. 40 CFR 60, Subpart UU, Asphalt Processing and Asphalt Roofing Manufacturer; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR ~~Subsection~~ 60.474(g).

51. 40 CFR 60, Subpart VV, Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR ~~Subsection~~ 60.482-1(c)(2) and 40 CFR ~~Section~~ 60.484.

52. 40 CFR 60, Subpart WW, Beverage Can Surface Coating Industry; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR ~~Subsection~~ 60.496(c).

53. 40 CFR 60, Subpart XX, Bulk Gasoline Terminals; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR ~~Subsection~~ 60.502(e)(6).

54. 40 CFR 60, Subpart BBB, Rubber Tire Manufacturing Industry; amended October 17, 2000, at 65 FR 61744.

55. 40 CFR 60, Subpart DDD, Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry; amended March 9, 1999, 64 FR 11536 (effective July 1, 1999); amended May 7, 1999, 64 FR 24511 (effective October 1, 1999); amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268; except that the Secretary is not the Administrator for the purposes of 40 CFR ~~Subsection~~ 60.562-2(c).

56. 40 CFR 60, Subpart FFF, Flexible Vinyl and Urethane Coating and Printing; amended October 17, 2000, at 65 FR 61744.

57. 40 CFR 60, Subpart GGG, Equipment Leaks of VOC in Petroleum Refineries; amended October 17, 2000, at 65 FR 61744.

58. 40 CFR 60, Subpart HHH, Synthetic Fiber Production Facilities; amended October 17, 2000, at 65 FR 61744.

59. 40 CFR 60, Subpart III, Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes; amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268; except that the Secretary is not the Administrator for the purposes of 40 CFR ~~Subsection~~ 60.613(e).

60. 40 CFR 60, Subpart JJJ, Petroleum Dry Cleaners; amended October 17, 2000, at 65 FR 61744.

61. 40 CFR 60, Subpart KKK, Equipment Leaks of VOC From Onshore Natural Gas Processing Plants; amended October 17, 2000, at 65 FR 61744.

62. 40 CFR 60, Subpart LLL, Onshore Natural Gas Processing SO₂ Emissions; amended October 17, 2000, at 65 FR 61744.

63. 40 CFR 60, Subpart NNN, Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations; amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268; except that the Secretary is not the Administrator for the purposes of 40 CFR ~~Subsection~~ 60.663(e).

64. 40 CFR 60, Subpart OOO, Nonmetallic Mineral Processing Plants; amended June 9, 1997, 62 FR 31351; amended October 17, 2000, at 65 FR 61744.

65. 40 CFR 60, Subpart PPP, Wool Fiberglass Insulation Manufacturing Plants; amended October 17, 2000, at 65 FR 61744.

66. 40 CFR 60, Subpart QQQ, VOC Emissions From Petroleum Refinery Wastewater Systems; amended October 17, 2000, at 65 FR 61744.

67. 40 CFR 60, Subpart RRR, Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes; amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268.

68. No change.

69. 40 CFR 60, Subpart TTT, Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines; amended October 17, 2000, at 65 FR 61744.

70. 40 CFR 60, Subpart UUU, Calciners and Dryers in Mineral Industries; amended October 17, 2000, at 65 FR 61744.

71. 40 CFR 60, Subpart VVV, Polymeric Coating of Supporting Substrates Facilities; except that the Secretary is not the Administrator for the purposes of 40 CFR ~~Subsections~~ 60.743(a)(3)(v)(A) and (B), 40 CFR 60.743(e), 40 CFR 60.745(a) and 40 CFR ~~Section~~ 60.746.

72. CFR 60, Subpart WWW, Municipal Solid Waste Landfills, amended June 16, 1998, 63 FR 32743; amended February 24, 1999, 64 FR 9258 (effective July 1, 1999); amended April 10, 2000, 65 FR 18906 (effective October 1, 2000); amended October 17, 2000, at 65 FR 61744 except that

the Secretary is not the Administrator for the purposes of 40 CFR 60.754(a)(5). Any municipal solid waste landfill subject to 40 CFR 60, Subpart WWW, and which has a design capacity equal to or greater than 2.5 million Megagrams and 2.5 million cubic meters is subject to the permitting requirements of Chapter 62-213, F.A.C. Any municipal solid waste landfill subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR 60, Subpart WWW, shall file an application for an operation permit under Chapter 62-213, F.A.C., by the later of March 12, 1997, or 180 days after the issuance of the solid waste permit that modifies the design capacity of the facility to be equal to or greater than 2.5 million Megagrams and 2.5 million cubic meters. ~~In addition to the initial design capacity report and nonmethane organic compound (NMOC) emission rate report, as applicable, submitted earlier to the U.S. Environmental Protection Agency, any municipal solid waste landfill subject to 40 CFR 60, Subpart WWW, shall submit to the Department a design capacity and NMOC emission rate report as outlined in 40 CFR 60.757 no later than December 31, 1996.~~

73. 40 CFR 60, Subpart AAAA, New Small Municipal Waste Combustion Units; promulgated December 6, 2000, at 65 FR 76350. Any small municipal waste combustion unit subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR 60, Subpart AAAA, shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., in accordance with Rule 62-213.420(1)(a)2., F.A.C., or by March 1, 2002, whichever comes later.

74. 40 CFR 60, Subpart CCCC, Commercial and Industrial Solid Waste Incineration Units; promulgated December 1, 2000, at 65 FR 75338 and amended March 27, 2001, at 66 FR 16605. Any CISWI unit subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR 60, Subpart CCCC, shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., in accordance with Rule 62-213.420(1)(a)2., F.A.C., or by March 1, 2002, whichever comes later.

(c) No change.

(d) General Provisions Adopted. The general provisions of 40 CFR 60, Subpart A, revised as of July 1, 1996, and amended February 24, 1997, 62 FR 8314; January 6, 1998, 63 FR 414; and May 4, 1998, 63 FR 24436; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended August 10, 2000, at 65 FR 48914 (effective January 1, 2001); amended October 17, 2000, at 65 FR 61744; are adopted and incorporated by reference except that the Secretary is not the Administrator for the purposes of 40 CFR 60.4, 40 CFR 60.8(b)(2) and (3), 40 CFR 60.11(e)(7) and (8), 40 CFR 60.13(g),(i) and (j)(2), and 40 CFR 60.16.

(e) Appendices Adopted. The following appendices of 40 CFR Part 60, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 CFR 60 Appendix B, Performance Specifications, amended September 30, 1999, 64 FR 53032 (effective April 1, 2000); amended August 10, 2000, at 65 FR 48914 (effective January 1, 2001); amended February 6, 2001, at 66 FR 9034.

3. through 5. No change.

(8) No change.

(a) through (f) No change.

(9) Chapter 40, Code of Federal Regulations, Part 61, National Emission Standards for Hazardous Air Pollutants.

(a) Definitions. For the purposes of Rule 62-204.800(9), F.A.C., the definitions contained in the various provisions of 40 CFR Part 61, adopted herein shall apply, except that the term "Administrator," when used in any provision of 40 CFR Part 61 that is delegated to the Department by the U.S. Environmental Protection Agency, shall mean the Secretary or the Secretary's designee except as noted in 40 CFR 61.157.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 61, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference.

1. 40 CFR 61, Subpart C, Beryllium; amended October 17, 2000, at 65 FR 61744.

2. 40 CFR 61, Subpart D, Beryllium Rocket Motor Firing; amended October 17, 2000, at 65 FR 61744.

3. 40 CFR 61, Subpart E, Mercury; amended October 17, 2000, at 65 FR 61744.

4. 40 CFR 61, Subpart F, Vinyl Chloride; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR Section 61.66.

5. 40 CFR 61, Subpart J, Equipment Leaks (Fugitive Emission Sources) of Benzene; amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268, except that the Secretary is not the Administrator for the purposes of 40 CFR Subsection 61.112(c).

6. 40 CFR 61, Subpart K, Radionuclide Emissions From Elemental Phosphorous Plants; amended October 17, 2000, at 65 FR 61744.

7. 40 CFR 61, Subpart L, Benzene Emissions from Coke By-Product Recovery Plants; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR Subsection 61.136(d).

8. 40 CFR 61, Subpart M, National Emission Standard for Asbestos; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the

purposes of 40 CFR 61.149(c)(2), 40 CFR 61.150(a)(4), 40 CFR 61.151(c), 40 CFR 61.152(b)(3), 40 CFR 61.154(d), and 40 CFR 61.155(a); and except that DEP Form Number 62-257.900(1) shall be used in lieu of the form identified as Figure 3 in 40 CFR Section 61.145 of 40 CFR Part 61.

9. 40 CFR 61, Subpart N, Inorganic Arsenic Emissions From Glass Manufacturing Plants; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744.

10. 40 CFR 61, Subpart O, Inorganic Arsenic Emissions From Primary Copper Smelters; amended October 17, 2000, at 65 FR 61744.

11. 40 CFR 61, Subpart P, Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities.

12. 40 CFR 61, Subpart V, Equipment Leaks (Fugitive Emissions Sources); amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268.

13. 40 CFR 61, Subpart Y, Benzene Emissions From Benzene Storage Vessels; amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268; except that the Secretary is not the Administrator for the purposes of 40 CFR Section 61.273.

14. 40 CFR 61, Subpart BB, Benzene Emissions From Benzene Transfer Operations; amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268; except that the Secretary is not the Administrator for the purposes of 40 CFR Section 61.353.

15. 40 CFR 61, Subpart FF, Benzene Emissions from Benzene Waste Operations; amended October 17, 2000, at 65 FR 61744.

(c) No change.

(d) General Provisions Adopted. The general provisions of 40 CFR Part 61, Subpart A, revised as of July 1, 1996, and amended February 24, 1997, 62 FR 8314; and January 6, 1998, 63 FR 414; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 62150; amended December 14, 2000, at 65 FR 78268; are adopted and incorporated by reference except that the Secretary is not the Administrator for the purposes of 40 CFR 61.04, 40 CFR 61.08, 40 CFR 61.11, and 40 CFR 61.18.

(e) No change.

(10) Chapter 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

(a) Definitions. For the purposes of Rule 62-204.800(10), F.A.C., the definitions contained in the various provisions of 40 CFR Part 63, adopted herein shall apply, except that the term "Administrator," when used in any provision of 40 CFR Part 63 that is delegated to the Department by the U.S. Environmental Protection Agency, shall mean the Secretary or the Secretary's designee.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 63, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 63, Subpart F, Organic Hazardous Air Pollutants ~~F~~from the Synthetic Organic Chemical Manufacturing Industry; amended December 5, 1996, 61 FR 64572; January 17, 1997, 62 FR 2722; and May 12, 1998, 63 FR 26078; amended April 26, 1999, 64 FR 20189 (effective October 1, 1999); amended May 8, 2000, 65 FR 26491 (effective October 1, 2000); amended January 22, 2001, at 66 FR 6922.

2. 40 CFR 63, Subpart G, Organic Hazardous Air Pollutants ~~F~~from the Synthetic Organic Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater; amended December 5, 1996, 61 FR 64572; January 17, 1997, 62 FR 2722; and December 9, 1998, 63 FR 67787 (effective April 1, 1999); amended April 26, 1999, 64 FR 20189 (effective October 1, 1999); amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268; amended January 22, 2001, at 66 FR 6922.

3. 40 CFR 63, Subpart H, Organic Hazardous Air Pollutants for Equipment Leaks; amended January 17, 1997, 62 FR 2722; amended April 26, 1999, 64 FR 20189 (effective October 1, 1999); amended December 14, 2000, at 65 FR 78268; amended January 22, 2001, at 66 FR 6922.

4. No change.

5. 40 CFR 63, Subpart L, Coke Oven Batteries; amended October 17, 2000, at 65 FR 61744.

6. through 10. No change.

11. 40 CFR 63, Subpart S, Pulp and Paper Industry; promulgated April 15, 1998, 63 FR 18504; amended August 7, 1998, 63 FR 42238; September 16, 1998, 63 FR 49455; and December 28, 1998, 63 FR 71385 (effective April 1, 1999); amended April 12, 1999, 64 FR 17555 (effective October 1, 1999); amended December 22, 2000, at 65 FR 80755; amended May 14, 2001, 66 FR 24270; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.453(m), 40 CFR 63.457(b)(5)(iii), and 40 CFR 63.457(c)(3)(ii).

12. 40 CFR 63, Subpart T, Halogenated Solvent Cleaning; amended May 5, 1998, 63 FR 24749; December 11, 1998, 63 FR 68397 (effective April 1, 1999); August 19, 1999, 64 FR 45187; and December 3, 1999, 64 FR 67793 (effective April 1, 2000); amended September 8, 2000, at 65 FR 54419.

13. through 17. No change.

18. 40 CFR 63, Subpart BB, Phosphate Fertilizers Production Plants, promulgated June 10, 1999, 64 FR 31358 (effective October 1, 1999).

19. 40 CFR 63, Subpart CC, Petroleum Refineries; amended February 21, 1997, 62 FR 7937; March 20, 1998, 63 FR 13533; May 18, 1998, 63 FR 27212; June 9, 1998, 63 FR

31358; and August 18, 1998, 63 FR 44135 (effective April 1, 1999); amended May 8, 2000, 65 FR 26491 (effective October 1, 2000); amended May 25, 2001, at 66 FR 28840.

20. 40 CFR 63, Subpart DD, Off-Site Waste and Recovery Operations; promulgated July 1, 1996, 61 FR 34140; amended July 20, 1999, 64 FR 38950 (effective April 1, 2000); amended January 8, 2001, at 66 FR 1263.

21. No change.

22. 40 CFR 63, Subpart GG, Aerospace Manufacturing and Rework Facilities; amended December 17, 1996, 61 FR 66226; March 27, 1998, 63 FR 15006; April 10, 1998, 63 FR 17930; and September 1, 1998, 63 FR 46525 (effective April 1, 1999); amended October 17, 2000, at 65 FR 61744.

23. 40 CFR 63, Subpart HH, Oil and Natural Gas Production Facilities; promulgated June 17, 1999, 64 FR 32610 (effective October 1, 1999); amended June 29, 2001, at 66 FR 34548.

24. 40 CFR 63, Subpart II, Shipbuilding and Ship Repair (Surface Coating); amended December 17, 1996, 61 FR 66226; amended October 17, 2000, at 65 FR 61744.

25. through 27. No change.

28. 40 CFR 63, Subpart MM, Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills; promulgated January 12, 2001, at 66 FR 3180.

~~29.28.~~ No change.

~~30.29.~~ 40 CFR 63, Subpart PP, Containers; promulgated July 1, 1996, 61 FR 34186; amended July 20, 1999, 64 FR 38959 (effective April 1, 2000); amended January 8, 2001, at 66 FR 1263.

30. through 34. renumbered 31. through 35. No change.

~~36.35.~~ 40 CFR 63, Subpart VV, Oil-Water Separators and Organic-Water Separators; promulgated July 1, 1996, 61 FR 34195; amended July 20, 1999, 64 FR 38991 (effective April 1, 2000); amended January 8, 2001, at 66 FR 1263.

36. through 39. renumbered 37. through 40. No change.

~~41.40.~~ 40 CFR 63, Subpart EEE, Hazardous Waste Combustors; promulgated June 19, 1998, 63 FR 33782; amended September 30, 1999, 64 FR 53038; and amended November 19, 1999, 64 FR 63209 (effective April 1, 2000); amended July 10, 2000, 65 FR 42292 (effective January 1, 2001); amended November 9, 2000, at 65 FR 67268; amended May 14, 2001, at 66 FR 24270.

~~42.41.~~ No change.

~~43.42.~~ 40 CFR ~~Part~~ 63, Subpart HHH, Natural Gas Transmission and Storage Facilities; promulgated June 17, 1999, 64 FR 32610 (effective October 1, 1999); amended June 29, 2001, at 66 FR 34548.

~~44.43.~~ No change.

~~45.44.~~ 40 CFR 63, Subpart JJJ, Group IV Polymers and Resins; amended October 18, 1996, 61 FR 54342; November 25, 1996, 61 FR 59849; January 14, 1997, 62 FR 1835; June 6,

1997, 62 FR 30993; February 27, 1998, 63 FR 9944; and March 31, 1998, 63 FR 15312; amended March 9, 1999, 64 FR 11536 (effective July 1, 1999); amended May 7, 1999, 64 FR 24511, June 8, 1999, 64 FR 30406, and June 30, 1999, 64 FR 35023 (effective October 1, 1999); amended June 19, 2000, 65 FR 38029 (effective October 1, 2000); amended February 23, 2001, at 66 FR 11233; amended February 26, 2001, at 66 FR 11543.

45. through 47. renumbered 46. through 48. No change.

~~49.48.~~ 40 CFR 63, Subpart OOO, Manufacture of Amino/Phenolic Resins; promulgated January 20, 2000, 65 FR 3276 (effective October 1, 2000).

~~50.49.~~ No change.

~~51.50.~~ 40 CFR 63, Subpart RRR, Secondary Aluminum Production; promulgated March 23, 2000, 65 FR 15690 (effective October 1, 2000).

~~52.51.~~ No change.

~~53.52.~~ 40 CFR 63, Subpart VVV, Publicly Owned Treatment Works; promulgated October 26, 1999, 64 FR 57572 (effective April 1, 2000); amended March 23, 2001, at 66 FR 16140.

~~54.53.~~ 40 CFR 63, Subpart XXX, Ferroalloys Production: Ferromanganese and Silicomanganese; promulgated May 20, 1999, 64 FR 27450 (effective October 1, 1999); amended March 22, 2001, at 66 FR 16007.

55. 40 CFR 63, Subpart CCCC, Manufacturing of Nutritional Yeast; promulgated May 21, 2001, at 66 FR 27876.

56. 40 CFR 63, Subpart GGGG, Solvent Extraction for Vegetable Oil Production; promulgated April 12, 2001, at 66 FR 19006.

(c) No change.

(d) General Subparts Adopted. The following general subparts of 40 CFR Part 63 are adopted and incorporated by reference.

1. 40 CFR Part 63, Subpart A, General Provisions, amended May 4, 1998, 63 FR 24436; and October 7, 1998, 63 FR 53979 (effective April 1, 1999); amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.5(e), 40 CFR 63.5(f), 40 CFR 63.6(g), 40 CFR 63.6(h)(9), 40 CFR 63.6(j), 40 CFR 63.13, and 40 CFR 63.14.

2. through 4. No change.

(e) Appendices Adopted. The following appendices of 40 CFR Part 63, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:

1. Appendix A, Test Methods, amended March 17, 1997, 62 FR 12546; October 7, 1997, 62 FR 52384; March 27, 1998, 63 FR 15006; and April 15, 1998, 63 FR 18504; amended October 17, 2000, at 65 FR 61744.

2. through 4. No change.

5. Appendix E, Monitoring Procedure for Nonthoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions; promulgated December 22, 2000, at 65 FR 80755.

(11) No change.

(12) Chapter 40, Code of Federal Regulations, Part 65, Consolidated Federal Air Rule.

(a) The following subparts of 40 CFR Part 65, promulgated December 14, 2000, at 65 FR 78268, are adopted and incorporated by reference.

1. 40 CFR 65, Subpart A, General Provisions.

2. 40 CFR 65, Subpart B, Reserved.

3. 40 CFR 65, Subpart C, Storage Vessels.

4. 40 CFR 65, Subpart D, Process Vents.

5. 40 CFR 65, Subpart E, Transfer Racks.

6. 40 CFR 65, Subpart F, Equipment Leaks.

7. 40 CFR 65, Subpart G, Closed Vent Systems, Control Devices and Routing to a Fuel Gas System or a Process.

(12) through (15) renumbered (13) through (16) No change.

~~(17)(16)~~ Chapter 40, Code of Federal Regulations, Part 75, Continuous Emission Monitoring.

(a) The following subparts of 40 CFR Part 75, revised as of July 1, 2000, are adopted and incorporated by reference;

1. No change.

2. 40 CFR 75, Subpart B, Monitoring Provisions; amended June 13, 2001, at 66 FR 31842.

3. through 8. No change.

(b) No change.

(17) through (22) renumbered (18) through (23) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 04-07-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLES:

RULE NOS.:

Inactive Status

64B13-11.001

Delinquent Status License

64B13-11.004

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify the requirements with regard to inactive and delinquent license status.

SUMMARY: The proposed rule amendments clarify the requirements for licensees electing to place the license on inactive status and for those changing from delinquent status to active or inactive status.

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

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

SPECIFIC AUTHORITY: 456.036, 463.005(1), 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.036, 463.007, 463.008 FS.

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

TIME AND DATE: 10:00 a.m., September 6, 2001

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-11.001 Inactive Status.

(1) Any licensee may elect at the time of license renewal to place the license into inactive status by ~~filing with the board a complete application for inactive status~~ and paying the inactive status fee of Rule 64B13-6.001(8), F.A.C. ~~For the purpose of this section, a complete application shall be a renewal form provided by the Department of Health on which the licensee affirmatively elects inactive status.~~

(2) An inactive status licensee ~~whose license has been in inactive status for less than two consecutive biennial licensure cycles~~ may change to active status at any time provided the licensee meets the ~~following~~ requirements of Rule 64B13-5.001, F.A.C.:

~~(a) completes continuing education consisting of:~~

~~1. completion of fifteen (15) clock hours per year of continuing professional education which fulfills the requirements of Rule 64B13-5.001, for each year the license was inactive. At least five (5) of the fifteen (15) clock hours must be of "transcript quality" as defined in Rule 64B13-5.001. However, a license which has been inactive for less than one (1) year is not required to satisfy this requirement;~~

~~2. completion of thirty (30) hours of approved continuing professional education which were required for renewal of an active license on the date the license became inactive in the manner provided for in Rule 64B13-5.001;~~

(b) through (e) renumbered (a) through (d) No change.

(3) An inactive status licensee whose license has been in inactive status for more than two consecutive biennial licensure cycles and who applies for active status may change to active status at any time provided the licensee meets the following requirements:

(a) meets the continuing education requirements of Rule 64B13-5.001 ~~64B13-11.001(2)~~, F.A.C.;

(b) through (f) No change.

~~(g) Files with the board a complete application. For the purpose of this section, a complete application shall be the application required for initial licensure or certification.~~

~~(4) Any inactive licensee who elects active status is not eligible to elect to return to inactive status until the next licensure renewal period.~~

~~(4)(5)~~ No change.

Specific Authority 456.036, 463.005(1), 463.007, 463.008 FS. Law Implemented 456.036, 463.007, 463.008 FS. History--New 11-20-86, Formerly 21Q-11.001, 61F8-11.001, Amended 12-22-94, Formerly 59V-11.001, Amended _____.

64B13-11.004 Delinquent Status License.

(1) through (2) No change.

(3) The delinquent status licensee who applies for active or inactive license status shall:

~~(a) File with the board the complete application for either active or inactive status as defined in Rule 64B13-11.001;~~

~~(b) Pay to the board either the active status fee of Rule 64B13-6.001(4) or the inactive status license fee of Rule 64B13-6.001(8), the delinquent status license fee of Rule 64B13-6.001(15), and, if applicable, the change of status fee of Rule 64B13-6.001(14).~~

(4) The delinquent status licensee who applies for active status license shall, in addition to complying with (3) immediately above, affirm compliance with the continuing education requirements of Rule 64B13-5.001, F.A.C. ~~64B13-11.001(2).~~

Specific Authority 456.036, 463.005(1) FS. Law Implemented 456.036 FS. History--New 12-22-94, Formerly 59V-11.004, Amended 8-29-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Optometry

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: May 11, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: July 20, 2001

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:

12A-1.001

12A-1.005

RULE TITLES:

Specific Exemptions

(municipally-owned utilities)

Admissions

12A-1.001	Specific Exemptions (conform to communications services tax)
12A-1.016	Sales; Installation Charges
12A-1.046	Telephone, Telegraph, and Other Telecommunication Services
12A-1.051	Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property
12A-1.060	Registration
12A-1.064	Sales in Interstate and Foreign Commerce; Sales to Nonresident Dealers; Sales to Diplomats
12A-1.0911	Self-Accrual Authorization
12A-1.085	Exemption for Qualified Production Companies
12A-1.097	Public Use Forms
12A-1.095	Revocation of Sales Tax Exemption Certificates

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

Notice is hereby given that the Governor and Cabinet, sitting as the head of the Department of Revenue, announce a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, August 28, 2001, 9:00 a.m. – conclusion

PLACE: Cabinet Meeting Room, The Capitol, Lower Level, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor and Cabinet, sitting as the Department of Revenue, on August 28, 2001, will consider the following proposed rule amendments:

A) Rule 12A-1.001, F.A.C. (Specific Exemptions/municipally owned utilities): The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on December 22, 2000 (Vol. 26, No. 51, p. 5843). A rule development workshop was held on January 9, 2001. No one attended the workshop to provide comments on this proposed rule; and no written comments were received by the Department. Technical changes were made to reflect the changes to Rule 12A-1.001, F.A.C., effective June 19, 2001. Subsequently, a Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on July 6, 2001 (Vol. 27, No. 27, pp. 3100-3101). A public hearing was held on July 31, 2001. No one attended the hearing to provide comments regarding this proposed rule, and no written comments were received.

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

comments were received by the Department. Subsequently, a Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on July 6, 2001, (Vol. 27, No. 27, pp. 3101-3102). A public hearing was held on July 31, 2001. No one attended the hearing to provide comments regarding this proposed rule, and no written comments were received.

C) Rules 12A-1.001, 12A-1.016, 12A-1.046, 12A-1.051, 12A-1.060, 12A-1.064, and 12A-1.0911, F.A.C. (conforming sales and use tax rules to the communications services tax statutes): The proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on April 20, 2001 (Vol. 27, No. 16, pp. 1828-1832). A rule development workshop was held on May 8, 2001, regarding these proposed amendments and proposed rule repeal. No one attended the workshop to provide comments on these proposed rule changes; and no written comments were received by the Department. Technical changes were made to the proposed amendments to Rules 12A-1.001, 12A-1.060, and 12A-1.064, F.A.C., to reflect the changes to these rules, effective June 19, 2001. The proposed effective date of October 1, 2001, for all proposed rule changes to become effective has been removed. Subsequently, a Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on July 6, 2001, (Vol. 27, No. 27, pp. 3102-3107). A public hearing was held on July 31, 2001. No one attended the hearing to provide comments regarding these proposed rule changes, and no written comments were received.

D) Rules 12A-1.085 and 12A-1.097, F.A.C.: The proposed substantial rewording of Rule 12A-1.085, F.A.C., and the proposed amendments to Rule 12A-1.097, F.A.C., were noticed for a Rule Development Workshop in the Florida Administrative Weekly on December 22, 2000 (Vol. 26, No. 51, pp. 5843-5845). A rule development workshop was held on January 9, 2001, regarding these proposed rule changes. No one attended the workshop to provide comments on these proposed rules; and no written comments were received by the Department. Technical changes were made to Rule 12A-1.097, F.A.C., to incorporate amendments to that rule, effective June 19, 2001, and to correctly title the forms being incorporated by reference. Subsequently, a Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on July 6, 2001, (Vol. 27, No. 27, pp. 3107-3109). A public hearing was held on July 31, 2001. No one attended the hearing to provide comments regarding these proposed rules, and no written comments were received.

E) Rule 12A-1.095, F.A.C.: The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on May 4, 2001 (Vol. 27, No. 18, pp. 2212-2213). A rule development workshop was held on May 24, 2001, regarding the proposed amendments to this rule. No one attended the workshop to provide comments on this proposed rule; and no written comments were received by the Department. Subsequently, a Notice of Proposed Rulemaking

was published in the Florida Administrative Weekly on July 6, 2001, (Vol. 27, No. 27, pp. 3109-3110). A public hearing was held on July 31, 2001. No one attended the hearing to provide comments regarding this proposed rule, and no written comments were received.

A copy of the Department of Revenue's agenda for the August 28, 2001, Cabinet meeting may be obtained by contacting: Debbie Thomas, Florida Department of Revenue, Room 104, 501 South Calhoun Street, Tallahassee, Florida 32314, telephone number (850)487-1453.

DEPARTMENT OF REVENUE

Sales and Use Tax

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

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

Notice is hereby given that the Governor and Cabinet, sitting as the head of the Department of Revenue, announce a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, August 28, 2001, 9:00 a.m. – conclusion.

PLACE: Cabinet Meeting Room, The Capitol, Lower Level, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor and Cabinet, sitting as the Department of Revenue, on August 28, 2001, will consider the proposed amendments to Rules 12A-15.003, 12A-15.004, 12A-15.007, and 12A-15.014, F.A.C. The proposed amendments to these rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on April 20, 2001 (Vol. 27, No. 16, pp. 1832-1834). A rule development workshop was held on May 8, 2001, regarding the proposed amendments to these rules. No one attended the workshop to provide comments on these proposed rules, and no written comments were received by the Department. A technical change to Rule 12A-15.003, F.A.C., has been made to reflect the changes to that rule, effective June 19, 2001. The proposed effective date of October 1, 2001, for all proposed rule changes to become effective has been removed. Subsequently, a Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on July 6, 2001, (Vol. 27, No. 27, pp. 3110-3112). A public hearing was held on July 31, 2001. No one attended the hearing to provide comments regarding these proposed rules, and no written comments were received.

A copy of the Department of Revenue's agenda for the August 28, 2001, Cabinet meeting may be obtained by contacting: Debbie Thomas, Florida Department of Revenue, Room 104, 501 South Calhoun Street, Tallahassee, Florida 32314, telephone number (850)487-1453.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40E-7	PART VI Supplier Diversity & Outreach M/WBE Contracting Rule
RULE NOS.:	RULE TITLES:
40E-7.611	Policy
40E-7.621	Definitions
40E-7.623	Policy Review & Goal Setting Committee
40E-7.628	Bid Incentive Program
40E-7.631	Proposal Evaluation & M/WBE Criteria
40E-7.633	Sheltered Market Program
40E-7.635	Annual Long-Term and Project-Specific Goals
40E-7.637	District Implementation
40E-7.639	Emergency Waiver of Participation Goals
40E-7.645	Compliance
40E-7.647	Good Faith Efforts
40E-7.651	Reciprocal Certification
40E-7.653	Certification Eligibility
40E-7.655	Certification Review Process
40E-7.659	Graduation from M/WBE Program
40E-7.661	Recertification Review Procedures
40E-7.664	Suspension, Debarment, Revocation or Decertification
40E-7.6645	Penalties for Fraudulent M/WBE Representation
40E-7.665	Application for Additional Areas of Certification
40E-7.667	Administrative Hearings

NOTICE OF CORRECTION

Notice is hereby given that the following corrections have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the June 8, 2001 issue of the Florida Administrative Weekly.

SUBJECT AREA TO BE ADDRESSED: The proposed rule making concerns changes to the South Florida Water Management District's ("District") existing Chapter 40E-7 Part VI, F.A.C. Supplier Diversity & Outreach M/WBE contracting Rule.

SPECIFIC AUTHORITY: 373.113 FS.

LAW IMPLEMENTED: 373.607 FS.

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

TIME AND DATE: 9:00 a.m., Thursday, September 13, 2001
PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandy Hammerstein, Procurement Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 2847 or (561)682-2847

The specific correction is as follows:

40E-7.611 Policy.

(1) The rules under this Part establish policies and procedures designed to remedy documented disparities in District contracting and the present effects of past marketplace discrimination. The rules under this Part implement specific recommendations of the District's Minority Business Availability and Utilization Study ("Study") as developed by MGT of America, Inc., dated August, 1995 and made a part of the District's Supplier Diversity & Outreach Program ("Program"). ~~The rules under this Part shall apply to all competitive solicitations for commodities, construction, professional and other contractual services, including change orders and amendments.~~

~~(2) It is the objective of the District to provide incentives to increase the participation of M/WBEs which are experiencing the effects of marketplace discrimination and have sought to do business in the District's relevant market area.~~

~~(2)(3) The District shall evaluate the progress of its Program using accumulated availability and utilization data to determine specific program provisions that require modification, expansion, and/or curtailment.~~

~~(4) An internal Policy Review and Goal Setting Committee shall be established to guide the implementation of the rules under this Part. The Office of the Inspector General shall review and verify the accuracy of statistical data and reports relative to the attainment of established agency goals. A Regional Advisory Council on Small Business shall be established as a citizens' advisory group to assist the District in communicating and implementing Program initiatives within the various counties comprising the District's relevant market area.~~

~~(5) After five (5) years, the District shall evaluate Program results to determine if the District shall continue, modify, expand or end its Program. Any changes to the Program which necessitate the amendment or repeal of this Part shall be made using the Chapter 120, F.S. rulemaking process.~~

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History--New 9-25-96, Amended _____.

40E-7.621 Definitions.

~~(1) "Affirmative Procurement Initiatives" means bid incentives, sheltered market, and M/WBE points in proposal evaluations.~~

~~(1)(2) "Annual Contract Forecast Report" (ACFR) means a preliminary summary report estimating the number, probable dollar value and the planned solicitation date for budgeted contracts and purchases proposed for each fiscal year.~~

~~(3) "Bid Incentive" means an affirmative procurement initiative which is race, ethnic and gender specific and designed to remedy documented disparity in District contracting and the present effects of past marketplace discrimination by fostering increased M/WBE participation and goal attainment.~~

~~(2) "Certified Minority Business Enterprise" means a firm certified by the District pursuant to Rules 40E-7.651 and 40E-7.653, F.A.C. and Section 287.0943(1) & (2), Florida Statutes.~~

~~(3) "Control" means to direct with primacy or cause the direction of all phases of the management and daily operations of the business, including, but not limited to, standard management practices and principles such as policy development, establishment of personnel reporting lines and operational procedures, problem solving, etc.~~

~~(4) "Domicile" means the state in which the business has its principal place of business and as it relates to corporations it also means the state under whose laws the corporation was formed.~~

~~(5) "Family member" means any person who is a spouse, parent, step-parent, grandparent, step-grandparent, child, step-child, grandchild, step-grandchild, sibling, half-brother, half-sister, step-sister, including adopted persons and those persons who are married to family members.~~

~~(6) "Federally recognized Indian Tribe" means an Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony or other organized group or community, including any Alaskan Native Village, which is recognized by the Secretary of the Interior as having special rights and is recognized as eligible for the services provided by the United States to Indians because of their status as Native Americans. Indians.~~

~~(7)(4) "Front" means a business concern which falsely claims to be owned and controlled by minority persons or women as defined herein.~~

~~(8)(5) "Industry categories" mean construction, CCNA professional services, non-CCNA professional services, commodity/services procurement (manufacturing, wholesale, retail), and contractual (other) services.~~

~~(9) "Independently Operated" means not dependent on the support, influence, guidance, control or not subject to restriction, modification or limitation from a non-minority, except for customary business auxiliary services, e.g., legal, banking, etc.~~

~~(10)(6) "Joint Venture" means an association of two or more persons or businesses carrying out a single business enterprise for which purpose they combine their capital, efforts, skills, knowledge and/or property. Joint ventures must be established by written agreement.~~

~~(7) “Minority/Woman Business Enterprise” or “M/WBE” means a firm certified by the District pursuant to Rules 40E-7.651 and 40E-7.653, F.A.C.~~

~~(11) “Minority Business Enterprise” or “MBE” is as defined in Section 288.703(2), Florida Statutes.~~

~~(12)(8) “Minority” person means an individual who is a citizen or lawful permanent resident of the State of Florida United States who is:~~

~~(a) African American: a person having origins in any of the black racial groups of the African diaspora.~~

~~(b) Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands, including the Hawaiian Islands prior to 1778. “Far East” is defined to include China, Hong Kong, Macao, Japan, Korea, Taiwan, and the Philippines. “Southeast Asia” is defined to include Burma, Kampuchea, Laos, Thailand, Vietnam, Malaysia, Brunei, Borneo, Indonesia, and Cambodia. “Indian Subcontinent” is defined to include India, Bangladesh, Sikkim, Nepal, Pakistan, and Bhutan. “Pacific Islands” is defined to include Micronesia, Polynesia, Melanesia, and the area consisting of the Hawaiian Islands prior to 1778.~~

~~(c) Hispanic American: a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean Islands, regardless of race.~~

~~(d) Native American: a person who is a member of, or is eligible to be member of, a federally recognized Indian tribe. A “federally recognized Indian tribe” means an Indian tribe, band, nation, rancheria, pueblo, colony, or other organized group or community, including any Alaskan native village, which is recognized by the Secretary of the Interior as having special rights and is recognized as eligible for the services provided by the United States to Indians because of their status as native Americans.~~

~~(e) An American woman.~~

~~(13) “Non-minority” means any person who does not meet the eligibility requirements of a minority person related to ethnicity, race or gender, permanent Florida residency or origins, even though such person has self-designated to be a member of a statutorily designated ethnic, racial or gender group.~~

~~(14)(9) “Office of the Inspector General” – The District office which provides a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government as referenced in Section 20.055(2), F.S.~~

~~(15)(10) “Origins” means the minority owner’s racial or cultural and geographic derivations, as substantiated by at least one grandparent’s birth.~~

~~(16) “Permanent resident” means a resident whose true, fixed and permanent home and principal establishment is within the State of Florida, who has lived in the State of~~

Florida for at least six (6) months out of the last twelve (12) months and who does not routinely and habitually establish occupancy in a personally owned, mortgaged or leased residence outside of Florida.

~~(17)(11) “Program” means a blend of business initiatives, administered by the District, which include race, ethnic and gender neutral; and race, ethnic and gender specific provisions designed to:~~

~~(a) Increase diversity in District contracting and procurement; and~~

~~(b) Remedy disparity and the present effects of past marketplace discrimination.~~

~~(12) “Regional Advisory Council on Small Business” means a citizen’s advisory group representing diverse industries and targeted business groups. The Council will assist the District in sourcing M/WBE firms and communicating Program initiatives in the relevant market area.~~

~~(18)(13) “Relevant Market Area” means the following Florida counties: Broward; Charlotte; Collier; Dade; Glades; Hendry; Highlands; Lee; Martin; Monroe; Okeechobee; Orange; Osceola; Palm Beach; Polk; St. Lucie; Alachua; Brevard; Duval; Hillsborough; Indian River; Leon; Pinellas; Seminole; and Volusia.~~

~~(19)(14) “Responsible” means a firm is capable in all respects to fully perform the contract requirements and has the integrity and reliability which will assure good faith performance.~~

~~(20)(15) “Responsive” means a firm’s bid or proposal conforms in all material respects to the invitation to bid or request for proposal and shall include compliance with MBE M/WBE goals or good faith efforts.~~

~~(16) “Sheltered Market” means an affirmative procurement initiative designed to remedy documented disparity in District contracting and the present effects of past marketplace discrimination by fostering increased participation by M/WBE prime contractors and goal attainment. Participation in the Sheltered Market shall be limited to M/WBEs.~~

~~(21)(17) “A Small Business” means an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has with a net worth of not more than \$5 3 million, or any firm based in this state which has a Small Business Administration 8(a) Certification, and an average net income after federal income taxes, excluding any carryover losses, for the preceeding 2 years of not more than \$2 million. As applicable to sole proprietorships, the \$5 3 million net worth requirement shall include both personal and business investments.~~

~~(22) “Sole Proprietorship” means a business concern owned by one minority person.~~

~~(23) “Supplier” means a firm that sells goods and commodities.~~

~~(24)(18)~~ “Third-Party Development Assistance Provider” means local, regional, state or federal agencies, institutions and business development organizations that provide technical, management, financial and other related assistance to small, minority-owned and women-owned businesses.

~~(19)~~ “Woman” means a person of the female sex, regardless of race or ethnicity.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History—New 9-25-96, Amended _____.

40E-7.623 Policy Review and Goal Setting Committee.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History—New 9-25-96, Repealed _____.

40E-7.628 Bid Incentive Program.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History—New 9-25-96, Repealed _____.

40E-7.631 Proposal Evaluations and MBE ~~M/WBE~~ Criteria.

(1) For contracts awarded based on evaluation criteria, there shall be a MBE ~~M/WBE~~ participation criterion of at either 10% or 20% of the total points awarded. The District shall award points as reflected in Table 7.6-3 below. Maximum points will be awarded to the proposer if 30% or more of the total project work is performed by MBE firms. Percentages reflect the amount of total contract value proposed to be assigned to MBE firms. In the case of CCNA contracts, the percentages reflect the amount of total project work which shall be equated to the project dollars assigned to MBE firms.

Table 7.6-3

10 POINTS FOR MBE PARTICIPATION

>30% =	10 points
>27% =	9 points
>24% =	8 points
>21% =	7 points
>18% =	6 points
>15% =	5 points
>12% =	4 points
> 9% =	3 points
> 6% =	2 points
> 3% =	1 point

20 POINTS FOR MBE PARTICIPATION

>30% =	20 points
>27% =	18 points
>24% =	16 points
>21% =	14 points
>18% =	12 points
>15% =	10 points
>12% =	8 points
> 9% =	6 points
> 6% =	4 points
> 3% =	2 points

~~The percentage for each contract shall be determined by considering:~~

- ~~(a) The M/WBE criterion with the other evaluation criteria;~~
- ~~(b) Subcontract opportunities, M/WBE utilization within industry categories; and~~
- ~~(c) M/WBE availability and progress toward established annual agency goals.~~

(2) The proposer shall identify all certified MBE ~~M/WBE~~ firms which will be utilized as subcontractors, and delineate for each the specific elements of work each MBE ~~M/WBE~~ firm will be responsible for performing and the dollar value of the work as a percentage of the total contract value. All proposals with MBE ~~M/WBE~~ participation shall contain documentation, signed by both the proposer and the selected MBE ~~M/WBE~~ subcontractors which: confirms their intent to establish a business relationship and confirms the MBE ~~M/WBE~~ participation percent. All MBEs ~~M/WBE~~ must submit proof of certification with the proposal.

~~(3) The District shall award points as reflected in Table 7.6-3. Maximum points will be awarded to the proposer if 51% or more of the total project work is performed by M/WBE firms. Percentages reflect the amount of total contract value proposed to be assigned to M/WBE firms. In the case of CCNA contracts, the percentages reflect the amount of total project work which shall be equated to the project dollars assigned to M/WBE firms.~~

Table 7.6-3

10 POINTS FOR M/WBE PARTICIPATION

≥51% =	10 points
≥45% =	9 points
≥40% =	8 points
≥35% =	7 points
≥30% =	6 points
≥25% =	5 points
≥20% =	4 points
≥15% =	3 points
≥10% =	2 points

20 POINTS FOR M/WBE PARTICIPATION	
≥51% =	20 points
≥45% =	18 points
≥40% =	16 points
≥35% =	14 points
≥30% =	12 points
≥25% =	10 points
≥20% =	8 points
≥15% =	6 points
≥10% =	4 points

(3)(4) The proposers must meet the certification criteria established by the District for utilizing MBE M/WBE firms to ensure participation as described in Rule 40E-7.653, F.A.C.

(4)(5) The percentage of MBE M/WBE participation will be calculated by dividing the proposer's expenditures to a MBE M/WBE subcontractor for providing direct labor or a bona fide service by the total project dollars as identified in the proposal.

(5)(6) A proposer may count toward its MBE M/WBE participation goal the fees or commissions charged for providing direct labor or a bona fide service, such as professional, technical, consultant or managerial services.

(6)(7) For the purposes of this rule, the District will not count toward a proposer's MBE M/WBE participation goal attainment any portion or portions of the MBE M/WBE subcontractor's work that is subcontracted back to:

- (a) The proposer, either directly to, or through any other company or firm owned and/or controlled by the proposer, or
- (b) Any non-MBE M/WBE firm with which the MBE M/WBE firm has a present business relationship. A present business relationship is defined as both firms having some of the same owners or the sharing of space, equipment, financing or employees.

(7)(8) For the purposes of this rule, a MBE M/WBE subcontractor shall not be allowed to subcontract all or a majority of the subcontractual portion of the work to another non-MBE M/WBE firm or firms. A MBE M/WBE subcontractor shall be prohibited from engaging in a subcontractual agreement with the intent of collecting a broker's fee or commission, and whose employees perform none of the direct labor or service activities specified in the contract.

(8)(9) Participation by a MBE M/WBE firm shall not be considered toward ~~project goal attainment~~ and the MBE M/WBE firm shall be disqualified if the owner or owners of the MBE M/WBE firm engages in an agreement with a non-MBE M/WBE firm with the intent of securing employment with that non-MBE M/WBE firm during the course of performing a District contract.

Specific Authority 287.055, 373.607 FS. Law Implemented 287.055, 373.607 FS. History—New 9-25-96, Amended _____.

40E-7.633 Sheltered Market Program.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History—New 9-25-96, Repealed _____.

40E-7.635 Annual, Long-Term, and Project-Specific Goals.

Specific Authority 287.055, 373.607 FS. Law Implemented 287.055, 373.607 FS. History New 9-25-96, Repealed _____.

40E-7.637 District Implementation.

The District shall make affirmative efforts to ensure all businesses have the maximum opportunity to participate in the District's contracting and procurement processes. The following are examples of affirmative efforts by the District:

(1) Establish an office ~~Office of Supplier Diversity and Outreach~~ with sufficient staff and the necessary authority and responsibility to implement the rules established under this Part.

(2) Identify all competitive contracting opportunities within the District budget.

~~(3) Analyze M/WBE availability to provide the products or services identified for contracting at either the prime contract or subcontract levels.~~

(3)(4) Include MBEs M/WBEs on contract solicitation lists or vendor lists.

~~(5) Establish goals for District procurement, professional services, and construction contracting for M/WBE participation.~~

(4)(6) Monitor and maintain records sufficient for verification of steps taken and results achieved to maximize MBE M/WBE participation.

(5)(7) Evaluate the District's efforts to achieve MBE M/WBE participation goals.

~~(6)(8) When requested by an unsuccessful bidder, or at the discretion of the District's Office of Supplier Diversity, conduct debriefing sessions on awarded contracts to explain why bids/proposals may have been unsuccessful.~~

(7)(9) Coordinate outreach with ~~the~~ Procurement ~~Division~~ and contracting departments to offer instructions and clarify bid/proposal specifications, procurement policy, procedures, and general bidding requirements.

(8)(10) Divide purchases and contracts into smaller units, areas, or quantities where feasible and likely to increase MBE M/WBE participation without substantial adverse fiscal impact to the District.

(9)(11) Ensure that bid/proposals, specifications, and plans are written so as not to unreasonably limit MBE M/WBE participation.

~~(10)(12)~~ Maintain a database of MBEs M/WBEs and encourage MBEs M/WBEs to participate in training programs offered by the District and/or third party development assistance providers, ~~as a condition for participating in affirmative procurement initiatives.~~

~~(13)~~ Recommend and assist in setting delivery schedules that encourage M/WBE participation.

~~(11)(14)~~ Encourage the development of MBEs M/WBEs by using services and assistance provided by the Small Business Administration and other third party development assistance providers.

~~(12)(15)~~ Refer businesses to third party development assistance providers for bonding, financial and technical assistance.

~~(13)(16)~~ Promote the District's Program internally and externally, through the use of an annual marketing and outreach communication plan.

~~(14)(17)~~ Collect and maintain information and reports to provide guidance to the Governing Board and staff regarding MBE participation progress toward goal attainment.

~~(18)~~ Disseminate contract opportunity information via a telephone bid hotline.

~~(15)(19)~~ Schedule pre-bid or pre-proposal meetings, where appropriate, to inform potential contractors of Program requirements and other bid/proposal requirements.

~~(16)(20)~~ Maintain a file of successful bid/proposal documents from past procurement and encourage MBEs M/WBEs to review and evaluate such documents.

~~(17)(21)~~ Provide instructions on job performance requirements.

~~(18)(22)~~ Provide information and assistance on continued certification procedures, subcontracting practices, and bonding requirements.

~~(19)(23)~~ Provide supplier diversity training to District staff.

~~(20)(24)~~ Review multi-year contracts, amendments, and change orders for opportunities to increase MBE M/WBE participation.

~~(21)(25)~~ Continue to investigate race, ethnic, and gender-neutral provisions to lessen barriers for participation by any business wishing to do business with the District.

~~(22)(26)~~ Place notices of contract opportunities and bids at District service centers, in the Dodge report, MBE M/WBE trade association newsletters, major local or regional newspapers, and minority – and woman – focused media.

~~(23)(27)~~ Plan and participate in vendor training seminars for the purpose of informing potential bidders/proposers/vendors of the District's Program and the business opportunities available.

~~(24)(28)~~ Serve as liaison with economic development organizations and agencies working in support of economic development in the minority community.

~~(25)(29)~~ Provide notices of bids/business proposals to facilitate the participation of MBEs M/WBEs.

~~(26)(30)~~ Create and disseminate MBE M/WBE directories to contractors for use in identifying subcontractors and material suppliers.

~~(27)(31)~~ Consider reducing bonding and insurance requirements for smaller projects.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History–New 9-25-96, Amended _____.

40E-7.639 Emergency Waiver of Participation Goals.

Specific Authority 373.119, 373.607 FS. Law Implemented 373.119, 373.607 FS. History–New 9-25-96, Repealed _____.

40E-7.645 Compliance.

(1) The District shall monitor and evaluate Program performance and compliance. Failure to comply with the MBE M/WBE requirements of an awarded contract shall result in suspension or debarment of the firms or individuals involved.

(2) Suspension or debarment of firms for activity contrary to the Program, and the appeal process, shall be carried out pursuant to Rule 40E-7.664, F.A.C.

(3) Each District contract awarded with points provided for MBE participation shall contain a provision incorporating the rules under this Part by reference and a statement that failure to comply with any of the requirements by a contractor shall ~~will~~ be considered a breach of contract.

(4) Each District contract shall contain a provision requiring the contractor, during the term of the contract, to comply with, as to tasks and proportionate dollar amounts throughout the term of the contract, all plans made in their proposal ~~or bid~~ for use of MBEs M/WBEs.

(5) Each District contract shall contain a provision requiring maintenance of records, and information necessary to document compliance with the rules under this Part and shall include the right of the District to inspect such records.

(6) Each District contract shall contain a provision prohibiting any agreements between a contractor and a MBE M/WBE in which the MBE M/WBE promises not to provide subcontracting quotations to other bidders or potential bidders.

(7) The District shall ensure program compliance by a contractor or its participating subcontractors through contract provisions. Contractor compliance provisions include:

(a) Withholding from the contractor ten percent (10%) of all future payments, exclusive of any retainage, under the contract until it is determined that the contractor is in compliance;

(b) Withholding from the contractor all future payments under the contract until it is determined that the contractor is in compliance;

~~(c) Adjusting the contract price by all or a portion of the bid incentive amount under the contract until it is determined that the contractor is in compliance.~~

~~(c)(d)~~ Refusal of all future bids or offers submitted to the District by the Contractor for a period of three (3) years;

~~(d)(e)~~ Initiation of decertification action;

~~(e)(f)~~ Cancellation of the eligible project/contract for cause.

(8) Any individual who falsely represents any entity as a MBE M/WBE or does not fulfill the contractual obligations is subject to the penalties under Section 287.094, F.S. To ensure that all obligations under contracts awarded to a MBE M/WBE are met, the contractor's MBE M/WBE efforts throughout the performance of the contract shall be reviewed. The contractor shall advise the District of any situation in which regularly scheduled progress payments are not made to MBE M/WBE subcontractors.

(9)(a) After the date of contract execution, prime contractors shall make good faith efforts to maintain the level of MBE M/WBE participation established in the contract by substituting a non-complying MBE M/WBE subcontractor with another MBE M/WBE subcontractor.

(b) Prime contractors must notify ~~contact~~ the District's ~~Office of Supplier Diversity and Outreach~~ when the need to replace a MBE M/WBE subcontractor arises. ~~After this initial contact, the prime contractor must submit to the District's Office of Supplier Diversity and Outreach:~~

1. One revised copy of Form No. 0956, "Schedule of Subcontractor/Minority Business Enterprise (MBE) Participation", dated August, 1996; and

2. One copy of Form No. 0957, "Statement of Intent to Perform as an MBE Subcontractor", dated August, 1996, for each substitute firm listed on the form referenced in subsection 1., above.

3. The forms listed in subsections 1. and 2., above, are hereby incorporated by reference and are available from the District upon request.

(10) The District will not transact business with any vendor placed on the discriminatory vendor list maintained by the Department of Management Services pursuant to section 287.134, Florida Statutes.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History--New 9-25-96, Amended _____.

40E-7.647 Good Faith Efforts.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History--New 9-25-96, Repealed _____.

40E-7.651 Reciprocal Certification.

(1) ~~Only firms certified by the District will be used in determining goal attainment and will have the advantage of the District's affirmative procurement initiatives contained within the rules under this Part.~~ Reciprocal certification shall be granted to applicant businesses which have been certified by other jurisdictions and meet the District certification standards. An applicant business shall provide an affidavit attesting that

the applicant business has sought to do business within the District's relevant market area prior to the time a bid or proposal is submitted.

(2) An applicant business is not eligible for reciprocal certification if the business exceeds a net worth of \$5 3 million, ~~and an average net income after federal income taxes, excluding any carryover losses, for the proceeding 2 years of \$2 million.~~ As applicable to sole proprietorships, the \$5 3 million net worth requirement shall include both personal and business investments.

(3) Eligibility for reciprocal certification shall be contingent upon (1) an agreement between the District and another certifying jurisdiction within the state of Florida, and (2) any additional requirements, pursuant to this Rule, a determination by the District that the standards of the certifying jurisdiction meet the certification standards of the District. The applicant businesses seeking reciprocal certification must submit to the District a copy of the current certification from the certifying jurisdiction and a copy of the completed application submitted to the certifying jurisdiction along with affidavits of continued eligibility.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History--New 9-25-96, Amended _____.

40E-7.653 Certification Eligibility.

~~(1) For purposes of this rule, a firm shall be considered a District certified M/WBE only if the firm has applied for and been granted certification by the District after September 25, 1996. Firms certified prior to September 25, 1996 shall be counted toward M/WBE goal attainment only if: the firm is either a prime contractor or a subcontractor for a particular District contract executed prior to the effective date of this rule; or the firm is listed on the M/WBE vendor list for a particular District solicitation issued prior to the effective date of this rule. In either case, the firm shall only be counted toward M/WBE goal attainment for that particular contract or solicitation.~~

(1) The District shall have the authority to accept, review, approve, and or deny applications for MBE certification. The District shall also have the authority to decertify, suspend and/or debar firms pursuant to Rule 40E-7.664, F.A.C.

(2) Applicant businesses shall submit applications for MBE M/WBE certification using Form No. 0964, "Application for Certification", ~~dated August, 1996~~, which is hereby incorporated by reference and which can be obtained from the District upon request. Mailing addresses must include the number, name of the street, suite number, if any, and correct zip code. A post office box will not be acceptable absent a street address. An applicant business shall provide an affidavit attesting that the applicant business has sought to do business within the District's relevant market area prior to the time a bid or proposal is submitted.

(3) An applicant business must satisfy subsection (4) below in order to be considered 51% owned by minority/~~woman~~ persons. The ownership exercised by minority/~~woman~~ persons shall be real, substantial, and continuing, and shall go beyond mere pro forma ownership of the firm as reflected in its ownership documents. In its analysis, the District may also consider the transferal of ownership percentages with no exchanges of capital at fair market value.

(4) If applicant business was obtained by transfer, the minority/~~woman~~ person on whom eligibility is based must own 51% of the applicant firm for a minimum of two (2) years when any previous majority ownership interest in the firm was by a non-minority who is or was a relative, former employer, or current employer of the minority/~~woman~~ person on whom eligibility is based. This requirement shall not apply to minority/~~woman~~ persons who are otherwise eligible who take a 51% or greater interest in a firm that requires professional licensure to operate and who will be the qualifying licensure for the firm when certified. A transfer made within a related immediate family group from a non-minority person to a minority/~~woman~~ person in order to establish ownership by a minority/~~woman~~ person shall be deemed to have been made solely for purposes of satisfying certification criteria and shall render such ownership invalid for purposes of qualifying for such certification if the combined total net asset value of all members of such family group exceeds \$1 million. For purposes of this subparagraph, the term "related immediate family group" means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.

(a) The applicant business must satisfy either subparagraphs 1., 2., or 3. below:

1. In a corporate form of organization, the minority/~~woman~~ shareholders of the corporation must own at least 51% of all issued stock. Minority/~~woman~~ shareholders who own at least 51% of each and every class of stock will be presumed to have satisfied the conditions of this rule. Where the minority/~~woman~~ shareholders do not own at least 51% of each class of stock, the applicant shall establish that the aggregate of all stock owned by minority/~~woman~~ shareholders is equal to at least 51% of all issued shares. The applicant may establish that the aggregate of all stock owned by minority/~~woman~~ shareholders is equal to at least 51% of all issued shares by:

- a. Using the par value of the stock, but only where each class of stock has a par value;
- b. Using the fair market value of each class of stock;
- c. Showing the numerical ratio of stock ownership where all shares, regardless of class, have the same par value or fair market value; or

2. In a partnership form of organization, the minority/~~woman~~ partners must own at least 51% of the partnership, or

3. In any other form of organization, the minority/~~woman~~ owners must own at least 51% of the business interest of the organization, including, but not limited to 51% of the ownership of assets, dividends, and intangible assets such as copyrights and patents.

(b) The minority/~~woman~~ owners must demonstrate that they share income, earnings and any other benefits from the business concern which are accorded to any other owner. The minority/~~woman~~ owners' share of income, earnings and benefits shall be commensurate with the percentage of their ownership in the business concern, including salaries, draws, bonuses, commissions, insurance coverage, proceeds from business investments and properties, and profit-sharing.

(c) The minority/~~woman~~ owners must demonstrate that they share in all the risks assumed by the business firm. Such sharing of business risks shall be demonstrated through the minority/~~woman~~ owners' primary role in decision-making, and negotiation and execution of related transaction documents either as individuals or as officers of the business. The minority/~~woman~~ owners' sharing in business risks shall be commensurate with their percentage of ownership, including start-up costs and contributions, acquisition of additional ownership interests, third-party agreements, and bonding applications. Start-up contributions may be space, cash, equipment, real estate, inventory or services estimated at fair market value. All contributions of capital by the minority/~~woman~~ owners must be real and substantial. The following are presumed not to be real and substantial capital contributions:

1. Promises to contribute capital;
2. Notes payable to the applicant business;
3. Notes payable to the non-minority owners or to the non-minority family members of any owner; and
4. Past services rendered by the minority/~~woman~~ person as an employee, rather than as a decision-maker.

(d) The business firm cannot at any time enter into any agreement, option, scheme, or create any rights of conversion, which, when exercised, would result in less than 51% minority/~~woman~~ ownership or in the loss of the minority/~~woman~~ owners' control of the business firm.

(5) An applicant must establish that the minority/~~woman~~ owner seeking certification be the license holder, qualifying agent, and/or the professional license holder and possess the authority to control and exercise dominant control over the management and daily operations of the business.

(a) The discretion of the minority/~~woman~~ owners shall not be subject to any formal or informal restrictions (including, but not limited to, by-law provisions, purchase agreements, employment agreements, partnership agreements, trust

agreements or voting rights, whether cumulative or otherwise), which would vary or usurp managerial discretion customary in the industry.

~~(b) If the applicant business is a corporation and the business and affairs of the corporation are managed under the direction of a board of directors as provided by the Articles of Incorporation or bylaws of the corporation or Section 607.0824, F.S., a majority of the directors must be minority/woman owners, notwithstanding whether directors are required to be elected by a majority vote of the outstanding shares of the corporation.~~

~~(b)(e)~~ The minority/woman owners must exercise sufficient management and technical responsibilities and capabilities to maintain control of the business. If the owners of the business who are not minority/woman persons are disproportionately responsible for the operations of the business, then the business shall not be considered to be controlled by minority/woman owners.

~~(c)(d)~~ The control exercised by the minority/woman owners shall be real, substantial and continuing. In instances where the applicant business is found to be a family-operated business, with duties, responsibilities and decision-making occurring either jointly or mutually among owners and principals, or severally along managerial and operational lines between minority/woman owners and non-minority owners or principals, the minority/woman owners shall not be considered as controlling the business. Where the minority/woman owners substantiate that the assumption of duties is not based on their lack of knowledge or capability to independently make decisions regarding the business' management and day-to-day operations, the minority/woman owners' control may not be affected. The minority/woman owners shall establish that they have dominant responsibility for the management and daily operations of the business as follows:

1. The minority/woman owners shall control the purchase of goods, equipment, business inventory and services needed in the day-to-day operation of the business. The minority/woman owners' control of purchasing shall be evidence of their knowledge of products, brands, manufacturers, types of equipment and products and their uses, etc., rather than merely reflective of the minority/woman owners' ministerial execution of the ordering/acquisition of goods.

2. The minority/woman owners shall control the hiring, firing and supervision of all employees, and the setting of employment policies, wages, benefits and other employment conditions. In instances where minority/woman owners have delegated the hiring and firing of employees, the minority/woman owners shall demonstrate that their knowledge and capability is sufficient to evaluate the employees' performance in the given industry.

3. The minority/woman owners shall have knowledge and control of all financial affairs of the business. The ability of any non-minority owner or employee to sign checks and enter into financial transactions on behalf of the business shall be considered in determining financial control. The minority/woman owners shall expressly control the investments, loans to/from stockholders, bonding, payment of general business loans, payroll and establishment of lines of credit.

4. The minority/woman owners shall have managerial and technical capability, knowledge, training, education and experience required to make decisions regarding that particular type of work. In determining the applicant business' eligibility, the District will review the prior employment and educational requirements for the given industry, the previous and existing managerial relationship between and among all owners, especially those who are familiarly related, and the timing and purpose of management changes. If the minority/woman owners have delegated management and technical responsibility to others, the minority/woman owners must substantiate that they have caused the direction of the management of the business and each phase of the technical operations of the business through their demonstrable knowledge of and capability in the delegated areas.

5. The minority/woman owners shall display independence and initiative in seeking and negotiating contracts, accepting and rejecting bids and in conducting all major aspects of the business in regard to any and all bidding and contracting. In instances where the minority/woman owners do not directly seek or negotiate contracts, prepare estimates, or coordinate with contracting officials, but claim to approve or reject bids and contractual agreements, the minority/woman owners shall demonstrate that they have the knowledge and expertise to independently make contractual decisions.

6. The minority/woman owners shall substantiate personal direction and actual involvement with all major aspects of the applicant business. The major aspects shall be defined as those tasks essential to accomplish all objectives and operations related to those services or commodities for which the applicant business requests certification.

(6) To establish that it is a small minority/woman business concern, the applicant shall:

(a) Demonstrate that it is an independently owned and operated business concern. In assessing business independence, the District shall consider all relevant factors, including the date the firm was established, the adequacy of its resources, and the degree to which financial, managerial and/or operational relationships exist with other persons and/or business concerns. For purposes of this rule, the District's consideration of such financial relationships, managerial and/or operational relationships shall not be affected by

arrangements made out of necessity or due to the business' inability to secure traditional capitalization through banks, lending institutions or others.

(b) Demonstrate that it is not an affiliate of a non-minority business nor share (on an individual or combined basis) common ownership, directors, management, employees, facilities, inventory, financial resources and expenses, equipment or business operations with a non-minority person and/or business concern which is in the same or an associated field of operation.

(c) To establish that it is a small business concern, the applicant shall demonstrate that the net worth of the business concern, together with its affiliates, does not exceed five (5) million dollars and an average net worth after federal income taxes, excluding any carryover losses, for the proceeding two years of not more than two (2) million dollars. In determining the net worth of the business and its affiliates, the District shall consider the most recent annual financial statements for the business and business owner. If no annual financial statement is available, the applicant shall submit a financial statement for any quarter during the previous six (6) months. In determining the business' income, the District shall consider the two most recent financial statements for the business and/or the most recent federal income tax returns. Demonstrate that the firm is a small business pursuant to Rule 40E-7.621(17), F.A.C.:

(d) To establish that it is a small business concern, the applicant shall provide documentation to demonstrate that it employs two-hundred (200) or fewer permanent, full-time employees. The number of permanent, full-time employees shall be determined by adding the number of employees the applicant acknowledges to be permanent, full-time employees to the number of permanent positions the applicant needs in order to carry out its business is based upon the quantity of work performed and the annual gross receipts of the business concern. In determining whether the applicant meets the criteria for a small business, the District shall consider such documentation as:

1. Personnel records.
2. Florida Quarterly Unemployment Reports.
3. Annual Federal Unemployment Report.
4. Payroll ledgers.
5. Employee leasing agreement.

(e) The applicant must demonstrate that it is domiciled in Florida. In determining whether the applicant is domiciled in Florida, the District shall consider such documentation as:

1. Articles of Incorporation.
2. Partnership Agreement.
3. Certification required to be filed pursuant to Section 620.108, Florida Statutes.
4. Business licenses.

(7) The applicant business must demonstrate that it is at least 51% owned by ~~minority/woman~~ persons who are permanent residents of Florida, pursuant to subsections (2),(3),(4) and (5).

(8) The applicant business must provide evidence of the ~~minority/women~~ status of owners who are claiming to be ~~minority/woman~~ persons, as follows:

(a) Demonstrate that the applicant business owners' ethnicity qualifies them as an eligible person pursuant to Rule 40E-7.621(8), F.A.C. In determining the ethnicity of a person, the District shall consider any of the following:

1. Birth certificate.
2. Passport.
3. Citizenship papers.
4. Driver license.
5. Voter registration card.
6. Death certificate.
7. ~~Membership or eligibility for membership~~ in a federally recognized Indian tribe.
8. ~~Membership or eligibility for membership in an Indian tribe recognized by the Government of Canada.~~
9. ~~A letter issued by the Bureau which certifies eligibility to share in a distribution of judgment funds resulting from an aboriginal land claims settlement, i.e., docket number.~~
10. ~~An Alaskan Native Corporation Shareholder Certificate.~~
11. ~~A schedule of the U.S. Census, complete with year, book, and page number.~~
- 8.12. Tribal registration.
- 9.13. Any other documentation that tends to substantiate the person's claim of minority status.

(b) Demonstrate that the applicant business owners' gender qualifies them as an eligible person pursuant to Rule 40E-7.621(19), F.A.C. In determining the gender of a person, the District shall consider any of the following:

1. Birth Certificate.
2. Passport.
3. Citizenship papers.
4. Driver license.
5. ~~Voter registration card.~~
- 5.6. Any other documentation that tends to substantiate the person's claim of minority status.

(c) Demonstrate that the applicant business owners' origin qualifies them as an eligible person pursuant to Rule 40E-7.621(8), F.A.C. When determining a person's origins, the District shall accept any of the following documentation in order to clearly establish a direct line of descent:

1. Marriage licenses.
2. Divorce decrees.
3. Adoption papers, to show the adopted person's original, not adopted, origins.

4. Court orders which have the effect of changing a person's name.

5. An Affidavit, except that of an official of the federal government, a state government or a municipality.

6. A "family tree" or "family chart".

(9) The applicant business shall establish that it is currently performing or seeking to perform a useful business function in each specialty area requested by the applicant. For purposes of this rule, "currently" means three months prior to the District's receipt of the application for certification. The applicant business is considered to be performing a useful business function when it is responsible for the execution of a distinct element of the work of a contract and carrying out its responsibilities in actually performing, managing and supervising the work involved. The useful business function of an applicant business shall be determined in reference to the products or services for which the applicant business requested certification. When the applicant business is required by law to hold a license, other than an occupational license, in order to undertake its business activity, the applicant business shall not be considered to be performing a useful business function unless it has the required license(s).

(a) In determining if an applicant business is acting as a regular dealer and that it is not acting as a conduit to transfer funds to a non-minority business, the District shall consider the applicant business' role as agent or negotiator between buyer and seller or contractor. Though an applicant business may sell products through a variety of means, the District shall consider the customary and usual method by which the majority of sales are made in its analysis of the applicability of the regular dealer requirements. Sales shall be made regularly from stock on a recurring basis constituting the usual operations of the applicant business. The proportions of sales from stock and the amount of stock to be maintained by the applicant business in order to satisfy the requirements of this rule will depend on the business' gross receipts, the types of commodities sold, and the nature of the business' operation. The stock maintained shall be a true inventory from which sales are made, rather than be a stock of sample, display, or surplus goods remaining from prior orders or by a stock maintained primarily for the purpose of token compliance with this rule. Consideration shall be given to the applicant's provision of dispensable services or pass-through operations which do not add economic value, except where characterized as common industry practice or customary marketing procedures for a given product. An applicant business acting as broker or packager shall not be regarded as a regular dealer absent showing that brokering or packaging is the normal practice in the applicant business' industry. Manufacturer's representatives, sales representatives and non-stocking distributors shall not be considered regular dealers for purposes of the rules under this Part.

(b) Documentation to substantiate a useful business function may include but not be limited to the following:

1. Executed purchase orders.
2. Paid invoices.
3. Executed contracts.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History--New 9-25-96, Amended 6-16-98, _____.

40E-7.655 Certification Review Procedures.

(1) Upon receipt, all applications for MBE M/WBE certification shall be given an initial screening to ensure appropriate signature and completeness. The application must bear the original signature of the minority/~~woman~~ owner who is submitting the application for review. If the application is submitted by means of a facsimile machine, the signature page of the application, with the original signature of the minority/~~woman~~ owner, must be submitted to the District within thirty (30) days of facsimile submission.

(2) Within sixty (60) days following initial receipt of the application, the District will request the applicant business to furnish omitted items or additional information. If all requested information or items are not received by the District within thirty (30) days from the date of the request, the District will deny the applicant business certification as a MBE M/WBE.

(3) The on-site verification review may be conducted by the District upon receipt of the completed application. Failure to cooperate with the scheduling of the on-site review or during the on-site review shall result in the denial of the application.

(4) Applicants determined eligible shall receive a certification letter stating the length of time for which the business has been certified, the specialty areas of the business, the minority/~~woman~~ status categories in which the business is certified, and the business' responsibilities set out in Section 287.0943(1) & (2), F.S. Once certified, an applicant shall remain certified for a period of one (1) three (3) years unless otherwise revoked for cause. The District retains the right to reevaluate the certification of any business at any time.

(5) Applicants determined ineligible shall receive a letter stating the basis for the denial of certification and citing applicable rules and shall not be eligible to submit new applications until 180 days one (1) year after the date of the notice of denial of certification or the District's final agency order denying certification.

Specific Authority 120.53, 120.54(1), 120.60(2), 373.607 FS. Law Implemented 120.53, 120.54(1), 120.60(2), 373.607 FS. History--New 9-25-96, Amended _____.

40E-7.659 Graduation from MBE M/WBE Program.

(1) Participation in the District's Program will be dependent upon the MBE's M/WBE's need for the affirmative procurement initiatives extended to MBE's M/WBE's under this Part. The MBE M/WBE shall be graduated and shall not be eligible for continued participation in the affirmative procurement initiatives contained in the rules under this Part as a prime contractor if the business exceeds a net worth of \$5.3 million, and an average net income after federal income taxes,

excluding any carryover losses, for the preceding 2 years of \$2 million. As applicable to sole proprietorships, the \$5.3 million net worth requirement shall include both personal and business investments.

(2) A MBE M/WBE which is considered graduated under this section shall be counted towards prime contractor's goal attainment when utilized as a subcontractor or joint venture partner.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History—New 9-25-96, Amended _____.

40E-7.661 Recertification Review Procedures.

(1) Applications for recertification shall be submitted using form No. 0958, "Application for Recertification", dated ~~August, 1996~~, which is hereby incorporated by reference and available from the District upon request.

(2) The District will notify MBE's M/WBEs no later than sixty (60) days before the end of the certification period. If the minority owner is unable to use the recertification affidavit because changes in the applicant's business have occurred, the minority owner shall notify the District in writing. Recertification requests must be filed in the District no later than the last effective date of the current certification period. Recertification requests received by the District after the expiration of the certification period shall be given a ten (10) day grace period. Recertification requests received by the District after the ten (10) day grace period will not be processed for a period of 90 days.

(3) Upon receipt, all recertification requests shall be given an initial screening to ensure appropriate signature and completeness. Within sixty (60) days following initial receipt of the applicant's recertification request, the District will request the applicant to furnish omitted or additional information. If the requested information or items are not received by the District within thirty (30) days from the date of the request, the District will deny the applicant recertification as a MBE M/WBE.

(4) The on-site verification review may be conducted by the District upon receipt and review of the recertification request. Failure to cooperate with the scheduling of the on-site review or during the on-site review shall result in the denial of recertification.

(5) Recertification shall be granted when the applicant has complied with this rule and substantiates eligibility for MBE M/WBE status.

(6) Applicants deemed eligible shall receive a recertification letter stating the length of time for which the business has been certified, the specialty areas of the business, and the minority status categories in which the business is certified. Once recertified, an applicant shall remain certified for a period of one (1) three (3) years unless otherwise revoked for cause. The District retains the right to reevaluate the certification of any business at any time.

(7) Applicants determined ineligible shall receive a letter stating the basis for the denial of recertification and shall not be eligible to submit a new application for 180 days one (1) year after the date of the notice of denial of recertification or the District's final agency order denying recertification.

(8) If an application for recertification is timely submitted, a MBE M/WBE shall remain certified until the District has made a determination concerning eligibility.

(9) Applicant businesses failing to submit the District recertification application as required by Subsection (1) of this section, shall not be considered certified immediately subsequent to the anniversary date of the last certification. Applicant businesses shall receive written notification of the expiration of prior certification.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History—New 9-25-96, Amended _____.

40E-7.664 Suspension, Debarment, Revocation or Decertification.

(1) Prior to suspending, debarment, revoking or decertifying a firm from the Program, the District shall inform the firm in writing by certified mail, return receipt requested, of the facts or conduct which warrant such action.

(2) Facts or conduct that could warrant suspension, decertification, or debarment include but are not limited to:

(a) Failure to meet qualifying criteria.

(b) Fraud, deceit, or misrepresentation for the purpose of obtaining MBE status.

(c) Refusal to permit on-site inspections.

(d) Failure to report changes in the status or activities of the business entity or its minority/woman ownership which affects the MBE's eligibility for certification.

~~(3)(2)~~ The written notice issued by the District shall contain:

(a) The statutory provision(s) or rule(s) of the Florida Administrative Code which is alleged to have been violated;

(b) The specific facts or conduct relied upon to justify the suspension, debarment, revocation or decertification; and

(c) A statement that the firm has the right to file a request for an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, within 14 +5 days of receipt of the notice.

(d) A statement that the suspension, debarment, revocation or decertification shall become conclusive and final agency action if no request for a hearing is filed within 14 +5 days of receipt of the notice.

~~(4)(3)~~ All requests for a hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, shall be made in the form of a Petition in accordance with Chapter 28-106, Florida Administrative Code, shall be made in writing and shall be filed with the Clerk of the District within 15 days of receipt of notice. The request shall include:

(a) The name and address of the firm making the request;

~~(b) A statement that the firm is requesting a formal proceeding pursuant to section 120.57(1) Florida Statutes, or an informal proceeding pursuant to Section 120.57(2), Florida Statutes; and~~

~~(c) A reference to the notice received from the District and a statement of the specific grounds on which the proposed action is being challenged.~~

~~(5)(4) If the firm fails to file a request for a hearing within the time frames prescribed in Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code, 15 days after receipt of the notice, the suspension, debarment, revocation or decertification shall become conclusive and final agency action.~~

Specific Authority 120.53, 373.607 FS. Law Implemented 120.53, 373.607 FS. History—New 9-25-96, Amended _____.

40E-7.6645 Penalties for Fraudulent MBE ~~M/WBE~~ Representation.

Applicant businesses are advised that criminal penalties can be imposed under Section 775.082, Section 775.083, or Section 775.084, F.S., for fraudulent MBE ~~M/WBE~~ representation. It is the intent of the District to notify the proper law enforcement agency in all such instances.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History—New 9-25-96, Amended _____.

40E-7.665 Application for Additional Areas of Certification.

(1) Any business that is currently certified shall submit a written request when requesting certification as a MBE ~~M/WBE~~ in additional specialty areas.

(2) Within sixty (60) days following initial receipt of the request, the District will request the applicant business to furnish omitted or additional information. If all the requested information or items are not received by the District within thirty (30) days from the date of the request, the District will deny the applicant business certification as a MBE ~~M/WBE~~ in the requested additional specialty areas.

(3) The on-site verification review may be conducted by the District upon receipt and review of the request. Failure to cooperate with the scheduling of the on-site review or during the on-site review shall result in the denial of certification in the requested additional specialty areas.

(4) Certification in the additional specialty areas shall be granted when the applicant business has complied with this rule and substantiates eligibility for MBE ~~M/WBE~~ status.

(5) Applicant businesses determined eligible shall receive a certification letter stating the length of time for which the business has been certified, all the specialty areas of the business, and the minority/~~woman~~ status categories in which the business is certified.

(6) Applicant businesses determined ineligible shall receive a letter stating the basis for the denial of certification in the additional specialty areas and shall not be eligible to submit

a new application for certification for 180 days ~~one (1) year~~ after the date of the notice of denial of certification or the District's final agency order denying certification. If a firm is denied twice within a year the firm shall not be able to reapply for a period of one (1) year from the date of the second denial, or if appealed, the date of the decision to deny is upheld.

(7) Submittal of a request for certification in additional specialty areas shall not extend the applicant business' original certification period.

Specific Authority 120.53, 373.607 FS. Law Implemented 120.53, 373.607 FS. History—New 9-25-96, Amended _____.

40E-7.667 Administrative Hearings.

~~(4) If an applicant business believes it has been wrongly denied certification or recertification as a MBE ~~M/WBE~~, the applicant business may file a request for hearing pursuant to Sections 120.569 and 120.57, F.S. in the form of a petition in accordance with Chapter 28-106 F.A.C. within 21 days of receipt of Notice of Denial of certification, an appeal in writing, signed and dated, with the District. The appeal shall be filed no later than 15 consecutive days from the date of notice of denial of certification.~~

~~(2) The petition should be sent to the following address:~~

~~South Florida Water Management District
Office of Counsel
3301 Gun Club Road
West Palm Beach, FL 33406~~

~~(3) The administrative proceedings shall be in accordance with Chapter 120, Florida Statutes and Title 60Q, F.A.C.~~

Specific Authority 120.53, 373.607 FS. Law Implemented 120.53, 373.607 FS. History—New 9-25-96, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jock Merriam, Deputy Executive Director, Corporate Resources

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-20.001 **RULE TITLE:** Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 49, December 8, 2000, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE RULE WITHDRAWAL IS: Natalie Lowe, Administrator, Board of Professional Engineers, 1201 Hays Street, Tallahassee, Florida 32301.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-20.0010	Application for Licensure by Examination
61G15-20.0015	Application for Licensure by Endorsement
61G15-20.0017	Application for Retired Status

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 49, December 8, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments provided by staff of the Joint Administrative Procedures Committee. The rules shall now read as follows:

61G15-20.0010 Application for Licensure by Examination.

(1) Any person desiring to be licensed as a professional engineer shall submit a completed application to the Board. The instructions and application Form FBPE/001(06-01), entitled, "Application For Licensure By Examination", which is hereby incorporated by reference, effective _____, copies of which may be obtained from the Board office. The Board shall certify as eligible to take the licensure examination only those applicants who have completed the application form, remitted the application and examination fee required by Chapter 61G15-24, and who have demonstrated to the Board that they:

- (a) Are graduates of a "Board approved engineering program" as defined by Rule 61G15-20.001(2), and
- (b) Have four (4) years of acceptable engineering experience as defined by Rule 61G15-20.002.

(2) Any person desiring to take an examination for the purpose of determining whether he or she is qualified to practice as an engineering intern in this state shall submit a completed application to the Board. There are two engineer intern applications from which to choose, the instructions and application Form FBPE/003(06-01), entitled, "Application For Engineer Intern, which is hereby incorporated by reference, effective _____, copies of which may be obtained from the Board office, or the instructions and application Form FBPE/004(06-01), entitled, "Application For Foreign Engineer Intern", which is hereby incorporated by reference, effective _____, copies of which may be obtained from the Board office. The Board shall certify as eligible to take the Fundamentals examination only those applicants who have

completed the application form, remitted the application and examination fee required by Chapter 61G15-24 and who have demonstrated to the Board that they are in the final year of, or have graduated from, a "Board approved engineering program" as defined by rule 61G15-20.

61G15-20.0015 Application for Licensure by Endorsement.

(1) Any person desiring to be licensed as a professional engineer by endorsement shall submit a completed application form to the Board. The instructions and application Form FBPE/002(06-01), entitled "Application For Licensure By Endorsement", which is hereby incorporated herein by reference, effective _____, copies of which may be obtained from the Board office. The Board shall certify as eligible for licensure by endorsement applicants who have completed the application form, remitted the application fee for licensure by endorsement required by Chapter 61G15-24, and who have demonstrated to the Board that:

(a) The applicant meets the current criteria listed in Section 471.013, F.S. (the burden of proving the equivalency of any examination shall rest with the applicant); or

(b) The applicant holds a valid license to practice engineering issued by another state or territory of the United States, provided that the criteria for issuing the license was substantially the same as the licensure criteria which existed in Florida at the time the license was issued.

(2) If an applicant for licensure by endorsement satisfies any one of the conditions found in Section 471.015(5)(a)1., 2., or 3., F.S., then the Board shall deem that the applicant has passed an examination substantially equivalent to part I, fundamentals, of the engineering examination. If an applicant for licensure by endorsement satisfies the conditions found in Section 471.015(5)(b), F. S., then the Board shall deem that the applicant has passed an examination substantially equivalent to part I, fundamentals, and part II, principles and practice, of the engineering examination.

(3) An applicant for licensure by endorsement who has taken either the fundamentals or the principles and practice examinations more than five (5) times after October 1, 1992 must document compliance with rule 61G15-21.007(2), F.A.C., as a condition of eligibility for licensure by endorsement.

(4) An applicant for licensure by endorsement whose only educational deficiency under rule 61G15-20.007(2) involves humanities and social sciences and who has held a valid license and practiced in another state or territory of the United States for two (2) years or more shall be deemed to have satisfied that requirement.

(5) An applicant for licensure by endorsement who previously held licensure in the State of Florida and whose license became null and void because of non-renewal must establish that he or she meets all current requirements for initial licensure. Such applicants, if otherwise eligible, shall be

subject to disciplinary sanctions as a condition of licensure if it is demonstrated that they practiced engineering during any period their license was delinquent and/or null and void.

61G15-20.0017 Application for Retired Status.

(1) A person wishing to apply for Retired Status shall submit a completed application to the Board. The instructions and application Form FBPE/005(06-01), entitled "Application For Retired Status", which is incorporated by reference, effective _____, copies of which may be obtained from the Board office. The Board shall certify as eligible for Retired Status any applicant who has completed the application form and who has chosen to relinquish or not to renew his or her license.

(2) Engineers who have been approved for Retired Status shall be carried on the records of the Board as "P.E., Retired."

(3) Engineers on Retired Status may use the term "Professional Engineer, Retired" or "P.E., Retired;" however, such engineer shall refrain from the active practice of engineering and the use of his or her seal. Any engineer in Retired Status who wishes to become active shall make application for licensure and meet the licensure criteria in effect at the time of application.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Natalie Lowe, Administrator, Board of Professional Engineers, 1908 Hays Street, Tallahassee, Florida 32301

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-12.007
RULE TITLE: Inactive Status License

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Osteopathic Medicine hereby gives notice of an additional public hearing on the above-referenced rule to be held on September 21, 2001, 1:00 p.m., at the Tampa Airport Hilton, 2225 Lois Avenue, Tampa, Florida 33607, (813)877-6688. The rule was originally published in Vol. 26, No. 51, of the December 22, 2000 Florida Administrative Weekly and a Notice of Change was published in Vol. 27, No. 29 of the July 20, 2001, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**Section IV
Emergency Rules**

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: Claims
RULE NO.: 2AER01-1

SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Attorney General considers the Domestic Violence Relocation Program, authorized by Section 960.198, F.S., to be in immediate need of establishing a minimal audit trail due to the exponential increase in the number of claims and the rapid depletion of the Crimes Compensation Trust Fund. Since inception in January 2000, this program has grown beyond all expectations. The Attorney General has a fiduciary responsibility to analyze the fiscal impact that additional benefits have on the Crimes Compensation Trust Fund in order to assure availability of funding for all victims of crime. The Domestic Violence Relocation Program is threatening the stability of the Crimes Compensation Trust Fund and the availability of funding for all victim compensation benefits.

In Fiscal Year 2000/2001 the total budget for the Crimes Compensation Trust Fund was \$22,500,000. Because of the Domestic Violence Relocation Program, the Attorney General found it was necessary to get an additional budget authority due to the Domestic Violence Relocation Program, increasing the total funding to \$24,500,000. Even with the budget increase, the Crimes Compensation Trust Fund was only able to pay victims for wage loss, loss of support, disability, out-of-pocket and funeral expenses. No providers were issued routine payments. In that fiscal year, the Domestic Violence Relocation Program accounted for \$5,649,804 which is 23% of the amended budget authority and 26% of the original amount budgeted for all crime victims in the entire fiscal year.

Since July 1, 2001, with another existing two-week backlog, the total payout for the Domestic Violence Relocation Program as of July 30, 2001, was \$727,650. The number of claims has risen to an average of 25-30 claims a day, with the number of applications received going up to almost 40 some days. At the current rate of spending, given the two-week backlog, it is projected that the Office of the Attorney General will spend well over \$1,000,000 for claims received in July, 2001. Projecting forward the figures from July, the Domestic Violence Relocation Program would bankrupt the Crimes Compensation Trust Fund endangering both victims of domestic violence as well as all other crime victims.

This program was a legislative initiative that began on January 1, 2000. This agency had no experience with the proper required documentation that might be necessary for sound fiscal management and the prevention of abuse by fraud. In order to get a handle on the payout from the trust fund and assure that only legitimate victims of domestic violence as

defined by Section 731.28, F.S., are compensated, it has become necessary to immediately implement use of the incorporated forms. These forms will establish a minimal audit trail and assure that those victims who need immediate relocation assistance as authorized by Section 960.198, F.S., have funds available for them to do so, and that funds are available for other crime victims as well.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: This emergency action will allow the Attorney General to maintain the integrity of the Crimes Compensation Trust Fund so that all victims of compensable crimes may receive benefits and let the Attorney General have the necessary tools to fulfill his fiduciary duty to the citizens of the State of Florida.

SUMMARY OF THE RULE: The emergency rule incorporates a revised form and two new forms dealing with the Domestic Violence Relocation Program.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ellen Winslow, Assistant Attorney General, PL01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE EMERGENCY RULE IS:

2AER01-1 Claims.

Pursuant to Section 960.198, Florida Statutes, the following forms shall be utilized for the purpose of making a claim for domestic violence assistance under the Domestic Violence Relocation Program. The forms are available through the Division of Victim Services and Criminal Justice Programs, PL-01, The Capitol, Tallahassee, Florida 32399-1050, or by telephoning Bob Haas at (850)414-3300. The forms incorporated into this emergency rule by reference are as follows:

(1) BVC 105, entitled "Domestic Violence Relocation Certification," (rev. 8/01), effective August 1, 2001.

(2) BVC 105A, entitled "Domestic Violence Relocation Expense Worksheet," (8/01), effective August 1, 2001.

(3) BVC 421, entitled "Notification of Possible Recoupment and/or Prosecution for Fraud" (8/01), effective August 1, 2001.

Specific Authority 960.198 FS. Law Implemented 960.198 FS. History--New 8-1-01.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON FILING WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: August 1, 2001

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE:

RULE NO.:

Registration

12BER01-29

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 this emergency rule ensures that the appropriate procedures and forms for registering taxpayers 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. (as created by Chapter 2000-260, Laws of Florida, and amended by Chapter 2001-140, Laws of Florida). A workshop was held to receive public comments on the proposed emergency rule on June 26, 2001. Changes were incorporated into this rule based on the testimony received at the workshop, and on written comments submitted. The rule and form 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 RULE: Rule 12BER01-29, F.A.C., is created to implement the provisions of Chapter 202, F.S. (as created by Chapter 2000-260, Laws of Florida, and amended by Chapter 2001-140, Laws of Florida), to provide for registration of persons selling communications services and to adopt and incorporate by reference one (1) form necessary to register for the communications services tax, which is form DR-1, "Application to Collect and/or Report Tax in Florida." The rule also provides information on how a copy of the form may be obtained and who must register with the Department.

THE PERSONS TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jennifer Silvey, Senior Attorney (850)922-4727), and Gary Gray, Tax Law Specialist (850)922-4729), Technical Assistance and Dispute Resolution, Office of the General Counsel, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

THE FULL TEXT OF THE EMERGENCY RULE IS:

12BER01-29 Registration.

(1)(a) Scope of rule. This rule governs the procedures and requirements for the registration of persons providing communications services, users of substitute communications systems, and persons requesting a communications services tax direct pay permit.

(b) With the exception of the activities described in paragraph (e), any person engaging in the business of providing communications services after October 1, 2001, must obtain a Communications Services Tax Certificate of Registration (form DR-700014).

(c)1. To obtain a Communications Services Tax Certificate of Registration, a person must file form DR-1, Application to Collect and/or Report Tax in Florida (hereby incorporated by reference), with the Department.

2. Every person registering with the Department for the communications services tax, except direct-to-home satellite providers, substitute communications system operators, resellers of prepaid calling arrangements, and pay telephone operators, 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 (incorporated by reference in Emergency Rule 12BER01-3, F.A.C.).

(d) 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 as provided in paragraph (e).

(e) 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 provision of 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.

(f) 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.

(2) Persons who purchase, install, rent, or lease a substitute communications system must obtain a Communications Services Tax Certificate of Registration (form DR-700014). To obtain a certificate, form DR-1, Application to Collect and/or Report Tax in Florida, must be filed with the Department at the address indicated on the form.

(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.

(3) Applications to Collect and/or Report Tax in Florida (form DR-1) are available, without cost, by: 1) writing the Florida Department of Revenue, Distribution Center, 168-A Blountstown Highway, Tallahassee, Florida 32304-3702; 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://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

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 7-31-01.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: July 31, 2001

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Thomas Wise on July 27, 2001, a petition for Waiver of Rule 11B-27.002(1)(h)1., F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certain pre-employment requirements.

Comments on this Petition should be filed with the Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel Grace A. Jaye.

A copy of the Petition may be obtained by contacting Assistant General Counsel Grace A. Jaye, at the above address, or by calling (850)410-7676.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission granted a petition from Tampa Electric Company, filed March 19, 2001, in Docket No. 010334-EI, seeking waiver from Rule 25-17.0832(4)(e)7., Florida Administrative Code. The rule addresses the minimum specifications that must be included in a standard offer contract between a public utility and small qualifying facility for the purchase of firm capacity and energy. Receipt of the Petition for Waiver was noticed in the April 6, 2001, issue of the Florida Administrative Weekly. The Petition was granted in Order No. PSC-01-1418-TRF-EQ, issued on June 29, 2001. No protests were filed in response to the Order. The Order was consummated in Order No. PSC-01-1538-CO-EQ issued on July 24, 2001.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on July 26, 2001, a petition from Florida Power & Light Company for the Boca Grande

Terminal, the Fort Myers Plant, the Sanford Plant, and the Riviera Plant seeking a waiver of the timeframe to perform API 653 external inspections on certain aboveground storage tanks as required by paragraph 62-761.510(3)(d), F.A.C. The petition has been assigned OGC case number 01-1240. Copies may be received from, and written comments submitted to, Ms. Rebecca Grace, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Comments must be received no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

The Electrolysis Council hereby gives notice that it has received a petition, filed on February 7, 2001, by Rebecca K Wood; Kay Updegraff; Rebecca Rotante, seeking a variance from and/or waiver of subsection 64B8-51.007(3), F.A.C., which states: Application examination fee is \$300.00. Based on its review of the facts and circumstances presented in the petition, the Board approved the Petition pursuant to the Order filed in this matter. Written comments on this petition should be filed with Electrolysis Council/MQA, Department of Health, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3257 within 14 days of publication of this notice.

For a copy of the petition, contact: Kay Howerton, Executive Director, Electrolysis Council/MQA, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT the Board of Occupational Therapy Practice issued an Order Granting Waiver from rule filed on May 29, 2001 by Kari Renee Marchand. The Petition was first published in Volume 27, No. 24 of the June 15, 2001 issue of the Florida Administrative Weekly. Petitioner requested the waiver from Florida Administrative Code subsection 64B11-2.005(3), F.A.C., in order to be granted permission to apply for a temporary permit beyond the deadline specified by rule. Petitioner demonstrated that denial of a temporary permit would violate basic principles of fairness due to a change in the date when the examination is offered. Therefore, the Board determined that the underlying purposes of the statute are still achieved with the granting of a temporary permit.

For a copy of the order, contact: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN that on July 23, 2001, the Department of Health received a Petition for Variance from 64E-5.510(12)(c), F.A.C., from Charles Littman. The Petitioner requests a variance from the education requirements to qualify to be a medical physicist in mammography facilities.

Comments on this Petition should be filed with: Theodore Henderson, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin #A-02, Tallahassee, FL 32399-1703.

A copy of the petition may be obtained from: Theodore Henderson, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin #A-02, Tallahassee, FL 32399-1703.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: August 28, 2001, 9:00 a.m.

PLACE: Room 212, Knott Building, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters

within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Room 212, Knott Building, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Florida Folklife Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 31, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Saint Leo University, Saint Leo, Florida 33572

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the quarterly meeting to conduct business.

A copy of the agenda may be obtained by writing: Florida Folklife Council, Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)487-2333.

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 of 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 Historical Resources** announces a public notice of the Folklife Apprenticeship Advisory Committee:

DATE AND TIME: Thursday, August 30, 2001, 10:00 a.m.

PLACE: Visual Arts Building, Conference Room, University of Central Florida, Orlando, Florida 32816-1342

GENERAL SUBJECT MATTER TO BE CONSIDERED: To complete jurying of applications for 2001-2002 Folklife Apprenticeship Program.

A copy of the agenda may be obtained by writing: Tina Bucuvalas, Survey and Registration Section, Division of Historical Resources, Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any person 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 **Historic Preservation Advisory Council** announces three public meetings to which all persons are invited.

DATES AND TIME: Tuesday, September 11, 2001; Wednesday, September 12, 2001; Thursday, September 13, 2001, 9:00 a.m.

PLACE: R. A. Gray Building, Auditorium, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications submitted to the Bureau of Historic Preservation by May 31, 2001 for Special Category grant assistance for historic preservation projects, and to recommend priority ranking and funding levels for grant awards.

A copy of the agenda may be obtained by writing: Mr. Robert C. Taylor, Historic Preservationist Supervisor, Bureau of Historic Preservation, Department of State, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250 or calling (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to Chapter 286.26, Florida Statutes, 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. Please contact the Bureau of Historic Preservation by telephone, (850)245-6333 or by Fax, (850)245-6437.

The **Department of State, Division of Cultural Affairs** announces the following public meeting to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Thursday, August 23, 2001, 1:00 p.m.

PLACE: Construction Site, State Materials Office Complex, 5007 N. E. 39th Avenue, Gainesville, FL 32609, (352)367-9483

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites for Art in State Buildings Project No. DOT 190-819, State Materials Office Complex, Gainesville, Alachua County.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs. 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 Don Blancett, (850)487-2980, Ext 131. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The Executive Committee of the **Florida Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: September 5, 2001, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Research Committee of the **Florida Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: September 6, 2001, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF INSURANCE

NOTICE OF CORRECTION – The Florida **Department of Insurance** announces public meetings of the Blue Ribbon Panel on Bail Bond Reform to which all interested parties are invited. These meetings are in place of the ones previously noticed for Tallahassee for the same dates.

DATES AND TIME: August 27-28, 2001, 10:00 a.m.

PLACE: Zora Neale Hurston State Regional Service Center, 400 West Robinson Street, South Tower, Conference Room A, Orlando, FL 32801

DATES AND TIME: September 10-11, 2001, 10:00 a.m.

PLACE: Department of Transportation, 1000 N. W. 111th Ave., Miami, FL 33172

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address regulatory issues related to Chapter 648, Florida Statutes, with the intent to make recommended legislative changes to the laws regarding bail bonds.

Anyone requiring information should contact: Sally Burt, Bail Bond Coordinator, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0320, (850)413-5660 or e-mail: burts@doi.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate at this meeting should contact Sally Burt, (850)413-5660, at least five (5) days prior to the meeting.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Steering Committee of the **Turfgrass Best Management Practices Working Group** announces a meeting to which all interested persons are invited.

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

PLACE: Hurston South Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To work on developing Best Management Practices for Turfgrass. Those desiring more information may contact Erica Santella, (407)678-0972, Extension 232, E-mail address emsantella@aol.com.

The Florida **Department of Agriculture and Consumer Services**, Office of Agricultural Water Policy announces it will conduct a public workshop to which all persons are invited:

DATE AND TIME: August 29, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Indian River Research and Education Center, Institute of Food and Agricultural Sciences, 2199 South Rock Road, Ft. Pierce, FL 34945-3138, (561)468-3922

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to review a draft rule that adopts the Water Quality/Quantity BMP's for Indian River Area Citrus, establishes record keeping requirements and the

procedures for landowners and leaseholders to submit a notice of intent to comply with Best Management Practices (BMP's) and interim measures.

For more information regarding the agenda, draft rule and directions, please contact: Mr. Mark Jennings, Environmental Specialist III, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Tallahassee, Florida 32301, (850)414-0056, email: jenninm@doacs.state.fl.us.

DEPARTMENT OF EDUCATION

The State of Florida, **Education Practices Commission** announces a Teacher Hearing Panel to which all persons are invited.

DATE AND TIME: August 24, 2001, 8:30 a.m. or as soon thereafter as can be heard

PLACE: The Embassy Suites Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Teacher Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, Room 224-E, Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)488-0547, at least five calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The public is invited to a meeting of the Florida **Board of Education**.

DATES AND TIME: August 21-22, 2001, 9:00 a.m.

PLACE: Erwin Technical Center, 2010 E. Hillsborough Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of 2002-2003 Legislative Budget Request and other matters pertaining to the Florida Board of Education.

A copy of the agenda may be obtained from the Secretary of Education's website at <http://www.flboe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The **Polk County School Readiness Coalition**, Inc. announces the following meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 15, 2001, 8:30 a.m.

PLACE: United Way of Central Florida, 5605 U.S. Hwy. 98, S., Highland City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors meeting to consider and discuss business relating to contracting with the state Partnership for School Readiness.

For more information access the following website: www.pcsb.k12.fl.us/information/coalition.htm.

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Legislative Committee

DATE AND TIME: August 10, 2001, 10:00 a.m. – 11:00 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)488-6210. Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the

proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Membership Committee

DATE AND TIME: August 10, 2001, 11:00 a.m. – 12:00 Noon

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)488-6210.

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

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The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Planning Committee

DATE AND TIME: August 15, 2001, 9:00 a.m. – 10:00 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)488-6210. Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Coordination Committee

DATE AND TIME: August 15, 2001, 10:00 a.m. – 11:00 a.m.

PLACE: VR Headquarters, 2002 Old St. Augustine Road, Tallahassee, FL 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, 2002 Old St. Augustine Road, Building A, Tallahassee, Florida 32399-0696, (850)488-6210. Any interested parties that need further information may contact Vicki Welch, Extension 150 or her assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be

notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Executive Committee

DATE AND TIME: August 16, 2001, 10:30 a.m. – 11:30 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)488-6210. Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to

ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Evaluation Committee

DATE AND TIME: August 16, 2001, 11:30 a.m. – 12:30 p.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)488-6210.

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

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DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs**, Housing and Community Development announces the following public meeting:

COMMITTEE: RCMP Advisory Council

DATE AND TIME: August 29, 2001, 10:00 a.m.

PLACE: Kelly Training Room, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To host an advisory council meeting to discuss the Residential Construction Mitigation Program (RCMP)/Hurricane Loss Mitigation Program, pursuant to s. 215.559, F.S.

For more information, please contact: Keith Delhomme, Program Manager, Division of Housing and Community Development, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)410-1562.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Housing and Community Development.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact Keith Delhomme, Department of Community Affairs, (850)410-1562, at least ten (10) days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Florida Scenic Highways Program** announces a joint Scenic Highways Advisory Committee and District Scenic Highways Coordinators meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 5, 2001, 8:30 a.m. – 5:00 p.m.

PLACE: Rhyne Building, Room 330, 2740 Centerview Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and propose changes to the Florida Scenic Highways Program Manual and Rule 14-12.021, F.A.C., which incorporates Appendix F of that manual by reference.

SPECIAL ACCOMMODATIONS: Special Accommodation requests should be made at least seven days prior to the meeting.

INFORMATION: Contact Mr. Buddy Cunill, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS #37, Tallahassee, Florida 32399-0450, (850)922-7207, e-mail buddy.cunill@dot.state.fl.us or Fax (850)922-7217.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 29, 2001, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C, Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, telephone (850)488-3417.

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. 950379-EI – Determination of regulated earnings of Tampa Electric Company pursuant to stipulations for calendar years 1995 through 1999.

DATE AND TIME: August 27, 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 determination of regulated earnings of Tampa Electric Company pursuant to stipulations for calendar years 1995 through 1999, 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 August 17, 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. 010302-TP – Petition by ALLTEL Communications, Inc. for arbitration of certain open issues in existing interconnection agreement with BellSouth Telecommunications, Inc.

DATE AND TIME: August 27, 2001, 9:30 a.m.

PLACE: 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. 010441-EU – Petition to resolve territorial dispute with Gulf Power Company in Washington County by West Florida Electric Cooperative Association, Inc.

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

PLACE: 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. 010283-EI – Calculation of gains and appropriate regulatory treatment for non-separated wholesale energy sales by investor-owned electric utilities.

DATE AND TIME: August 31, 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 Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 992015-WU – Application for limited proceeding to recover costs of water system improvements in Marion County by Sunshine Utilities of Central Florida, Inc.

DATE AND TIME: Thursday, September 13, 2001, 6:00 p.m. (EST)

PLACE: Marion County Commission Auditorium, 601 S. E. 25th Avenue, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To give customers and other interested persons an opportunity to offer comment on the quality of service the utility provides, the proposed rate increase, and to ask questions and comments on other issues.

A copy of the agenda for any meeting may be obtained by writing: Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Florida Film and Entertainment Advisory Council**, Executive Committee will convene in teleconference to discuss Council matters. This is a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 22, 2001, 2:00 p.m.

PLACE: Office of Film and Entertainment, Conference Room, Bloxham Building, Suite 111, Tallahassee, FL 32399-0001

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss matters pertaining to the Council and upcoming Office of Film and Entertainment events, goals.

A copy of the agenda and dial-in phone numbers needed for phone participation, may be obtained by writing: Mrs. Rebecca Dirden-Mattingly, Commissioner, Office of Film and Entertainment, State of Florida, Executive Office of the Governor, Bloxham Building, Suite 111, Tallahassee, Florida 32399-0001 or calling (850)410-4765.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Finance Committee

DATE AND TIME: August 30, 2001, 5:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider budget amendments.

MEETING: Executive Committee

DATE AND TIME: August 30, 2001, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Regional Planning Committee

DATE AND TIME: August 30, 2001, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Planning Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: August 30, 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: August 30, 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. 67th Place, Suite A, Gainesville, Florida 32653.

NOTICE OF CANCELLATION – The **Withlacoochee Regional Water Supply Authority** announces that the Authority has cancelled its regular August Board meeting. The Authority will hold its regular September meeting as scheduled. This is a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, September 19, 2001, 4:30 p.m.

PLACE: Sumter County Courthouse, Commission Meeting Room 222, 209 N. Florida Street, Bushnell, FL 33513

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, FL 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

The **Tampa Bay Estuary Program** announces scheduling of a Management Board Meeting to which all persons are invited.

DATE AND TIME: Friday, August 17, 2001, 9:00 a.m.

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Action will be taken on items related to the annual TBEP program-wide budget, License Plate Revenue and Invasive Species Action Plan Updates.

Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Management Board to any matter considered at the above cited meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Estuary Program** announces scheduling of a Policy Board Meeting to which all persons are invited.

DATE AND TIME: Friday, August 17, 2001, 1:30 p.m.

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Action will be taken on items related to the annual TBEP program-wide budget, License Plate Revenue and Invasive Species Action Plan Updates.

Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Policy Board to any matter considered at the above cited meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The Region IX, **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited:

DATE AND TIME: August 23, 2001, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and implement provisions of the Emergency Planning and Community Right to Know Act.

A copy of the agenda may be obtained by contacting: Executive Director, Wayne E. Daltry, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

The District XI, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 29, 2001, 8:00 a.m. – 5:00 p.m.

PLACE: Ann Kolb Nature Center, 751 Sheridan Street, Hollywood, FL 33019

GENERAL SUBJECT MATTER TO BE CONSIDERED: Broward Department of Planning and Environmental Protection Tree Canopy Visioning Workshop.

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)984-4416, at least five calendar days prior to the meeting.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: August 17, 2001, 9:30 a.m.

PLACE: Howard Johnson's Motor Lodge, 950 U.S. Highway One, Stuart, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any person needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The Florida **Division of Blind Services** announces two (2) Public Forums to which all interested individuals are invited to attend. The purpose of the Forums is for consumer input on The Division of Blind Services Vocational Rehabilitation Program with regard to: 1) Increase Competitive Employment of Significantly and Most Significantly Disabled Individuals, 2) Increase Capacity to Provide Timely Rehabilitation Technology Services, 3) Increase Job Development and Employer Marketing Activities, and 4) Increase Outreach to Unserved and Underserved Populations.

DATE AND TIMES: August 31, 2001, 12:00 Noon – 1:50 p.m. and 2:00 p.m. – 3:50 p.m.

PLACE: Double Tree Hotel, West Cypress Street, Tampa, FL 33609, (813)879-4800

CONTACT: Allison Chase or Michael Elliott, The Division of Blind Services, 2551 Executive Center Circle, West, Suite 200, Tallahassee, FL 32399-2050, (850)488-1330 or through the Florida Telephone Relay System at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), email: Allison_Chase@fdles.state.fl.us, Michael_Elliott@fdles.state.fl.us.

Materials will be available in accessible formats. If any other accommodations are required to participate in the meeting, please get in touch with either contact person, no later than five (5) days before the forum.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: August 23, 2001, 10:30 a.m. – 12:30 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Administration, Budget and Finance Committee, Personnel Committee and District Lands Committee meetings – to discuss District business.

DATE AND TIME: August 23, 2001, 1:00 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.

DATE AND TIME: August 23, 2001, 1:15 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Regulatory Matters – to consider regulatory matters.

DATE AND TIME: August 23, 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, Tallahassee, Florida

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, August 23, 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 **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference, to which all interested parties are invited:

DATES AND TIME: August 14, 2001; August 21, 2001; August 28, 2001, 1:00 p.m.

PLACE: South Florida Water Management District Headquarters, Building B-1, Egret Conference Room, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Appraisal Review Committee will hold its regular meeting to discuss appraisal issues and, if necessary, select an appraiser from proposals received on upcoming appraisal assignments.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, or those wishing to submit written or physical evidence may contact Ken Daw, Chief Appraiser, Land Acquisition Support Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference, to which all interested parties are invited:

DATES AND TIME: September 4, 2001; September 11, 2001; September 18, 2001; September 25, 2001, 1:00 p.m.

PLACE: South Florida Water Management District Headquarters, Building B-1, Egret Conference Room, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Appraisal Review Committee will hold its regular meeting to discuss appraisal issues and, if necessary, select an appraiser from proposals received on upcoming appraisal assignments.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, or those wishing to submit written or physical evidence may contact Ken Daw, Chief Appraiser, Land Acquisition Support Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The Big Cypress Basin, **South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference to which all interested persons are invited.

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

PLACE: Collier County Government Center, Commission Chambers, Building F, 3301 East Tamiami Trail, Naples, Florida (The above address shall be the designated access point for public attendance of the meeting.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Basin Business and Adoption of FY 2002 Final Budget.

A copy of the agenda may be obtained by writing: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109 or by calling Ann Christian, (941)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Ann Christian, (941)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact the Big Cypress Basin by calling (561)697-2574.

Those persons who desire more information, or those wishing to submit written or physical evidence may contact: Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (941)597-1505.

The **South Florida Water Management District** announces a public hearing required under Sections 373.59 and 373.139, Florida Statutes, to which all interested persons are invited:
Governing Board Meeting

DATE AND TIME: September 13, 2001, 8:50 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

Part of the Kissimmee Chain of Lakes Project comprised of fourteen parcels referred to as SFWMD Tract Nos. 18-402-002, 18-402-003, 18-402-006, 18-402-019, 18-402-020, 18-402-037, 18-402-038, 18-402-041, 18-404-003, 18-404-004, 18-404-005, 18-405-002, 406-002 and 18-406-005 consisting of approximately 60.04 acres and lying in Sections 5, 7, 8, 17 and 18, Township 30 South, Range 30 East and Sections 1 and 12, Township 30 South, Range 29 East, Polk County, Florida.

FAW Reference No. 2255

Part of the East Coast Buffer Project being acquired under the terms of an Interlocal Agreement with Palm Beach County comprised of one parcel referred to as SFWMD Tract No. W9-100-085 consisting of approximately 626.97 acres and lying in Section 12, Township 41 South, Range 46 East in Palm Beach, Florida.

FAW Reference No. 2256

An Interlocal Agreement between the District and Palm Beach County, for the commitment of funds by the District to Palm Beach County, in an amount not to exceed \$1,000,000 to assist Palm Beach County in acquiring land interests in Unit 11.

FAW Reference No. 2257

Part of the East Coast Buffer Project comprised of one parcel referred to as SFWMD Tract No. W9-200-917 consisting of approximately 10 acres and lying in Section 34, Township 51 South, Range 39 East in Broward County, Florida.

FAW Reference No. 2258

Part of the Water Conservation Areas Project comprised of four parcels referred to as SFWMD Tract Nos. 27-100-045, 27-100-041, 27-100-042 and 27-100-046 consisting of approximately 865 acres and lying in Sections 2, 3, 21 and 28, Townships 50, 52 and 53 South, Ranges 35, 38 and 39 East in Miami-Dade County, Florida.

FAW Reference No. 2259

Additional information concerning specific parcels or interests can be obtained from: Blair R. LittleJohn, III, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416-4680, (561)686-8800.

Appeals from any South Florida Water Management District Board decision requires a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements. For additional information, please contact: Mr. Blair R. Littlejohn, III, Interim Division Director, Land Acquisition Division, (561)686-8800.

SPACEPORT FLORIDA AUTHORITY

The **Florida Commercial Space Financing Corporation** announces a teleconference meeting of the Personnel Committee of the Board of Directors to which the public is invited.

DATE AND TIME: August 17, 2001, 1:00 p.m. – 3:00 p.m.

PLACE: This is a telephone conference call meeting. The number to call is 1(800)939-8909, participant code #665956.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Personnel Committee will be discussing and reviewing the contract for the President's position.

For more information, contact Ms. Judy Blanchard, (321)267-2877.

To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, Florida/NASA Business Incubation Center, 1311 N. Highway U.S. 1, Suite 129, Titusville, FL 32796.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Commercial Space Financing Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration, Medicaid** announces a meeting of the Organ Transplant Advisory Council to which all persons are invited.

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council, recommendations to update Medicaid organ transplant policy, review current Medicaid center designations and make recommendations to the Secretary of the Agency for Health Care Administration.

A copy of the agenda may be obtained by writing: Madeleine Obernier, Transplant Coordinator, Agency for Health Care Administration, Medicaid Program Development, Mail Stop 20, P. O. Box 12600, Tallahassee, Florida 32317-2600.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

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.

DEPARTMENT OF MANAGEMENT SERVICES

The **State Retirement Commission** announces public hearing to which all persons are invited.

DATE AND TIME: August 20, 2001, 8:30 a.m.

PLACE: Cedars Executive Center, 2639 North Monroe Street, Building B, Room 220, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by writing: State Retirement Commission, 2424 Allen Road, Suite 230, Tallahassee, Florida 32312 or by telephoning (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces the following meeting to be conducted by the **Building Code Administrators and Inspectors Board** (Board) via telephone conference call to which all persons are invited to attend:

MEETING: Building Code Administrators and Inspectors Board

DATE AND TIME: August 17, 2001, 10:00 a.m.

PLACE: Department of Business & Professional Regulation, Building Code Administrators and Inspectors Board Office, 1940 North Monroe Street, Tallahassee, FL 32399-2211, Access Number: (850)410-0960 or Suncom 210-0960

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct an official meeting of the Building Code Administrators and Inspectors Board (Board). The Board will discuss Part(s) VI, XII and XIII of the previously established August 2-3, 2001, Building Code Administrators and Inspectors Board (Board) meeting agenda.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, (850)921-6500, at least forty eight (48) hours prior to the meeting. If you are hearing or speech impaired, please call Glenda Albritton at the Building Code Administrators and Inspectors Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a workshop to which all persons are invited:

DATE AND TIME: Wednesday, August 29, 2001, 1:30 p.m.

PLACE: Manatee County Administrative Center, County Commission Chambers, 1st Floor, 1112 Manatee Avenue, West, Bradenton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and receive public comments on a proposed Noticed General Environmental Resource Permit for dredging channels within trafficsheds (to be identified in the rule) by the West Coast Inland Navigation District.

A copy of the agenda and a copy of the draft rule may be obtained by writing: Jeanese McCree, Department of Environmental Protection, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS #2500, Tallahassee, Florida 32399-2400, calling Jeanese McCree, (850)921-9901, e-mail: jeanese.mccree@dep.state.fl.us or Fax (850)488-6579. A copy of the proposed rule also may be viewed on the Department's Web site at: <http://www.dep.state.fl.us/water/slerp/pds/rulestat.htm>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting the Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

The Florida **Department of Health** announces a conference call meeting of the Women and Heart Disease Task Force workgroups to which all persons are invited to phone in.

DATE AND TIME: August 20, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: Florida Hospital, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Governor's Office appointed 28 persons to serve as representatives on a Women and Heart Disease Task Force. The task force will report to the Governor and Legislature by January 15, 2002, on specific tasks detailed in SB-0352 relating to women and heart disease. This meeting will be held to continue work outlined in previously developed action plans to accomplish the objectives of the legislation.

For further information contact: Susan Allen, Bureau of Chronic Disease, HSFCD, BIN #A18, 4052 Bald Cypress Way, Suite 130S, Tallahassee, Florida 32399-1744 in writing or by telephone (850)245-4369.

If you require special accommodations, please contact Cherish McMillan, (850)245-4444, Ext. 2867, at least 48 hours prior to the meeting date.

The **Department of Health** announces a meeting of the Preventive Health and Health Services (PHHS) Block Grant Advisory Committee Members followed by a public hearing.

PHHS BLOCK GRANT ADVISORY COMMITTEE MEETING

DATE AND TIME: Thursday, August 30, 2001, 10:00 a.m. – 12:00 Noon

PLACE: The Betty Easley Conference Center, Conference Room 180, 4025 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Committee will review the proposed PHHS Block Grant application (state plan) for Federal Fiscal Year (FFY) 2002.

PUBLIC HEARING FOR THE PHHS BLOCK GRANT APPLICATION FOR FFY 2001

DATE AND TIME: Thursday, August 30, 2001, 12:00 Noon – 12:30 p.m.

PLACE: The Betty Easley Conference Center, Conference Room 180, 4025 Esplanade Way, Tallahassee, Florida 32399. This public hearing will be accessible via conference call by calling (850)921-2470 or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain input and recommendations from the public and interested parties concerning the proposed PHHS Block Grant application for FFY 2002, which will be submitted to the Centers for Disease Control and Prevention.

A copy of the current year application and agenda may be obtained by contacting: Jeanne Lane, Bureau of Chronic Disease, BIN #A18, 4052 Bald Cypress Way; Suite 130U, Tallahassee, Florida 32399-1744, (850)245-4330, Suncom 205-4330.

If you require special accommodations (i.e., assistive listening devices, etc.) please contact Jeanne Lane or Cherish McMillan, at least 48 hours prior to the meeting date.

The **Board of Chiropractic Medicine** will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Wednesday, August 29, 2001, 1:00 p.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida at Meet Me Number (850)488-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Chiropractic Medicine, (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), 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda may be obtained by writing: Sherra Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

NOTICE OF CANCELLATION – The **Department of Health, Board of Hearing Aid Specialists**, announces the cancellation of the official board meeting with reconsiderations on August 17, 2001. The probable cause panel meeting on August 16, 2001 beginning at 12:00 Noon is also cancelled.

DATE AND TIME: August 17, 2001, 9:00 a.m.

PLACE: Capital Circle Office Center, 4042 Bald Cypress Way, Floor 3, Tallahassee, FL 32399-3258, (850)245-4474

PURPOSE: Board Business

The **Department of Health, Board of Hearing Aid Specialists** announces a telephone conference call. All interested parties are invited to attend with the information listed below, which is normally open to the public.

DATE AND TIME: August 21, 2001, 4:00 p.m.

PLACE: Telephone Number: (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business and Rules Discussion.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, by Monday, August 13, 2001.

The Florida **Department of Health, Board of Medicine** announces a Training Seminar for Office Surgery Inspectors.

DATE AND TIME: Friday August 17, 2001, 1:00 p.m – 5:00 p.m.

PLACE: The Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct training of Office Inspector’s for the Department and Board of Medicine.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, Florida Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The **Department of Health, Board of Nursing** announces it will hold the following meetings to which all persons are invited.

South Probable Cause Panel

DATES AND TIMES: August 29, 2001, 2:00 p.m.; September 28, 2001, 10:00 a.m.; October 23, 2001, 10:00 a.m.

PLACE: 2727 Mahan Drive, Tallahassee, FL 32308, telephone conference

GENERAL SUBJECT MATTER TO BE CONSIDERED: To reconsider cases which are a matter of public record. A list of cases to be reconsidered may be obtained through written request to the Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox, Building 3, Tallahassee, Florida 32308, Attn: Reginald D. Dixon, Staff Attorney.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal to be based.

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

The **Department of Health, Board of Opticianry** announces a Probable Cause Panel Meeting via telephone conference call. Reconsiderations will be heard at this meeting. All interested parties are invited to participate, the conference call is open to the public.

DATE AND TIME: August 30, 2001, 9:00 a.m.

PLACE: Telephone Number: (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, by Thursday, August 23, 2001.

The **Department of Health, Board of Respiratory Care** announces a conference call to which all persons are invited.

DATE AND TIME: August 22, 2001, 9:00 a.m. or soon thereafter

PLACE: Number: Nonsuncom (850)488-5776, Suncom 487-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board office, (850)245-4372.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)245-4372. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the council with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health**, Children's Medical Services announces a conference call for the Genetics and Infant Screening Advisory Council.

DATE AND TIME: Friday, August 17, 2001, 10:00 a.m.

PLACE: Call in number (850)488-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss additional disorders to add to the Infant Screening Program.

The **Tobacco-Free Partnership of Bay County** will hold a public meeting to which all persons are invited to attend.

DATE AND TIME: Wednesday, August 29, 2001, 4:00 p.m.

PLACE: Bay County Health Department, 597 West 11th Street, Panama City, Florida 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Purpose is to review FY 01-02 budget.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Tobacco-Free Partnership, (850)872-4455, Extension 136, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the above number using the Florida 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 at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda may be obtained by writing: Tobacco Prevention Coordinator, Bay County Health Department, 597 West 11th Street, Panama City, Florida 32401.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces a meeting of the Sumter County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, August 22, 2001, 12:00 Noon

PLACE: Wildwood City Hall, 100 N. Main St., Wildwood, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785.

Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

NAVIGATION DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, August 18, 2001, 8:00 a.m.

PLACE: The Adam's Mark Hotel, 225 Coastline Dr., Jacksonville, 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 Legislative, Personnel and Land Acquisition and Management Committees will meet.

Please contact the District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE OF CORRECTION – The Florida **Fish and Wildlife Conservation Commission** announces a correction to the public meeting published on July 27, 2001, Florida Administrative Weekly, conducted by a Subcommittee of the Commission to which all interested persons are invited:

DATES AND TIME: Budget, August 16, 2001; Legislative, August 17, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, 2nd Floor, Conference Room, Bryant Building, 620 South Meridian Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Fish and Wildlife Conservation Commission Budget and Legislative Proposals for the 2002 Legislative Session on the dates specified above, and make recommendations to the Commission.

Pursuant to the provisions of the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days prior to the workshop/meeting by contacting Cindy Hoffman (ADA Coordinator), (850)488-6411. If you are hearing or speech impaired, please contact the Commission by calling (850)488-9542.

For further information, contact: James Antista, General Counsel, 620 South Meridian Street, Tallahassee, Florida, (850)487-1764.

DEPARTMENT OF MILITARY AFFAIRS

The **Department of Military Affairs** announces a meeting to which all persons are invited:

DATE AND TIME: Saturday, August 18, 2001, 1:00 p.m.

PLACE: Adjutant General's Conference Room, St. Francis Barracks, 82 Marine Street, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Armory Board Meeting. The Armory Board will consider action on contracts, leases, agreements and other business relative to real property and facility management issues under its control.

If a person decides to appeal any decision made by the Armory Board with respect to any matter considered at this meeting, that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with Florida Statute 286.0105.

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting as follows:

DATE AND TIME: Wednesday, August 22, 2001, 9:30 a.m.

PLACE: Pennington Law Firm, 215 S. Monroe Street, 2nd Floor, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors' Meeting.

A copy of the proposed agenda may be obtained by writing: Brenda DeYounks, Florida Comprehensive Health Association, 1210 E. Park Avenue, Tallahassee, Florida 32301, (850)309-1200 or by Facsimile (850)309-1222.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

FLORIDA MUNICIPAL LOAN COUNCIL

The **Florida Municipal Loan Council** announces a public meeting to which all persons are invited:

DATE AND TIME: August 23, 2001, 9:00 a.m.

PLACE: Wyndham Palace Resort & Spa, 1900 Buena Vista Drive, Cambridge Room, Lake Buena Vista, FL 32830-2206, (407)827-2727

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Board of Directors for the Florida Municipal Loan Council to discuss general business of the Council.

A copy of the meeting agenda may be obtained by contacting: Jeannie Hagan, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces a public meeting to which all persons are invited:

Operating Committee Meeting

DATE AND TIME: August 28, 2001, 9:00 a.m.

PLACE: Holiday Inn, 5750 T. G. Lee Boulevard, Orlando, FL 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review proposed changes in the Plan of Operation and to consider any other matters that may come before the Committee.

Additional information may be obtained from: Bernice D. Ingram, AAI, AIS, API, CPIW, Underwriting Manager, FAJUA, 1113 East Tennessee Street, Suite 401, Tallahassee, FL 32308.

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office**, Board of Governors announces two meetings via teleconference to which all interested parties are invited:

EXECUTIVE COMMITTEE

DATE AND TIME: Tuesday, August 28, 2001, 10:00 a.m.

PLACE: Florida Surplus Lines Service Office, 114 S. Duval Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Office Space.

BOARD OF GOVERNORS

DATE AND TIME: Tuesday, August 28, 2001, 2:00 p.m.

PLACE: Florida Surplus Lines Service Office, 114 S. Duval Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Office Space.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting at (850)224-7676, Ext. 19.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces meetings to which all persons are invited:

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

Special Board of Governors Meeting

DATE AND TIME: August 30, 2001, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To elect a Chairman and Vice Chairman; to discuss the selection of vendors, and to consider other matters that may come before the Board.

Board of Governors Meeting

DATE AND TIME: September 26, 2001, 8:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive reports of the general manager, all committees and counsel; to consider and take actions based on those reports; to consider statutorily required rate filing; to discuss the proposed FY2001-2002 FAJUA budget; and to consider other matters that may come before the Board.

Additional information may be obtained from: Lisa Blackwell Stoutamire, FAJUA, 1113 East Tennessee Street, Suite 401, Tallahassee, FL 32308.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN THAT the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on July 25, 2001 from Sarah Jackson. Petitioner is seeking amendment of Rule 33-203.201, Florida Administrative Code, to require issuance of monthly inmate bank statements by the 10th of each month.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on July 25, 2001 from Sarah Jackson. Petitioner is seeking amendment of Rule 33-602.101, Florida Administrative Code, to specify procedures relating to the issuance of health and comfort items to inmates.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Kenneth McCain. The Petitioner requested that the Department of Corrections amend Rules 33-210.101, 33-210.103 and 33-210.104, Florida Administrative Code, which he contends are invalid exercises of delegated legislative authority in that they permit only one free letter per month for indigent inmates and do not permit inmates to use the Department's internal mail system.

The Department denied Inmate McCain's Petition to Initiate Rulemaking on the grounds that the petitioner lacks standing to present the challenge asserted. Even if that were not the case, the petitioner may not prevail on the merits, as indigent inmates are provided free postage for one letter per month, are not denied access to courts and may receive stamps from friends and relatives. Additionally, use of the internal agency mail systems is not appropriate for inmate mail.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Mark Osterback. The Petitioner requested that the Department of Corrections amend Rule 33-210.102, Florida Administrative Code, to require the delivery of legal mail within twenty-four hours of receipt, including weekends and holidays.

The Department denied Inmate Osterback's Petition to Initiate Rulemaking on the grounds that the petitioner has previously raised this issue in case number DC01-07 in which relief was denied.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Douglas Jackson. The Petitioner requested that the Department of Corrections amend Rule 33-602.405, Florida Administrative Code, to require same day photocopying services for inmates in confinement units to ensure inmates unhindered access to courts.

The Department denied Inmate Jackson's Petition to Initiate Rulemaking on the grounds that the requested amendment would result in an undue burden on agency staff. Furthermore, such an amendment is unnecessary, since confinement inmates with filing deadlines may obtain expedited service by indicating the need for same by including the court deadline on the request for copying services.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Chiropractic Medicine has GRANTED a request for a declaratory statement by order filed on June 20, 2001, in response to the Petition for Declaratory Statement received from Bill G. Heyser, D.C., on April 14, 2001. The Final Order was given the number DOH-01-0898-DS-MQA.

Petitioner requested a declaratory statement from the Board in regards to his practice of needle electromyography and the scope of practice authorized by Section 460.403(9), F.S. The Board determined that needle electromyography is within the scope of practice of any Chiropractic Physician such as petitioner who possesses the appropriate training and education.

A copy of the Petition and Final Order may be obtained by writing: Joe R. Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, Department of Health, 4052 Bald Cypress Way, BIN #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT the Board of Chiropractic Medicine has DENIED a request for a declaratory statement by order filed on June 20, 2001, in response to the Petition for Declaratory Statement received from Stuart Goldberg, D. C., on March 14, 2001. The Final Order was given the number DOH-01-0897-DS-MQA.

Petitioner requested a declaratory statement from the Board in regards to his on-site supervision and use of unlicensed persons as assistants. A Petition to Intervene was subsequently filed by United Automobile Insurance Group. The Board denied the Petition based on its finding that the Intervener is currently litigating related issues with Petitioner's former employer.

A copy of the Petition and Final Order may be obtained by writing: Joe R. Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, Department of Health, 4052 Bald Cypress Way, BIN #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT the Board of Hearing Aid Specialists received a copy of a petition for declaratory statement from Neil L. Waingrow, on July 27, 2001. The petition seeks the agency's opinion as to the applicability of Section 484.051, Florida Statutes, and how the statutory provision affects petitioner.

The Board will address this matter at a telephone conference call meeting on August 21, 2001, 4:00 p.m. For the meet me number call (850)245-4474.

A copy of the Petition for Declaratory Statement may be obtained by writing: Sue Foster, Board Executive Director, Board of Hearing Aid Specialists, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

The Board of Medicine hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed on behalf of Howard Tee, M.D. The Board reviewed the petition at its meeting on February 3, 2001, in Tampa, Florida. The Board's Final Order, filed in this cause on July 24, 2001, declines to issue a declaratory statement and dismisses the petition.

The person to be contacted regarding the Declaratory Statement is: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

Holnam, Inc. and Cemex, Inc. vs. Department of Insurance, Division of State Fire Marshal; Case No.: 01-2762RP; Rule No.: 4A-2.024

Florida Service Agreement Association and Service Contract Industry Council vs. Department of Insurance; Case No.: 01-2833RE; Rule Nos.: 4ER01-1 through 4ER01-22

Osceola Fish Farmers Association, Inc. vs. South Florida Water Management District; Case No.: 01-2900RP; Rule No.: 40E-2.041

Pinnacle Grove, Ltd. vs. Florida Housing Finance Corporation; Case No.: 01-2863RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

INVITATION TO BID

The Florida State University FO&M Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
F O & M Maintenance, Purchasing
114F Mendenhall Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number F O & M #5-1
Purchasing Agent: B. J. Lewis, F O & M
Public Bid Opening: August 27, 2001, 9:00 a.m.
 FSU – F O & M Maintenance

114 Mendenhall Hall, Building A
Tallahassee, Florida 32306-4150
F O & M Maintenance Purchasing

Bid Documents: For the purchase and installation of one (1) new CONDENSATE POLISHER including controls, valves, resin and upgrading of one (1) existing condensate polisher. Equipment Specifications: ANCO Model #AST-362-2 or Equal.

NOTICE TO CONSTRUCTION MANAGERS

The Florida State University announces that Construction Management Services will be required for the project listed below:

Project and Location:

Project No.: BR-216

Project: Basic Sciences Building for the College of Medicine

Location: Florida State University, Tallahassee, Florida

This building (or buildings) will serve as the home for the new College of Medicine at Florida State University. The project consists of classrooms, teaching labs, offices, an auditorium, student support spaces and building support spaces. It will also include space for research laboratories, such as imaging research, molecular biology, biochemistry research, tissue culture labs and computational labs. Located at the northwest corner of the main campus, this facility will serve as a prominent architectural gateway to FSU. The preliminary program indicates a need for 226,881 gsf with a construction budget of \$51,161,886. The preliminary program has been approved by the Board of Regents. Partial funding has been received from the Legislature with additional funding expected this session. The Architect/Engineer has been selected and is expected to begin final program development in August 2001 and schematic design in November, 2001.

The contract for construction management will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of one or more Guaranteed Maximum Prices (GMP's) at the 50% or the 100% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBE's). 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 the 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 ability; qualifications of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the Florida State University's standard 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.

INSTRUCTIONS

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained on line at www.vpfa.fsu.edu/fpc or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Building A, Florida State University, Tallahassee, FL 32306-4152, (850)644-2843, (850)644-8351 Facsimile.

For further information or questions, please contact: Daryl H. Ellison, Associate Director, (850)645-1007, at the address listed above.

Submit six (6) bound copies of the required proposal data. Submittals must be received in the FSU Facilities Planning and Construction Office by 4:30 p.m. (Local Time), Wednesday, September 19, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of Central Florida announces that professional services in the discipline of BUILDING CODE ADMINISTRATION, PLANS REVIEW AND CONSTRUCTION INSPECTION are needed for its campuses. Description: These services will make up a comprehensive program for compliance with the Florida Building Code (FBC), as required by Chapter 553, Florida Statutes, and the current edition of the FBC. These services will support the University's construction program for new, remodeled, renovated and altered buildings. Specific services will include building permitting, plans review for code compliance and inspection of construction activities per each discipline of the FBC.

Location: These services will be provided at the main UCF campus near Orlando, Florida, in Orange County. Potential work may occasionally exist at other UCF campuses in Orange County, as well as at campuses in the following counties: Brevard, Lake, Seminole and Volusia.

Professional Qualifications: Employees of consultants or sub-consultants who are providing these services for UCF must have the appropriate State of Florida license to perform building code administration, plans review, and/or building inspections as per the license categories and requirements of Chapter 468, Florida Statutes.

Term of Contract: Any contract resulting from the selection of a professional consultant (or consultants) to provide these services shall require the consultant to be available on an as-needed basis through June 30, 2002, with the option to extend the agreement for an additional year.

Firms desiring to provide professional services shall apply by letter specifying their area(s) of specialty and their intent to provide services for those specialties. Proximity of location will be a prime factor in the selection of the firm. Design ability will not be considered for this selection. Blanket professional liability insurance will be required per the following State University System requirements. This professional liability insurance shall be provided as a part of Basic Services:

Projects < \$1,000,000	no coverage required
\$1,000,000 to \$4,999,999	\$250,000 required
\$5,000,000 to \$9,999,999	\$500,000 required
Projects \$10,000,000 and up	\$1,000,000 required
Projects > \$15,000,000 and special risk projects, limits set individually	

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement" revised September 1999. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered with the Department of State to operate in the State of Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive information, and selection criteria may be obtained through our website: www.ehs.ucf.edu or by contacting Sandy Williams, Building Code Administration, Environmental Health and Safety, P. O. Box 163500, Orlando, Florida 32816-3500. Phone (407)823-5323, Fax (407)823-0146.

Submittals must be received in the UCF Env. Health and Safety Offices in the Physical Plant Building, Libra Drive, Orlando, Florida 32816-3500 by 5:00 p.m. (Local Time), September 7, 2001. Facsimile (fax) submittals are not acceptable and will not be considered.

ADVERTISEMENT FOR BIDS
For
General Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, Florida 32207 until 2:00 p.m., Tuesday, September 11, 2001, recorded below and immediately thereafter publicly opened and recorded in Room 541, 1701 Prudential Drive, Jacksonville, Florida 32207.

BIDS ARE DUE SEPTEMBER 11, 2001
BIDS WILL BE OPENED 2:00 P.M.

DCSB Project No. C-90660 – Additions, Remodeling and Renovations at Biltmore Elementary School No. 78 (2101 W. Palm Avenue, Jacksonville, Florida 32254) with a total construction budget of \$1,643,660. (New construction of media center and remodel existing administration.)

All general contractors or prime bidders that are interested in bidding are required to attend a mandatory pre-bid conference to be held on August 30, 2001, 10:00 a.m., at Biltmore Elementary School No. 78, 2101 W. Palm Avenue, Jacksonville, Florida 32254. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a fee of \$150.00 at the office of BKM Architects, Incorporated, 9141 Cypress Green Drive, Suite 3, Jacksonville, FL 32256, (904)730-2561.

Contract documents for bidding may be examined at but not obtained at Duval County Public Schools, Facilities Services, 5th Floor, 1701 Prudential Drive, Jacksonville, FL. If you have any questions, please contact Mr. Russell Gustafson, (904)390-2505.

MBE Participation Goal: 8% AA; 5% HANA; 8% WBE

METROPOLITAN PLANNING ORGANIZATIONS

NOTICE TO PROFESSIONAL ENGINEERING CONSULTANTS

The Orlando-Orange County Expressway Authority requires the services of a Professional Engineering Consultant in connection with the design of improvements to the interchange of S.R. 528 (BeeLine Expressway) and Narcoossee Road in Orlando, Florida. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority based on information provided by the firms, and who have been prequalified by FDOT to perform the indicated Types of Work.

TYPES OF WORK: Group 3.3, Complex Highway Design; Group 4.1, Major Bridge Design.

ADDITIONAL TYPES OF WORK THAT MAY BE REQUIRED: Group 7, Traffic Operations Design; Group 8, Surveys; Group 9, Soil Exploration, Material Testing and Foundations; and Group 12, Right of Way Surveying and Mapping.

DESCRIPTION: The work to be performed under this project will be the design of Narcoossee Road from the existing four lane section south of SR 528 to just north of the intersection of McCoy Road. The work will include the widening of SR 528 from east of Goldenrod Road to west of Narcoossee Road including two new bridges spanning Narcoossee Road. The work will include the design of a new interchange, structural design, design of roadways, ramps, drainage design, pavement design, and signing and pavement marking. The selected consultant shall also be responsible for preparation of right-of-way maps and documents, surveying, landscaping,

lighting, maintenance of traffic, utility design and coordination, geotechnical analysis, environmental services and permits, preparation of materials for public meetings and presentations, scheduling and project control, progress reporting, automated design techniques and other tasks and associated activities.

The Authority, under an agreement with the City of Orlando, will be responsible for the design of the project in accordance with FDOT requirements. The selected consultant, therefore, will be required to coordinate all design activities with the City of Orlando and FDOT as well as the Authority. Bidding and construction of the project will be the responsibility of the Authority.

LETTERS OF INTEREST SUBMITTAL REQUIREMENTS: Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

- Experience – Details of specific experience for at least three (3) projects, similar to that described above that involve limited access highway reconstruction, completed by the consultant's Project Manager and other key project team members including the name of client contact person, telephone number, and physical address;
- Personnel Experience – Resumes of the consultant's proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years of specific experience in complex highway and/or bridge design projects;

- Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;
- Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
- Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

SELECTION/NEGOTIATIONS: The Authority may shortlist up to five (5) firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority's Consultant Recommendation Committee based on the Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the consultant's willingness to meet time requirements, consultant's projected workload, and consultant's use of Minority/Women Owned Businesses.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

MINORITY / WOMEN / DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: Minority / Women / Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

LETTER OF RESPONSE DEADLINE:

August 30, 2001, 3:00 p.m. (Orlando Local Time)

AUTHORITY CONTACT PERSON:

Mr. Joseph A. Berenis, P. E.
Deputy Executive Director
Telephone: (407)316-3800

LETTER OF RESPONSE ADDRESS:

Orlando-Orange County Expressway Authority
525 S. Magnolia Avenue
Orlando, FL 32801
Re: SR 528 / Narcoossee Road Interchange

ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY

Harold W. Worrall, P. E.
Executive Director

WATER MANAGEMENT DISTRICTS

INVITATION TO BID

2001/2002 REFORESTATION, REINFORCEMENT AND HABITAT RESTORATION SERVICES (BID NUMBER 01B-013)

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids up to the 2:00 p.m. (ET) opening time, September 12, 2001 for Reforestation, Reinforcement and Habitat Restoration Services on approximately 759 acres in Bay, Okaloosa and Washington Counties.

All bids must conform to the instructions in the Invitation to Bid. Interested prospective bidders may obtain a copy of the complete Invitation to Bid package at the above address or by calling (850)539-5999.

The bid 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 bids must comply with applicable Florida Statutes.

INVITATION TO BID

PUBLIC RECREATION SITE CLEAN UP AND MAINTENANCE – (ITB NUMBER 01B-014)

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids up to the 3:00 p.m. (ET) opening time, September 12, 2001, for the clean up and maintenance of facilities at 17 public recreation sites and one office site located on the Choctawhatchee River, Holmes Creek and Econfina Creek in Bay and Washington Counties, Florida.

All bids 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 bid 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 bids must comply with applicable Florida Statutes.

EXPRESSWAY AUTHORITIES

ADVERTISEMENT FOR QUALIFICATIONS

The Tampa-Hillsborough County Expressway Authority (THCEA) requests submittals of letters of interest and qualifications from qualified, professional engineering firms to provide services noted below. Applicants shall submit a Qualifications Submittal (maximum 20 pages) to include the following information:

- A. Cover Page:
 - The following notation: “Letter of Interest for Planning Feasibility Consultant”
 - Consultant’s name and address
 - Contact person, phone and fax numbers, Email address
- B. Cover Letter: (2 page maximum)
 - Statement of Qualifications
- C. Organizational Chart and Key Personnel Summaries: (2 page maximum)
 - Key personnel roles in project
- D. Organizational and Technical Approach to project: (2 page maximum)
- E. List of Representative Past Projects and References: (4 page maximum)
- F. Resumes of Key Personnel: (maximum of 1 page each)

Note: Letters of Interest and qualification submittal will be limited to a maximum of 20 pages.

An original and nine (9) copies of the Qualifications Submittal must be received by mail or hand delivery by 4:00 p.m., August 17, 2001 (subject to any extension of the deadline as provided for in this RFQ). Submittals received after that time, or extended deadline, will not be accepted. Address responses to: Contracts Administrator; Tampa-Hillsborough County Expressway Authority; 412 East Madison Street, Suite 800, Tampa, Florida 33602.

THCEA encourages DBE/MBE firms (“Disadvantaged Business Enterprises/Minority Business Enterprises”) to compete for this project and requires all firms to ensure that DBEs or certified or certifiable MBEs are afforded the opportunity to participate in all contracting activities to the greatest extent feasible. The firm which is selected to provide these services must assure that it has adhered to this policy. Use of DBE/MBE subconsultants is not mandatory and no preference points will be given in the selection process for DBE/MBE participation.

It is the intent of the Authority to select the consultant directly from the submission of qualifications. All applicants will be promptly notified when the successful consultant is selected.

Applicants may contact the Contracts Administrator, (813)272-5986, Fax (913)273-3730, until the qualifications submittal deadline for further information.

CONTRACT: THCEA #53.10.01

DESCRIPTION: Traffic modeling services to assist the Authority in evaluating potential future expressway projects. The project will involve the use of the FDOT District VII FSUTMS traffic model as maintained by URS Corporation, the Authority’s General Engineering Consultant (GEC). Qualified firms must have documented prior experience in producing traffic and revenue projections

for toll roads and those projections found acceptable by toll road financing institutions. Expected project start: October 2001.

Following dates are subject to change. Contact the Contracts Administrator for updated information:

RESPONSE DEADLINE: August 17, 2001
 PLANNED FINAL SELECTION DATE: August 27, 2001

CENTER FOR URBAN TRANSPORTATION RESEARCH

REQUEST FOR PROPOSAL

Florida Vehicle Procurement Program

FVPP-02-CA; FVPP-02-CV; FVPP-02-MD; FVPP-02-MV
 Notice is hereby given that Ed Bart, representing the Florida Vehicle Procurement Program (FVPP), University of South Florida, Center for Urban Transportation Research will receive sealed proposals on behalf of agencies within the state of Florida, herein referred to as the “Purchasers” to establish a statewide contract for the manufacture and delivery of the following 2002 model year vehicle types:

	Minimum	Maximum
22' ft. and 25' ft. Cutaways	25	75
Commuter Vans	5	25
25' Medium Duty Ten Year Bus	5	100
Modified Vans	25	106

The quantities reflect the immediate and foreseeable needs of agencies within Florida and were determined by using the most recent State of Florida Program of Projects, historical data from previous FVPP contracts, and Agency(s) vehicle replacement schedules. All or part of the quantity of vehicles stated herein may be assigned to other public transit agencies desiring to purchase the same equipment specified in Part 2 of this solicitation. The FVPP reserves the right to reject any and all proposals, or any part of any or all proposals.

Copies of the RFP may be obtained from Edward Bart, FVPP Project Manager, University of South Florida, Center for Urban Transportation Research, 4202 E. Fowler Ave., CUT 100, Tampa, Florida 33620 or by telephone, (813)974-9813.

A pre-proposal meeting will be held at 10:00 p.m. (EST), August 9, 2001, at the above address. The purpose of this meeting is to answer questions and discuss specifications/clarifications relative to the RFP. Interested proposers are encouraged to attend.

Sealed proposals in original and five (5) copies must be received at the above address (Attn: Edward Bart) not later than 1:00 p.m. (EST), September 20, 2001.

The successful proposer will be required to comply with all Equal Opportunity Laws and Regulations, Buy America Laws, and other applicable Federal and State regulations.

FLORIDA SHERIFFS ASSOCIATION

BID ANNOUNCEMENTS

BID NUMBER: 01-09-0904
BID TITLE: Pursuit, Administrative
 Non-pursuit, Utility, Fire and
 Rescue Vehicles, Trucks and
 Vans
PRE-BID CONFERENCE: August 15, 2001, 10:00 a.m.
PRE-BID CONFERENCE TO BE HELD AT:
 Marion County Sheriff’s Office
 Conference Room
 692 Northwest 30th Avenue
 Ocala, Florida 34475-5608
BID OPENING DATE: September 4, 2001, 10:00 a.m.
BID OPENING TO BE HELD AT:
 Florida Sheriff’s Association
 Cooperative Bid Coordinator’s
 Office
 2617 Mahan Drive (32308)
 Post Office Box 12519
 Tallahassee, Florida 32317-2519

Bid must be contained in a sealed envelope addressed to the Florida Sheriff’s Association. Indicate on the outside of the envelope the bid number, title, opening date and time. All bids must be received on or before the date and time noted above. All questions pertaining to this bid, should be directed to Gary Perkins with the Florida Sheriff’s Association, (850)877-2165.

HILLSBOROUGH COUNTY WORKFORCE BOARD

Notice of Request For Proposal

RFP Document Number: WTS 01-2001
Title: Teen Pregnancy Prevention and
 Activities Services
Description: This RFP describes the
 requirements of the Hillsborough
 County Workforce Board, Inc. to
 contract with an experienced,
 well-qualified vendor to provide
 Teen Pregnancy Prevention and
 Activities to enable them to reach
 economic self-sufficiency resulting
 in reduced TANF and Medicaid
 costs.
Submittal Deadline: October 15, 2001, 4:00 p.m.
If interested contact: Man M. Le
 Senior Contracts Manager
 Hillsborough County Workforce
 Board, Inc.
 9250 Bay Plaza Blvd., Suite 320
 Tampa, FL 33619

(813)744-5547, Ext. 238
 (813)744-5764, Fax
 Lem@workforcetampa.com

**Section XII
 Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

IN RE:
 Princeton Financial Group, Inc.
 Anthony Joseph Pontieri,
 Jerry Fredrick Stackhouse, Administrative Proceeding
 Ernest J. Dean, P. Allan Heim, No. 3078-S-02/01
 Paul W. Aichele, David J.
 Walker, James E. Carriger,
 Tonia L. B. Carriger, Mortgage
 Connection, Inc., Graham M. Archer;
 Respondent.

**NOTICE OF INTENT TO ENTER
 A FINAL ORDER GRANTING RECOVERY
 FROM THE SECURITIES GUARANTY FUND**

The State of Florida Department of Banking and Finance, Division of Securities and Investor Protection (“Department”), being authorized and directed to administer and to accept and pay claims against the Securities Guaranty Fund (“Fund”), codified in Sections 517.131, 517.141 and 517.151, Florida Statutes, does hereby give NOTICE of its intention to enter a Final Order GRANTING the application of the claimants for payment from the Fund for alleged violations of the Florida Securities and Investor Protection Act by Respondent, Princeton Financial Group, Incorporated, Anthony Joseph Pontieri, and Jerry Fredrick Stackhouse.

The Securities Guaranty Fund is disbursed as provided in Section 517.141, Florida Statutes, to a person who is adjudged by a court of competent jurisdiction to have suffered monetary damages as a result of a dealer, investment advisor, or associated person having violated Sections 517.07 or 517.301, Florida Statutes.

STATEMENT OF FACTS

1. On March 12, 2001, the Department received a letter from Steele T. Williams, attorney for claimants, informing the Department that his clients were seeking payment from the Fund. The letter was accompanied by a copy of an NASD arbitration award against Respondents in favor of Claimant, a judgment issued by the Circuit Court of the Twelfth Judicial Circuit for Sarasota County, Florida, writs of execution levied against Respondents, and an affidavit from Steele T. Williams attesting to the Claimants’ inability to recover on the judgment.

2. The judgment issued by the Twelfth Circuit Court expressly found that the respondents had committed violations of Sections 517.07 and 517.301, Florida Statutes.
3. The final judgment entered by the Twelfth Circuit awarded Ernest J. Dean compensatory damages in the amount of \$18,519.58, P. Allan Heim compensatory damages in the amount of \$76,066.34, Paul W. Aichele compensatory damages in the amount of \$10,923.20, David J. Walker compensatory damages in the amount of \$49,432.28, James E. and Tonia L. B. Carriger compensatory damages in the amount of \$23,929.28, Mortgage Connection, Incorporated compensatory damages in the amount of \$254,083.75, and Graham M. Archer compensatory damages in the amount of \$28,684.90.
4. On August 29, 1995, in a prior claim, the Department issued a Final Order granting payment from the Fund based on violations by the same Respondents who are the subject of this claim.
5. Respondents were registered pursuant to Chapter 517, Florida Statutes at all relevant times.
6. The events upon which the NASD award was based took place after 1979.

CONCLUSIONS OF LAW

7. The Florida Securities and Investor Protection Act ("Act") charges the Department with the responsibility and duty to administer the Fund, this includes the duty to approve or deny applications for payment from the Fund in accordance with Section 517.141(3)(a) of the Florida Statutes.
8. Sections 517.131 and 517.141, Florida Statutes set forth the requirements for perfecting a claim to the Fund.
9. Pursuant to Section 517.141(1), Florida Statutes, each claimant is limited to recovering the amount equal to the unsatisfied portion of his or her judgment or \$10,000, whichever is less.
10. Pursuant to Section 517.141(2), Florida Statutes, total claims against each Respondent may not exceed \$100,000, and Claimants' claims will be prorated based upon the ratio of their claim to the total of all claims filed.
11. The two year waiting period required by Section 517.141(3), Florida Statutes, has been satisfied by the exhaustion of the two year waiting period imposed after the August 29, 1995, Final Order issued against Respondents granting payment from the Fund.
12. Based on the foregoing Statement of Facts, the Department concludes that the Claimant has satisfied the requirements of Sections 517.131 and 517.141, Florida Statutes for payment from the Fund.

PROPOSED FINAL ORDER

Upon consideration of the factual statement set forth above and applicable law, NOTICE is hereby given that the Department intends to issue a Final Order granting payment

from the Securities Guaranty Fund to the following claimants in the following amounts: Ernest J. Dean, \$10,000.00; P. Allan Heim, \$10,000.00; Paul W. Aichele, \$10,000.00; David J. Walker, \$10,000.00; James E. and Tonia L.B. Carriger, \$10,000.00; Mortgage Connection, Incorporated, \$10,000.00; and Graham M. Archer, \$10,000.00.

NOTICE OF RIGHTS

Notice is hereby given that Respondents may request a hearing on this Notice Of Intent To Enter A Final Order Granting Recovery From The Securities Guaranty Fund to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. Requests for such a hearing must comply with the provisions of Rule 28-106.201 or Rule 28-106.301, Florida Administrative Code (2000), and must be filed with:

Clerk

Department of Banking and Finance
 Suite 526, The Fletcher Building
 101 East Gaines Street
 Tallahassee, FL 32399-0350
 (850)488-9896

Requests must be filed within twenty-one (21) days after Respondents' receipt of a copy of this Notice of Intent. Should the Respondents request such a hearing, Respondents have the right to be represented by counsel or other qualified representative; to offer testimony, either written or oral; to call and cross-examine witnesses; and to have subpoenas and subpoenas duces tecum issued on their behalf. The failure to timely request a hearing shall be deemed a waiver of all rights to such hearing and the Department shall issue a final order without a hearing. Pursuant to Sections 120.573, Florida Statutes (2000), Respondents are further advised that mediation is not available.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of June, 2001, a true and correct copy of this Notice of Intent to Deny Recovery from the Securities Guaranty Fund was sent by CERTIFIED U. S. MAIL/RETURN RECEIPT REQUESTED to the individuals listed below.

Princeton Financial Group, Inc.
 4365 U.S. Route One
 Princeton, NJ 08540
 Anthony Joseph Pontieri
 19 Bristol Drive
 No. Brunswick, NJ 08902
 Jerry Fredrick Stackhouse
 3 Ellis Court
 Monmouth Junction, NJ 08852

Peter G. Fisher
 Assistant General Counsel
 Department of Banking and Finance
 Suite 526, The Fletcher Building

101 East Gaines Street
 Tallahassee, Florida 32399
 (850)410-9896

DEPARTMENT OF INSURANCE

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL
 CURCUIT, IN AND FOR LEON COUNTY, FLORIDA
 CASE NO.: 01-1254

In Re: The Receivership of FORTUNE INSURANCE
 COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND
 CLAIMANTS HAVING BUSINESS WITH FORTUNE
 INSURANCE COMPANY.

You are hereby notified that by order of the Circuit Court
 of the Second Judicial Circuit, in and for Leon County, Florida,
 entered the 6th day of July, 2001, the Department of Insurance
 of the State of Florida was appointed as Receiver of
 FORTUNE INSURANCE COMPANY, and was ordered to
 liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in
 this State having claims against the assets of FORTUNE
 INSURANCE COMPANY, shall present such claims to the
 Receiver on or before 11:59 p.m., July 6, 2002, or such claims
 shall be forever barred.

Requests for forms for the presentation of such claims and
 inquiries concerning this Receivership should be addressed to:

The Division of Rehabilitation and Liquidation of the
 Florida Department of Insurance, Receiver for FORTUNE
 INSURANCE COMPANY, Post Office Box 110, Tallahassee,
 Florida 32302-0110.

DEPARTMENT OF COMMUNITY AFFAIRS

**ANNUAL PERFORMANCE REPORT
 FOR FEDERAL FISCAL YEAR 2000**

The Department of Community Affairs (DCA) is in the
 process of preparing the Annual Performance Report (or
 Performance and Evaluation Report) of the Florida Small
 Cities Community Development Block Grant (CDBG)
 Program for Federal Fiscal Year 2000 as required by the U.S.
 Department of Housing and Urban Development (HUD). This
 annual report, prepared according to HUD guidelines, will be
 made available to the public for inspection and comment upon
 request. The report consists of detailed information (line items
 and dollar amounts) on grants made to eligible local
 governments.

A draft of the report will be available by August 17, 2001,
 and the final report will be completed by August 27, 2001. The
 report will be posted to the Department's website at
[http://www.dca.state.fl.us/fhcd/programs/cdbgp/MtIsFrmsRpts
 .htm](http://www.dca.state.fl.us/fhcd/programs/cdbgp/MtIsFrmsRpts.htm). The final report must be submitted to HUD no later than
 September 30, 2001. To obtain a copy, please call Judy
 Peacock, (850)922-1887 or (850)487-3644 (email
judy.peacock@dca.state.fl.us.)

Comments on the report should be submitted in writing to:

Susan M. Cook, Program Administrator
 Florida Small Cities CDBG Program
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

To be included in the report submitted to HUD, written
 comments must be received by the Department no later than
 September 27, 2001.

In addition to the above-mentioned report on the Florida
 Small Cities CDBG Program, all programs funded by HUD
 and administered by state agencies must also submit an Annual
 Performance Report to HUD by September 30, 2001. These
 programs include the Emergency Shelter Grants Program
 administered by the Department of Children and Family
 Services, the Housing for Persons With Aids Program
 administered by the Department of Health, and the Home
 Investment Partnership Program administered by the Florida
 Housing Finance Corporation.

**NOTICE OF APPROVAL FOR
 PRESERVATION 2000 FUNDS**

The Florida Communities Trust (Trust) reviewed and approved
 project plans for land acquisition projects submitted under the
 Trust Preservation 2000 Program P8A, P9A, and P10 funding
 cycles. The project plans listed below were approved by the
 Executive Director under authority delegated from the
 governing body. The Executive Director is authorized to
 execute the agreements for acquisition of the project sites and
 all other documents necessary to close the projects and release
 funds as follows:

- Project: 98-023-P9A/Biscayne Coastal Wetlands
 (Wiseheart parcel)
 Grantee: Miami-Dade County
 Amount of Approved Funds: the lesser of 50.00% of the final
 total project costs or \$1,548,317.00.
- Project: 98-058-P8A/Oyster Bar Salt Marsh (Walker parcel)
 Grantee: Indian River County
 Amount of Approved Funds: the lesser of 50.00% of the final
 total project costs or \$525,000.00
- Project: 99-028-P9A/Bee Line Corridor Natural Area-Phase
 II (Reimbursement)
 Grantee: Palm Beach County
 Amount of Approved Funds: the lesser of 50.00% of the final
 total project costs or \$1,662,400.00.

Project: 00-004-P10/Oak Tree Nature Park Phase II
 (Mary Esther Associates, LTD parcel)
 Grantee: City of Mary Esther
 Amount of Approved Funds: the lesser of 100.00% of the final total project costs or \$2,200,000.00.

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of Less
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Global Electric Motorcars, LLC, intends to allow the establishment of Alan Jay Chrysler Plymouth Jeep Kia, as a dealership for the sale of GEM vehicles, at 5330 U.S. 27, South, Sebring (Highlands County), Florida 33870, on or after July 24, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Alan Jay Chrysler Plymouth Jeep Kia are: dealer operator(s) and principal investor(s): Alan Jay Wildstein and Lawrence D. Wildstein, 5330 U.S. 27, South, Sebring, FL 33870.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kenneth R. Montler, President/COO, Global Electric Motorcars, LLC, 3601 7th Avenue N. W., Fargo, ND 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of Less
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Global Electric Motorcars, LLC, intends to allow the establishment of Alan Jay Import Center, Inc., as a dealership for the sale of GEM vehicles, at 401 U.S. 27, South, Sebring (Highlands County), Florida 33870, on or after July 24, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Alan Jay Import Center, Inc., are: dealer operator(s) and principal investor(s): Alan Jay Wildstein and Lawrence D. Wildstein, 401 U.S. 27, South, Sebring, FL 33870.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kenneth R. Montler, President/COO, Global Electric Motorcars, LLC, 3601 7th Avenue, N. W., Fargo, ND 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Global Electric Motorcars, LLC, intends to allow the establishment of Alan Jay Automall and Boutique, as a dealership for the sale of GEM vehicles at 901 U.S. 27, North, Sebring (Highlands County), Florida 33870, on or after July 24, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Alan Jay Automall and Boutique are: dealer operator(s) and principal investor(s): Alan Jay Wildstein, 901 U.S. 27, North, Sebring, FL 33870 and Lawrence D. Wildstein, 901 U.S. 27, North, Sebring, FL 33870.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kenneth R. Montler, President/COO, 3601 7th Avenue, N. W., Fargo, ND 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Aprilia USA, Inc., intends to allow the establishment of Barney's Motorcycle Sales, Inc., as a dealership for the sale of Aprilia motorcycles at 10411 Gandy Blvd., St. Petersburg (Pinellas County), Florida 33702, on or after July 30, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Barney's Motorcycle Sales, Inc., are: dealer operator(s) and principal investor(s): Raymond P. and Beverly J. Hempstead, 8829 Glen Lake Blvd., N., St. Petersburg, FL 33702 and Rosalee B. Johnson, 6476 Evergreen Ave., Seminole, FL 33772.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tanner Shultz, National Business Development Manager, Aprilia USA, Inc., 110 Londonderry Court, Suite 130, Woodstock, GA 30188.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, American Suzuki Motor Corp., intends to allow the establishment of Bill Seidle Suzuki of Davie, Inc., d/b/a Bill Seidle Suzuki of Davie as a dealership for the sale of Suzuki four wheeled motor vehicles, at 5355 South University Drive, Davie (Broward County), Florida, on or after November 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Bill Seidle Suzuki of Davie, Inc., d/b/a Bill Seidle Suzuki of Davie, are: dealer operator(s): Michael Seidle, 2790 Hackney Road, Weston, FL 33331, principal investor(s): Michael Seidle, 2790 Hackney Road, Weston, FL 33331, William Seidle, 3450 Stallion Lane, Weston, FL 33331 and Robert Seidle, 14138 State Road 50, Clermont, FL 34711.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Chris White, National Dealer Development Manager, American Suzuki Motor Corporation, 3251 E. Imperial Highway, P. O. Box 1100, Brea, CA 92822-1100.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Kenworth Truck Company intends to allow the establishment of Broward Truck & Equipment, Inc., as a dealership for the sale of Kenworth trucks, at 3775 Interstate Park Road West, Riviera Beach (Palm Beach County), Florida, on or after July 31, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Broward Truck & Equipment, Inc., are: dealer operator(s): Robert J. Dollar, 5651 N. W. 38th Terrace, Coconut Creek, FL 33073, principal investor(s): Robert J. Dollar, 5651 N. W. 38th Terrace, Coconut Creek, FL 33073 and John N. Scopetta, 151 S. E. 15th Road, Unit 2602, Miami, FL 33129.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bruce M. King, Director of Credit and Finance, Kenworth Truck Company, P. O. Box 1000, Kirkland, Washington 98083-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Kenworth Truck Company intends to allow the establishment of Broward Truck & Equipment, Inc., as a dealership for the sale of Kenworth trucks, at 2909 South Andrews Avenue, Ft. Lauderdale (Broward County), Florida, 33316 on or after July 31, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Broward Truck & Equipment, Inc., are: dealer operator(s): Robert J. Dollar, 5651 N. W. 38th Terrace,

Coconut Creek, FL 33073, principal investor(s): Robert J. Dollar, 5651 N. W. 38th Terrace, Coconut Creek, FL 33073 and John N. Scopetta, 151 S. E. 15th Road, Unit 2602, Miami, FL 33129.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bruce M. King, Director of Credit and Finance, Kenworth Truck Company, P. O. Box 1000, Kirkland, Washington 98083-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Kia Motors America, Inc., intends to allow the establishment of Kia AutoSport of Pensacola, Inc., d/b/a Kia AutoSport, as a dealership for the sale of Kia vehicles at 6370 Highway 90, Milton (Santa Rosa County), Florida 32570, on or after September 10, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Kia AutoSport of Pensacola, Inc., d/b/a Kia AutoSport are: dealer operator(s) and principal investor(s): Monroe P. Lee, 6370 Highway 90, Milton, FL 32570.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: D. Richard Maxfield, Dealer Development Manager, Kia Motors America, Inc., 100 Galleria, Suite 1550, Atlanta, GA 30339-5959.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, American Suzuki Motor Corp., intends to allow the establishment of King Motor Company of Ft. Lauderdale as a dealership for the sale of Suzuki four wheeled motor vehicles, at 3140 North University Drive, Sunrise (Broward County), Florida, on or after November 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of King Motor Company of Ft. Lauderdale, are: dealer operator(s) and principal investor(s): W. Clay King, 900 East Sunrise Boulevard, Ft. Lauderdale, FL 33304.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Chris White, National Dealer Development Manager, American Suzuki Motor Corporation, 3251 E. Imperial Highway, P. O. Box 1100, Brea, CA 92822-1100.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Aprilia USA, Inc., intends to allow the establishment of Barney's Motorcycle Sales, Inc., as a dealership for the sale of Aprilia motorcycles at 9820 Adamo Drive, Tampa (Pinellas County), Florida 33619, on or after July 30, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Barney's Motorcycle Sales, Inc., are: dealer operator(s) and principal investor(s): Raymond P. and Beverly J. Hempstead, 8829 Glen Lake Blvd., N., St. Petersburg, FL 33702 and Rosalee B. Johnson, 6476 Evergreen Ave., Seminole, FL 33772.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tanner Shultz, National Business Development Manager, Aprilia USA, Inc., 110 Londonderry Court, Suite 130, Woodstock, GA 30188.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Global Electric Motorcars, LLC, intends to allow the establishment of Alan Jay Chevrolet, Oldsmobile, Cadillac, as

a dealership for the sale of GEM vehicles at 441 U.S. 27, North, Sebring (Highlands County), Florida 33870, on or after July 24, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Alan Jay Chevrolet, Oldsmobile, Cadillac are: dealer operator(s) and principal investor(s): Alan Jay Wildstein, 441 U.S. 27, North, Sebring, FL 33870 and Lawrence D. Wildstein, 441 U.S., North, Sebring, FL 33870.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kenneth R. Montler, President/COO, 3601 7th Avenue, N. W., Fargo, ND 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Global Electric Motorcars, LLC, intends to allow the establishment of Alan Jay Pontiac, Buick, GMC, as a dealership for the sale of GEM vehicles at 404 U.S. 27, North, Sebring (Highlands County), Florida 33870, on or after July 24, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Alan Jay Pontiac, Buick, GMC are: dealer operator(s) and principal investor(s): Alan Jay Wildstein, 404 U.S. 27, North, Sebring, FL 33870, and Lawrence D. Wildstein, 404 U.S. 27, North, Sebring, FL 33870.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kenneth R. Montler, President/COO, 3601 7th Avenue, N. W., Fargo, ND 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Global Electric Motorcars, LLC, intends to allow the establishment of Saturn of Sebring, as a dealership for the sale of GEM vehicles at 400 U.S. 27, North, Sebring (Highlands County), Florida 33870, on or after July 24, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Saturn of Sebring are: dealer operator(s) and principal investor(s): Alan Jay Wildstein, 400 U.S. 27, North, Sebring, FL 33870 and Lawrence D. Wildstein, 400 U.S. 27, North, Sebring, FL 33870.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kenneth R. Montler, President/COO, 3601 7th Avenue, N. W., Fargo, ND 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on July 23, 2001, concerning certificate of need decisions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine substantial interest of person. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 28-5.111 and 28-5.207, F.A.C. In deference to rights of substantially affected person, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

- CON# INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)
- 9418 Denial, addition of 4 Level III NICU beds, Escambia County, Sacred Heart Hospital of Pensacola d/b/a Sacred Heart Hospital, (PRH) same as applicant
- 9419 Denial, establish an adult open heart surgery program, Hernando County, HCA Health Services of Florida, Inc. d/b/a Oak Hill Hospital, (PRH) same as applicant
- 9420 Denial, establish an adult open heart surgery program, Citrus County, Citrus Memorial Health Foundation, Inc., (PRH) same as applicant
- 9428 Denial, establish a 60 bed comprehensive medical rehabilitation hospital, St. Johns County, Genesis Rehabilitation Hospital, Inc., (PRH) same as applicant
- 9431 Denial, establish a 40 bed freestanding comprehensive medical rehabilitation hospital, Hillsborough County, Continental Medical of Palm Beach, (PRH) same as applicant
- 9432 Denial, establish a 60 bed comprehensive medical rehabilitation hospital, Hillsborough County, Genesis Rehabilitation Hospital, Inc., (PRH) same as applicant
- 9433 Denial, addition of 6 Level III NICU beds, Hillsborough County, St. Joseph's Hospital, Inc., (PRH) same as applicant
- 9438 Denial, establish a hospice program, Polk County, Vitas of North Florida, Inc., (PRH) same as applicant

- 9439 Approval, establish a hospice program, Polk County, Hospice of Lake & Sumter, Inc., (PRH) Vitas of North Florida, Inc.
- 9461 Denial, establish a 6-bed Level III NICU through the conversion of 6 Level II NICU beds, Miami-Dade County, South Miami Hospital, Inc., (PRH) same as applicant
- 9468 Denial, establish a 40 bed sheltered nursing home, Palm Beach County, Westport Holdings PBG, Limited Partnership, (PRH) same as applicant
- 9469 Denial, establish 42 sheltered skilled nursing beds, Alachua County, Oak Hammock At The University of Florida, Inc., (PRH) same as applicant

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for FQHCs/RHCs, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Federally Qualified Health Center Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

PROPOSED RATES: Effective January 1, 2001, the proposed rates for Medicaid FQHCs' and RHCs' reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following:

In the first phase of the new Medicaid Prospective Payment System (PPS), January 1, 2001 – September 30, 2001, Florida will pay current FQHCs/RHCs the average of their Medicaid per diem rates in effect for the state fiscal years 1999 and 2000 (calculating the payment amount on a per visit basis). Beginning October 1, 2001, each FQHCs'/RHCs' Medicaid per diem rate will be increased by the percentage increase in the Medicare Economic Index (MEI) for primary care services. This increase shall be made annually on October 1. A FQHC/RHC may apply for an adjustment to its current Medicaid per diem rate if the FQHC/RHC experiences a change in their scope of service(s), which on a per visit basis is greater than 3% of the current per diem rate. Newly qualified FQHCs/RHCs after fiscal year 2000 will have initial payments established either by reference to payments to other clinics in the same or adjacent areas, or in the absence of such other clinics, through cost reporting methods. After the initial year, payment shall be set using the MEI methods used for other clinics.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for FQHCs/RHCs will be rates resulting from the current methodology used to calculate reimbursement rates, except that it will include the following changes:

Effective January 1, 2001, the proposed rates for Medicaid FQHCs' and RHCs' reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following:

In the first phase of the new Medicaid Prospective Payment System (PPS), January 1, 2001 – September 30, 2001, Florida will pay current FQHCs/RHCs the average of their Medicaid per diem rates in effect for the state fiscal years 1999 and 2000 (calculating the payment amount on a per visit basis). Beginning October 1, 2001, each FQHCs'/RHCs' Medicaid per diem rate will be increased by the percentage increase in the Medicare Economic Index (MEI) for primary care services. This increase shall be made annually on October 1. A FQHC/RHC may apply for an adjustment to its current Medicaid per diem rate if the FQHC/RHC experiences a change in their scope of service(s), which on a per visit basis is greater than 3% of the current per diem rate. Newly qualified FQHCs/RHCs after fiscal year 2000 will have initial payments established either by reference to payments to other clinics in the same or adjacent areas, or in the absence of such other clinics, through cost reporting methods. After the initial year, payment shall be set using the MEI methods used for other clinics.

JUSTIFICATION: The justification for the proposed rate change is section 702 of the Medicare, Medicaid, SCHIP Benefits Improvement and Protection Act (BIPA) of 2000. The Agency is proposing the above rates and changes in methodology, effective January 1, 2001. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: John Owens, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than August 20, 2001.

Copies of the proposed reimbursement plan incorporating the above changes may be obtained by contacting John Owens, Medicaid Cost Reimbursement Section, at the address above.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF PUBLIC OPPORTUNITY TO
 INSPECT AND COMMENT ON THE DRAFT
 PROPOSED 5-YEAR OUTER CONTINENTAL SHELF
 OIL AND GAS LEASING PROGRAM FOR 2002-2007

Interested persons are hereby given notice that the Draft Proposed 5-Year Outer Continental Shelf Oil and Gas Leasing Program for 2002-2007 is being reviewed by the State of Florida. This document is available for inspection at the Florida Department of Environmental Protection (FDEP), Office of Intergovernmental Programs, Room 953, Douglas Building, 3900 Commonwealth Boulevard, Mail Station 47, Tallahassee, Florida 32399-3000. The program document is also available for downloading at www.mms.gov. FDEP is soliciting written comments regarding the size, timing and location of proposed sales considered in the leasing program; information on the geographical, geological and ecological characteristics of the areas considered for leasing; the environmental sensitivity of coastal and marine areas affected by OCS development; and any laws, goals and policies relevant to the development of the leasing program. All comments received in our office by August 17, 2001 will be transmitted with the state's letter to the Minerals Management Service for its consideration. Contact the FDEP Office of Intergovernmental Programs, (850)487-2231, for further information.

DEPARTMENT OF JUVENILE JUSTICE

New Front Porch Florida

Delinquency Prevention Grants Now Available

The Florida Department of Juvenile Justice (DJJ) Office of Prevention and Victim Services, the Bureau of Delinquency Prevention, announces the following grant funding opportunities for fiscal year 2001-2002. Applications will be available August 10, 2001 via the Department's website at <http://www.djj.state.fl.us/index.html> and from your local Delinquency Prevention Specialist.

Funding Opportunities

Fiscal Year 2001-2002: Programs must be operational by October 30, 2001 and will terminate June 30, 2002. The availability of the following grant types after June 30, 2002 is contingent upon future legislative appropriation, monitoring and evaluation, and community review.

- Front Porch Florida: Funds for delinquency prevention programs and services are only available for Front Porch Florida designated-communities in Escambia, Leon, Pinellas, Palm Beach, Broward, and Miami-Dade counties. The Front Porch Florida Initiative seeks to advance an urban policy that will release the power of individual neighborhoods in Florida's urban cores to build communities through a process that is community-based, and builds on community assets and relationships. Programs and services should help to prevent and reduce juvenile crime in the Front Porch Florida communities and their surrounding areas within a three (3)-mile radius. Grant-funded programs must comply with the Department of Juvenile Justice Delinquency Prevention Plan by targeting the right youths in the right communities through

research-based programs and strategies. Programs will be expected to assess youth, provide appropriate services to the youth and the youth's family, and collect and report data on the youth served. Programs will be expected to establish and strengthen partnerships with other community agencies in order to improve outcomes.

Application Due Dates

- September 10, 2001 Front Porch, Florida

Who May Apply: Private and Public Agencies

How to Get More Information and Who to Contact: For locations, 8% Solution research, DJJ Delinquency Prevention Plan and contact information, go to the DJJ website at <http://www.djj.state.fl.us/prevvicervices.html>. You may also contact DJJ Headquarters in Tallahassee, (850)488-3302.

DEPARTMENT OF HEALTH

On July 24, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Theresa Zachel, R.Ph., license number PS 20603. Zachel's last known address is 8108 Perth Drive, Largo, Florida 33773. 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.

On July 24, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Annmarie Shamp, LPN, license number PN 1209131. Shamp's last known address is 219 11th Avenue, Lake Worth, FL 33460. 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.

On July 24, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Charles Bolick, RN, license number RN 1797152. Bolick's last known address is 1105 N.E. Ixora Drive, Jensen Beach, FL 34957-6117 and/or 59 S.W. Hideway Place, Stuart, FL 34994. 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.

On July 19, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Lazaro Guerra, M.D., license number ME 0029249. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

NOTICE OF FUNDAVAILABILITY FOR THE FISCAL
YEAR 2001-2002 FLORIDA EMERGENCY MEDICAL
SERVICES (EMS) COUNTY GRANTS

AGENCY: Department of Health (DOH)

GRANT TITLE: Florida EMS County Grants

PURPOSE AND EFFECT: To provide grants for prehospital EMS in Florida

AUTHORITY: Chapter 401, Part II, Florida Statutes (F.S.)

ELIGIBILITY: Boards of County Commissioners (grantees) may apply to receive their EMS County Grants by submitting their completed Emergency Medical Services County Grant Application and County Resolution to the Department at the address below.

TO OBTAIN AN APPLICATION: Please call Ed Wilson, (850)245-4440, Ext. 2737 or write to the EMS County Grant Program, ATTN: Ed Wilson, 4052 Bald Cypress Way, BIN #C18, Tallahassee, Florida 32399-1738.

DEADLINE: Completed applications and county resolutions must be received by the Department of Health, Bureau of Emergency Medical Services no later than 5:00 p.m. (EST), January 14, 2002.

P. O. #G10454

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN July 23, 2001
 and July 27, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF INSURANCE

4-166.001	7/25/01	8/14/01	27/22	
4-166.020	7/25/01	8/14/01	27/22	
4-166.022	7/25/01	8/14/01	27/22	
4-166.023	7/25/01	8/14/01	27/17	
4-166.026	7/25/01	8/14/01	27/17	
4-166.027	7/25/01	8/14/01	27/17	
4-166.028	7/25/01	8/14/01	27/17	
4-166.029	7/25/01	8/14/01	27/22	
4-175.007	7/25/01	8/14/01	27/21	
4-175.009	7/25/01	8/14/01	27/21	
4-184.015	7/25/01	8/14/01	27/21	
4-184.016	7/25/01	8/14/01	27/21	
4-184.019	7/25/01	8/14/01	27/21	
4-184.022	7/25/01	8/14/01	27/21	
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4-203.029	7/25/01	8/14/01	27/21	
4-203.033	7/25/01	8/14/01	27/21	
4-203.038	7/25/01	8/14/01	27/21	

Division of State Fire Marshal

4A-47.001	7/27/01	8/16/01	27/12	
4A-47.002	7/27/01	8/16/01	27/12	
4A-47.003	7/27/01	8/16/01	27/12	
4A-47.004	7/27/01	8/16/01	27/12	
4A-47.005	7/27/01	8/16/01	27/12	
4A-47.006	7/27/01	8/16/01	27/12	
4A-47.008	7/27/01	8/16/01	27/12	
4A-47.009	7/27/01	8/16/01	27/12	
4A-47.010	7/27/01	8/16/01	27/12	
4A-47.011	7/27/01	8/16/01	27/12	27/21
4A-56.004	7/27/01	8/16/01	27/12	
4A-56.006	7/27/01	8/16/01	27/12	27/24

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Residual Markets and Special Risk Pools

4J-4.002	7/25/01	8/14/01	27/22	
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DEPARTMENT OF EDUCATION

Board of Regents

6C-7.001	7/23/01	8/12/01	27/17	27/26
6C-7.003	7/23/01	8/12/01	27/17	

University of Florida

6C1-7.058	7/23/01	8/12/01	Newspaper	
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Florida Atlantic University

6C5-7.004	7/24/01	8/13/01	Newspaper	
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AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid Program Office

59G-4.160	7/23/01	8/12/01	27/21	
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DEPARTMENT OF HEALTH

Board of Medicine

64B8-9.009	7/23/01	8/12/01	27/24	
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Board of Nursing

64B9-3.009	7/26/01	8/15/01	27/16	27/26
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Board of Pharmacy

64B16-26.602	7/27/01	8/16/01	27/23	
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School Psychology

64B21-500.004	7/26/01	8/15/01	27/25	
64B21-500.005	7/26/01	8/15/01	27/25	